

JOINT COMMITTEE
ON
OFFICES OF PROFIT
(1988-89)

EIGHTH REPORT

(EIGHTH LOK SABHA)



Presented to Lok Sabha on 25 April, 1989
Laid in Rajya Sabha on 25 April, 1989

LOK SABHA SECRETARIAT
NEW DELHI

April, 1989/Vaisakha, 1911 (S)

Price : Rs. 7.00

CORRIGENDA TO THE EIGHTH REPORT
OF THE JOINT COMMITTEE ON OFFICES
OF PROFIT (EIGHTH LOK SABHA)

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
1	1.3	4	Chairman	Chairmen
2	2.4	1	Government	Government
5	2.14	6	V.	VS
7	2.23	2	Rajght	Rajghat
	2.24	1	taking final	taking a final
	2.26	Last line	mambers	members
16	3.26	3	More-ever	Moreover
27	-	14	Cultual	Cultural
28	-	10 from bottom	Mi istry	Ministry
29	5	2	a	@
30	-	2	Rs.18.00/-	Rs. 1800/-
31		10	Shri Ajitsingh Dabhi	Shri Ajitsinh Dabhi
35	3	7	exercised	exercise
	5	3 from bottom	schedled	scheduled
37	12	6	migh	might
		7	nminating	nominating
		9	Se. appointment	set appointment
38	3	(iii)	Shmriti	Smriti
39	5	1	than	then
41		7	prpfit	profit
	5	6	General	General
Last page of the Report		2 from bottom	Raja Sabha	Rajya Sabha
9	3.4	Last	complianee	compliance

C O N T E N T S

	PAGE
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT	(iii)
I. Introduction	I
REPORT	
II. Nomination of Members of Parliament to Bodies constituted by the Central Government	2
III. Committees/Boards/Corporations/Commission etc constituted by the Central and State Governments	8
APPENDIX	
I. O.M. dated 12.10 88 to the Ministries and State Governments regarding Nomination of M.Ps.	19
II. Minutes of the sittings of the Committee.	21

**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 Panigrabi
8. Shri P. M. Sayeed
9. Shri S. B. Sidnal
10. Shri Balram Singh Yadav

Rajya Sabha

11. Shri Sohan Lal Dhushiya
- *12. Shrimati Sudha Vijay Joshi
13. Shri Puttapaga Radhakrishna
- **14. Shri Subas Mohanty
- **15. Shri B. V. Abdulla Koya

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Deputy Secretary*
3. Shri Swarn Singh—*Officer on Special Duty*

*Elected by Rajya Sabha on the 26th November, 1986 *vice* Smt. Monika Das ceased to be member of the Joint Committee on her retirement from that House.

**Elected by Rajya Sabha on the 29th November, 1988 *vice* Dr. H.P. Sharma and Shri K. Gopalan ceased to be members of the Joint Committee on their retirement from that House.

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

I

INTRODUCTION

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the Report on their behalf, present this their Eighth Report.

1.2 The matters covered by the Report were considered by the Committee at their sittings held on 15th February, 6th and 21st June, 4th and 15th July, 30th August, 23rd September, 7th and 24th October, 1988. Minutes of these sittings form part of the Report and are at Appendix-II.

1.3 The Committee examined the composition, character, functions etc. of 32 Committees/Boards etc. constituted by the Central and State Governments and the emoluments and allowances payable to their members, non-official Directors, Chairman 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 Ministries/Departments of the Central Government and the State Governments.

1.5 The Committee considered and adopted the Report at their sitting held on 11th April, 1989.

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

NEW DELHI ;
11th April, 1989

21 Chaitra, 1911 (Saka)

KUMARI KAMLA KUMARI,
Chairman,

*Joint Committee on Offices of
Profit.*

**NOMINATION OF MEMBERS TO BODIES CONSTITUTED BY THE
CENTRAL GOVERNMENT**

*Nomination of Prof. Narain Chand Parashar, M.P. on the Sahitya Akademi
New Delhi (Ministry of Human Resource Development, Department
of Culture)*

2.1 The Committee considered the request of the Government of Himachal Pradesh who had sought approval of the Speaker, Lok Sabha for nomination of Prof. Narain Chand Parashar, M.P. on the Sahitya Akademi, New Delhi as a nominee of Himachal Pradesh Government.

2.2 Since the Government of Himachal Pradesh did not furnish complete particulars regarding remuneration payable and functions etc. of the Akademi, inspite of several reminders, Lok Sabha Secretariat requested the Government of India, Department of Culture (Ministry of Human Resource Development) to furnish the requisite details.

2.3 Meanwhile the Government of India nominated Prof. Narain Chand Parashar, M.P. as a member of the General Council and Executive Board of the Sahitya Akademi without obtaining prior approval of the Speaker, Lok Sabha.

2.4 The Sahitya Akademi also informed the Government of Himachal Pradesh that the same member could not be nominated from two constituencies (Central Government and Himachal Pradesh Government) and Professor Parashar, M.P. has, therefore, to vacate one of the two constituencies.

2.5 On scrutiny of the particulars furnished by the Department of Culture on 24th June, 1988, the Committee noted that the functions of the Board/Council included appointment of staff, supervision and control of work of the Akademi and its office and award of fellowships. The functions of the Board/Council were thus executive and financial in nature.

2.6 However, the Committee decided that before taking a view in the matter the Secretary, Ministry of Law and Justice (Legislative Department) might be consulted for ascertaining the legal position.

2.7 At their sitting held on 23rd September, 1968, a representative of the Ministry of Law, who had been asked to offer comments on the subject, opined that Sahitya Akademi to which Prof. Parashar had been nominated had powers to award fellowships and to supervise and control the work of the Sahitya Akademi. These powers were executive and financial in nature and would therefore come within the criteria consistently adopted by the Joint Committee on Offices of Profit for disqualifying a person for being chosen as and for being a Member of Parliament. It was, however, pointed out that if the trends of judicial decisions were to be followed, an Office of Profit was generally equated as profit in terms of money or pecuniary gain. Since it had been stated by the Ministry of Human Resource Development (Department of Culture) that Prof. Parashar would be entitled to T.A./D.A. only at the rates as per Rules of Parliament, it could not be considered that he would be holding an office of Profit in terms of the pecuniary gain.

2.8 In the discussion that ensued, several Members also pointed out that the criteria, laid down by the Committee in the past for judging whether an office constituted an Office of Profit, though sound and relevant, had been applied in a very mechanical manner so much so that even the membership of a small village library, which could be considered to be exercising executive and financial powers, was held to be an office of profit. Members also pointed out that in the present context Members of Parliament had to be increasingly involved in the implementation of various socio-economic development schemes and hence the criterion of executive and financial powers exercised by a body or committee should be interpreted in such a way that Members of Parliament are not deprived of the membership of such bodies purely on technical considerations. Each case should, therefore, be considered on merits and the Committee should decide whether the Body/Committee exercised considerable executive and financial powers.

2.9 The Committee felt that when judged in the light of the above criteria ordinary membership of bodies like Sahitya Akademi and such other bodies concerned with cultural and literary activities should not be subjected to disqualification. The Committee therefore decided that as Prof. Narain Chand Parashar was not an officer of the Akademi who exercised certain executive and financial powers, but was only a member of the General Council/Executive Board, his association with Sahitya Akademi should not be considered as holding of an office of profit in terms of Article 102(1) of the Constitution.

2.10 The Committee also recommended that all the Ministries of the Government of India and the State Governments might be asked to take prior

4 ✓

approval of the Speaker, Lok Sabha or the Chairman, Rajya Sabha before nominating any member of Parliament in any Government Committee, unless the Act under which such Committee had been set up provided for appointment of an M.P. or where members of Parliament were saved from incurring disqualification by the provisions in the relevant Acts as was the case with Rubber Board, Coffee Board, Tea Board etc.

2.11 An Office Memorandum dated 12th October, 1988 was accordingly issued to all Ministries of the Government of India and to all the Chief Secretaries of the State Governments and Union Territory Administrations. (Appendix I).

*Nomination of Shri Karma Tenzing Topden, Member Rajya Sabha as
Tourism Adviser to the Government of Sikkim*

2.12 The Committee considered the requests of the Government of Sikkim and Shri Karma Tenzing Topden, Member of Rajya Sabha forwarded by the Rajya Sabha Secretariat, regarding proposed nomination of the said M.P. as Tourism Adviser to the Government of Sikkim. The Committee noted that prior to his recent election to the Rajya Sabha, Shri Topden was Senior I.A.S. Officer and had held the post of Secretary, Tourism in the State. As Tourism Adviser, Shri Topden would be working on a purely honorary basis without any fee, allowances etc. He would however, be entitled to reimbursement of actual expenditure incurred by him in the discharge of the functions as Adviser. As there was no ceiling prescribed on such expenditure, the Legislative Counsel, Ministry of Law and Justice in his note dated the 20th September, 1988 commented that the same may exceed the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Legislative Counsel also opined that even according to the trend of judicial decisions, if a person received remuneration which was capable of yielding a profit, he might entail disqualification.

✓ 2.13 In this connection, the Committee noted the case of Shri R. Mohanarangam, a Member of Rajya Sabha, who had to vacate his seat in Parliament for holding the post of Special Representative of Tamil Nadu as he was getting some benefits like use of Staff car, occupation of Tamil Nadu House and use of a telephone. In that case also the Member was not entitled to draw any salary or honorarium or any pecuniary benefit from that post. The Election Commission nevertheless declared it an 'office of profit under the Government' as prior to the appointment of the concerned M.P. against the post in an honorary capacity, the post of special Representative carried a salary which was actually attached to the post.

2.14 The Committee also noted that in another judgment, the Bombay High Court had held that in order that an office may be an 'office of profit', it was not necessary that the holder of the office should actually make a profit out of it. It was enough if the office was capable of yielding a profit, or in other words, was one for which the person holding it may reasonably be expected to make a profit out of it. (Deo Rao Laxman v. Keshav Laxman - 13 ELR, pp. 343-344).

2.15 The Committee felt that the facilities being offered to Shri Topden would give him a status and prestige which was not ordinarily enjoyed by a Member of Parliament. As Adviser Tourism, he would be performing various functions on behalf of the State Government and the office would be directly under the control of State Government. As such, it should be treated as an office of profit under Government.

2.16 The Committee also felt that ethically also it would not be desirable that Shri Topden, who was holding the post as an I.A.S. Officer, should be allowed to hold the same post as an M.P. even though in an honorary capacity. The Committee therefore recommended that Shri Topden should not be allowed to accept the post of Tourism Adviser under the Government of Sikkim. Rajya Sabha Secretariat was informed accordingly.

Gandhi Smriti and Darshan Samiti (Ministry of Human Resource Development - Department of Culture)

2.17 The Committee considered the particulars of composition, functions etc. of the Gandhi Smriti and Darshan Samiti at their sitting held on 21st June, 1988. The Joint Committee had desired that further clarification might be sought from the Ministry of Human Resource Development (Department of Culture) in regard to the following points :-

- “(i) What constitutes the ‘funds’ of the Gandhi Smriti and Darshan Samiti and what are the precise contributions made by the Central Government and the public/other sources ?
- (ii) Number of employees appointed by the Smiti, and its budget allocation for the year 1988-89.
- (iii) What are the specific nature of duties of members of the Samiti ? It may be clarified whether they exercise executive and financial powers.”

2.18 The Ministry of Human Resource Development (Department of Culture) in their reply dated the 28th July, 1988 stated as follows :-

“(i) The Samiti is an autonomous body fully funded by Government of India. It has received the following grants :

	<u>Plan</u>	<u>Non-Plan</u>
1987-88	9,26,488.00	32,49,000.00

(ii) There are 154 employees on the rolls of the Samiti as on date.

(iii) The general superintendance, direction control and administration of the affairs of the Samiti and the management of its property, movable and immovable, vests collectively in the Executive Committee as per the provisions of the Memorandum of Association and Rules and Regulations. Excepting the Chairman and the Vice-Chairman, who have been invested with specific powers in relation to various administrative and financial matters (vide Rules 8 & 9 (of the Rules and Resolutions), no specific powers have been referred on the other members individually.”

2.19 The Committee noted that no remuneration or allowances were payable to the Members of the Gandhi Smriti and Darshan Samiti. The Prime Minister was the Chairman of the Samiti and three Members of Parliament were also associated with the Samiti as non-official members.

2.20 The main functions of the Samiti were to plan and carry out activities for the promotion of Mahatma Gandhi's ideals. The general superintendence, direction, control and administration of the affairs of the Samiti along with the management of the properties rested in the Executive Committee but no specific powers were vested to members individually.

2.21 Incidentally the particulars of Gandhi Smriti and Darshan Samiti were at par with that of Rajghat Samadhi Committee (Memorandum No. 130 examined by the J.C.O.P. on 11-2-1987). Though, the main functions of the Rajghat Samadhi Committee were to administer and control the affairs of the Samadhi thereby exercising executive and financial powers, yet J.C.O.P. felt that the three M.Ps. associated with the body should be saved from disqualification under Article 102(1)(a) of the Constitution by adding the following subparagraph in the Rajghat Samadhi Act :—

“4(4) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament.”

2.22 Pursuant to the suggestion of the Committee, the Ministry of Urban Development took action to amend the Act accordingly by introduction of “The Rajghat Samadhi (Amendment) Bill, 1988” thus protecting the members of Parliament from disqualification.

2.23 However, the present case was slightly different from that of the Rajghat Samadhi Committee inasmuch as this body had been constituted under a Government of India (Department of Culture) Notification No. 11-1/84-CH-6 dated 14th September, 1984 and not under an Act of Parliament.

2.24 In the circumstances, the Committee felt that before taking final decision in the case of Gandhi Smriti and Darshan Samiti with which Prime Minister and M.Ps. were associated, a reference might be made to the Ministry of Law to ascertain in what manner the membership of the Samiti could be protected from disqualification under Article 102(1) (a) of the Constitution.

2.25 The Legislative Counsel, Ministry of Law and Justice on 20-9-1988 opined that if the principles enunciated by judicial decisions were to be followed, a member of the Samiti would not come under any disqualification since he was not entitled to any remuneration or pecuniary reward.

2.26 In view of above and taking all aspects into consideration, the Committee felt that as no remuneration or allowances were payable to the non-official members and the functions of the Samiti were primarily to carry out activities for the promotion of Mahatma Gandhi's ideals, the non-official members of Gandhi Smriti and Darshan Samiti *should be exempted* from disqualification for being chosen as, or for being a member of Parliament. Moreover, the Samiti was an autonomous body and excepting the Chairman and Vice-Chairman, who have been invested with specific powers in relation to various administrative and financial matters, no specific powers had been given to the other members individually.

**COMMITTEES/BOARDS/COUNCILS/CORPORATIONS ETC.
CONSTITUTED BY THE CENTRAL AND STATE GOVERN-
MENTS AND THE UNION TERRITORY ADMINISTRATIONS.**

*North Eastern Handicrafts and Handlooms Development Corporation
Limited (Ministry of Commerce)*

3.1 The Committee noted that the non-official Directors of the North Eastern Handicrafts and Handlooms Development Corporation Limited were paid TA & DA as admissible to grade-I officers of the Central Government (maximum DA Rs. 75/-) which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. As the main functions of the Corporation were to develop and promote handicrafts and handlooms in all aspects in the North Eastern Region and the general superintendence, management and control of the business of the Corporation, the Corporation exercised both executive and financial powers. Hence, the Committee recommended that the non-official Directors (including Chairman, who was a member of Parliament) *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

3.2 The Committee, however, felt that the Ministry of Commerce had failed to take note of an earlier recommendation of the Committee made in para 14 of the Second Report of the Joint Committee on Offices of Profit on the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1971, wherein it had been clearly stated as follows :—

“as the Board of Directors of public undertakings, by and large, enjoy executive and financial powers, the Committee accept the Government suggestion that directorship of public undertakings, as a class, should disqualify”.

Moreover, Section 10 of “The Representation of the People Act, 1951”, reproduced below, was also attracted in this case :—

“A person shall be disqualified if, and for so long as, he is a managing agent, manager or Secretary of any company or corporation

(other than a co-operative Society) in the capital of which the appropriate Government has not less than twenty five percent share.”

3.3 In view of above, the Committee felt that the Ministry should not have appointed a member of Parliament as the Chairman of the above Corporation as the member was liable to be disqualified under Article 102 (1)(a) of the Constitution.

3.4 As desired by the Committee, the Ministry of Commerce (now Ministry of Textiles) was asked on the 1st March, 1988 to take remedial steps to save the member of Parliament from disqualification and also to ensure that an M.P. was not appointed as Chairman of any public undertaking (including the instant case) in future. The Ministry in reply stated that no M.P. was at present associated with the Corporation and that the Ministry had taken remedial steps to ensure compliance with the above directions of the Committee.

*Board of Trustees, Victoria Memorial Hall, Calcutta
(Ministry of Human Resource Development)*

3.5 The Committee noted that the non-official members of the Board of Trustees, Victoria Memorial Hall, Calcutta were paid TA & DA as per Government of India rules (maximum DA 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 Board of Trustees being maintenance and management of the Victoria Memorial Hall at Calcutta were executive in nature. Hence, the Committee felt that the non-official members of the said Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Review Committee on Indian Council for Child Welfare (Ministry
of Human Resource Development)*

3.6 The Committee noted that the non-official members of the Review Committee on Indian Council for Child Welfare were paid TA & DA as admissible to Grade I officers of the Central Government (Maximum DA 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 being to review the activities and performances of the Indian Council for Child Welfare, which was engaged in programmes concerning Child Welfare and Development were advisory in nature. Hence the

Committee recommended 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.

*Central Secretariat Library Review Committee (Ministry of
Human Resource Development—Department of Culture)*

3.7 The Committee noted that the non-official members of the Central Secretariat Library Review Committee were paid only TA 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 Review Committee were advisory in nature as its main functions were only to examine the scope, functions and administrative control of the Central Secretariat Library and to make recommendations for the more efficient working of the Library. Hence the Committee recommended that the non-official members including the Chairman of the Review Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Advisory Committee, National Museum (Ministry of Human Resource
Development—Department of Culture)*

3.8 The Committee noted that the non-official members of the Advisory Committee, National Museum were paid T.A. and D.A. as per Government of India rules (Maximum D.A. 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 function of the Committee was to provide guidance on the working of the National Museum and as such the function was purely advisory in nature. Hence the Committee recommended that the non-official members (including M.Ps.) *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Board of Trustees, Salarjung Museum, Hyderabad (Ministry of Human
Resource Development)*

3.9 The Committee noted that the non-official members of the Board of Trustees, Salarjung Museum were paid T.A. and D.A. as per Government of India rules (Maximum D.A. 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 Board were to manage the museum efficiently and to plan, promote, organise and implement programmes for the development of the museum and to purchase/acquire such articles

or things as may be worthy of preservation in the museum. As such the Board exercised both executive and financial powers. Hence the Committee recommended that the non-official members of the said Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Executive Council of the Nehru Memorial Museum and Library Society
(Ministry of Human Resource Development—Department of Culture)*

3.10 The Committee noted that the non-official members of the Executive Council of the Nehru Memorial Museum and Library Society were not paid any T.A. and D.A. The functions of the Council were to acquire, maintain and preserve papers of nationalist leaders ; to create and institute administrative, ministerial and technical posts and to make appointments thereto besides obtaining donations and gifts and maintaining a fund for paying expenses incurred by the Society. As such the Society exercised both executive and financial powers. Hence the Committee felt that the non-official members of the said Society *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Executive Committee, Centre for Cultural Resources and Training (Ministry
of Human Resource Development—Department of Culture)*

3.11 The Committee noted that the non-official members of the Executive Committee, Centre for Cultural Resources and Training were paid T.A. and D.A. as per Government of India rules (Maximum D.A. 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 manage and administer the affairs of the Society and also to obtain or accept grants, subscriptions donations, gifts etc. As such the Executive Committee exercised both executive and financial powers. Hence the Committee felt that the non-official members of the said Executive Committee *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The National Industrial Development Corporation Limited (Ministry of
Industry – Department of Public Enterprises)*

3.12 The Committee noted that the non-official Chairman of the National Industrial Development Corporation Limited was paid a fixed salary which was not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The business of the Company set up under the Companies Act, 1956 was managed by the Board of

Directors who exercised control and authority over the affairs of the Company. As such the Board exercised both executive and financial powers. Hence the Committee recommended that the non-official members including the Chairman of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Ad-hoc Purchase Committee (Goa)

3.13 The Committee noted that the non-official members of the Ad-hoc Purchase Committee, Goa were paid T.A. and D.A. as admissible to Grade I officer of the State Government besides an 'honorarium of Rs. 75/- per meeting. The payment of honorarium was not 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 select and purchase the items for the Museum. As such, the Ad-hoc Committee exercised both executive and financial powers. Hence, the Committee felt that the non-official members of the said Committee *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Archival Council (Goa)

3.14 The Committee noted that the non-official members of the Archival Council of Goa, were paid T.A. and D.A. as admissible to Grade I officers 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 Council were basically of an advisory nature as the functions included examination of the constitutional, financial, administrative and archival aspects of enactment of archival laws for the Goa Archives and tendering technical advice to the Planning Board on the allocation of funds for archives. Hence the Committee recommended that the non-official members of the said Council *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

State Level Sanctioning Committee of Rural Development Agency (Goa)

3.15 The Committee noted that the non-official members of the State Level Sanctioning Committee for Rural Development Agency were paid only T.A. which was covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee being to review and approve the Rural Development Schemes for the State were 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.

Cultural Development Committee (Goa)

3.16 The Committee noted that the non-official members of the Cultural Development Committee were paid T.A./D.A. as admissible to Grade I officers 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 main functions of the Committee being to work for the promotion and development of cultural activities in the State were primarily advisory in nature. Hence, the Committee felt that the non-official members of the said Council *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

State Council of Sports (Goa)

3.17 The Committee noted that the non-official members of the Goa State Council of Sports were not paid any remuneration and the functions of the Council were mainly to look after the implementation of Scheme for promotion and development of Sports activities in the State. As such, its functions were primarily advisory in nature. Hence the Committee felt that the non-official members of the said Council *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

State Level Consumer Protection Committee (Goa)

3.18 The Committee noted that the non-official members of the State Level Consumer protection Committee were not paid any T.A./D.A. and the functions of the Committee were to coordinate activities of State Government departments responsible for implementation of protection of Consumer Laws and also to motivate and monitor the work of voluntary Consumer Organisations. As such the functions of the Committee were 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.

Flood Control Board (Goa)

3.19 The Committee noted that the non-official members of the Flood Control Board, Goa were not paid any T.A. and D.A. and the main functions

of the Board were to consider and approve arrangements and programmes for surveys, investigation and collection of data for flood control works besides approval of the Master Plan and specific schemes for flood control measures and also assess the flood problems in the State. As such the Board did not exercise any executive and financial powers. Hence the Committee felt that the non-official members of the Board *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Command Area Development Board (Goa)

3.20 The Committee noted that the non-official members of the Command Area Development Board were paid T.A./D.A. as admissible to Grade I officers 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 main functions of the Board were to advise the Government in all matters pertaining to Goa. As such the functions were advisory in nature. Hence the Committee recommended that the non-official members of the Board *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Advisory Committee to watch the interest of Scheduled Castes and Scheduled Tribes and Economically backward classes (Goa)

3.21 The Committee noted that the non-official members of the Advisory Committee to watch the interests of Scheduled Castes and Scheduled Tribes and economically backward classes were paid T.A. and D.A. as admissible to Grade I officers 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. Moreover, the functions of the Committee were to review the progress of achievements and to make recommendations about measures necessary for intensifying the implementation of the schemes to quicken the pace of social integration of scheduled castes/scheduled tribes with the rest of the community besides reviewing from time to time the working of the untouchability (Offences) Act. As such the functions were 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.

State Level Committee under Protection of Civil Right Act, 1955 (Goa)

3.22 The Committee noted that the non-official members of the State Level Committee under Protection of Civil Right Act, 1955 were paid T.A. and

D.A. as admissible to Grade I officers 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 were to assist the Government in formulating and implementing measures to be taken up by the Government for ensuring that the rights arising from the abolition of the untouchability were made available to and were availed of by the persons subjected to any disability arising out of untouchability. As such the functions were 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.

Advisory Committee on Child Welfare Board and Children Court (Goa)

3.23 The Committee noted that the non-official members of the Advisory Committee on Child Welfare Board and Children Court, Goa were not paid any T.A. and D.A. The functions of the Committee were mainly to co-ordinate and integrate efforts relating to Child-Welfare and so was purely an Advisory Committee. As such, the Committee recommended 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.

Rehabilitation Committee for Mandovi Irrigation Project (Goa)

3.24 The Committee noted that the non-official members of the Rehabilitation Committee for Mandovi Irrigation Project were paid T.A. and D.A. as were admissible to grade I officers 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 main functions of the Committee being to advise in planning and executing rehabilitation schemes for the persons affected by the execution of the Mandovi Irrigation Project were advisory in nature. Hence, the Committee recommended 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.

Rehabilitation Committee for Anjunem Irrigation Project (Goa)

3.25 The Committee noted that the non-official members of the Rehabilitation Committee for Anjunem Irrigation Project were paid T.A. and D.A. as were admissible to grade I officers 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 main functions of the Commit-

tee being to help and advise in the matter of Rehabilitation of the people affected by the Anjunem Irrigation Project were Advisory in nature. Hence the Committee recommended that the non-official members of the said Rehabilitation Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

State Level Committee for Women (Goa)

3.26 The Committee noted that the non-official members of the State Level Committee for women were not paid any T.A. and D.A. or any other remuneration. More-over the function of the Committee being to coordinate the development programmes for women in the State were advisory in nature. Hence, the Committee recommended 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.

Appellate Board (Goa)

3.27 The Committee noted that the Chairman of the Appellate Board was paid an Honorarium of 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. The functions of the Appellate Board were judicial in nature as the Board passed orders on appeals by any aggrieved person against an order of an authorised officer refusing to grant licence for fishing vessel or a fishing net etc. As such the Committee felt that the Chairman of the Appellate Board who was a non-official *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Kerala Water and Waste Water Authority (Kerala)

3.28 The Committee noted that the non-official members of the Kerala Water and Waste Water Authority were paid sitting fee of Rs. 100/- per day besides T.A. and D.A. as per entitlement to a class I officer of the State Government. 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 functions of the Authority were preparation, execution, promotion, operation, maintenance and financing of the schemes for the supply of water and for the disposal of waste water besides fixation and revision of tariffs, taxes and charges of water supply and maintenance service in the areas covered by the water supply and waste water system. As such the Authority exercised both executive and financial powers. Hence the Committee

recommended that the non-official members of the said Authority *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Board of Ayurvedic and Unani Systems of Medicine (Punjab)

3.29 The Committee noted that the non-official members of the Board of Ayurvedic and Unani Systems of Medicine, Punjab were paid sitting fee of Rs. 30/- per Board meeting. 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 main functions of the Board were registration of practitioners of Ayurvedic and Unani System of Medicines and also to control expenditure of the Board. The functions were thus executive and financial in nature. Hence, the Committee felt that the non-official members of the said Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Punjab State Civil Supplies Corporation Limited (Punjab)

3.30 The Committee noted that the non-official Directors of the Punjab State Civil Supplies Corporation Limited were paid sitting fee @ Rs. 150/- per Board meeting besides actual T.A. 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 Board of Directors exercised both executive and financial powers as the management of the affairs and business of the Corporation were vested in the Board. Hence the Committee felt that the non-official Directors of the said Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Punjab State Agricultural Marketing Board (Punjab)

3.31 The Committee noted that the non-official members of the Punjab State Agricultural Marketing Board were paid T.A. and D.A. as admissible to grade I Officers of the State Government and were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Chairman was, however, entitled to certain perquisites besides monthly allowance of Rs. 1800/- p.m. The payment of monthly allowance was not covered by the 'compensatory allowance'. The Board (including the Chairman) performed executive and financial powers while discharging their duties of regulating the Agricultural markets. Hence, the Com-

mittee recommended that the non-official members including the Chairman of the said Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

The Tripura Agricultural Produce Market Board (Tripura)

3.32 The Committee noted that the non-official members of the Tripura Agricultural Produce Market Board were not paid any T.A. or D.A. However the main functions of the Board were to supervise, control and coordinate the activities of the market Committee besides raising loan from the open market or any financial institutions. As such the Board exercised both executive and financial powers. Hence the Committee recommended that the non-official members of the said Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

NEW DELHI ;
11th April, 1989

21 Chaitra, 1911 (Saka)

KUMARI KAMLA KUMARI,
Chairman,

*Joint Committee on Offices of
Profit.*

APPENDIX I

(Vide Para 2.11 of the Report)

LOK SABHA SECRETARIAT (COMMITTEE BRANCH—II)

No. 21/2/1/88/C-II

Parliament House Annexe,
New Delhi-110001,
12th October, 1988

20 Asvina, 1910 (Saka)

OFFICE MEMORANDUM

SUBJECT : *Nomination of a Member of Lok Sabha on Committees/Bodies constituted by Central Government/State Governments.*

Nomination of members to Committees or other bodies on which Lok Sabha is represented is made by the Speaker in accordance with the relevant Act, Bye-law, Resolution etc. providing for their constitution. Sometimes requests are also received from the Central Government/State Governments seeking Speaker's approval to the nomination of Members of Lok Sabha on Committees/Bodies constituted by the Central Government/State Governments. Each request is examined with a view to seeing that T.A. and D.A. payable to the Members do not exceed 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Speaker may withhold his approval to the nomination of a Member on a Committee/Body if the T.A./D.A. exceeds the said allowance and the Central Government/State Government is informed of the Speaker's decision. Such requests from Central Government/State Governments are also examined by the Joint Committee on Offices of Profit to ascertain whether the proposed appointment of a Member of Parliament involves any disqualification in terms of Article 102(1)(a) of the Constitution.

2. Normally nomination of Members of Lok Sabha to Committees/Bodies is made with the prior approval of the Speaker. There have, however, been cases when prior approval of the Speaker was not obtained and the Members

of Lok Sabha have been nominated to serve on Committees/Bodies, appointments under which could be construed to constitute an office of profit within the meaning of article 102(1)(a) and result in a member being disqualified from Membership of the House. In order to avoid contingencies of this nature, the Parliamentary Joint Committee on Offices of Profit at their sitting held on 15th July, 1988 decided that all the Ministries of Government of India and the State Governments might be requested to obtain prior approval of the Speaker, Lok Sabha or the Chairman, Rajya Sabha as the case may be before nominating any Member of Parliament to any Government Committee/Body unless the Act under which such Committee/Body has been set up provides for appointment of an M.P. or where Members of Parliament are saved from incurring disqualification by the provisions in the relevant Act itself as is the case with the Rubber Board, Coffee Board, Tea Board etc.

3. The Ministry of Law and Justice (Legislative Department)/Department of Parliamentary Affairs etc. are requested to bring the procedure mentioned above to the notice of all concerned for information and compliance.

Sd/-

K.C. RASTOGI
Joint Secretary

To

1. The Ministry of Law and Justice (Legislative Department), Government of India, New Delhi.
2. The Department of Parliamentary Affairs, Parliament House, New Delhi.
3. All Ministries/Departments of Government of India.
4. The Department of Personnel and Training, New Delhi.
5. Rajya Sabha Secretariat (Committee Section II).
6. All the Chief Secretaries to the State Governments and Union Territory Administrations.

APPENDIX II

(Vide Para 1.2 of the Report)

XLV

MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (EIGHTH LOK SABHA)

XLV

FORTY-FIFTH SITTING

The Committee met on Monday, the 15th February, 1988 from 15.00 to 15.40 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

Rajya Sabha

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

SECRETARIAT

1. Shri G.S. Bhasin—*Chief Legislative Committee Officer*
2. Shri Swarn Singh - *Officer on Special Duty*

The Committee took up for consideration Memoranda Nos. 183 to 187 relating to the following bodies constituted by the Central Government and State Government:

Kerala Water and Waste Water Authority (Kerala) (Memorandum No. 183)

2. The Committee noted that the non-official members of the Kerala Water and Waste Water Authority are paid sitting fee of Rs. 100/- per day besides T.A. and D.A. as per entitlement to a class I officer of the State Government. 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 functions of the Authority were preparation; execution, promotion, operation, maintenance and financing of the schemes for the supply of water and for the disposal of waste water besides fixation and revision of tariffs, taxes and charges of water supply and maintenance service in the areas covered by the water supply and waste water system. As such the Authority exercised both executive and financial powers. Hence the non-official members of the said Authority *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

***North Eastern Handicrafts and Handlooms Development Corporation Limited
(Ministry of Commerce) (Memorandum No. 184)***

3. The Committee noted that the non-official Directors of the North Eastern Handicrafts and Handlooms Development Corporation Limited were paid T.A. and D.A. as admissible to grade I officers of the Central Government (maximum D.A. Rs. 75/-) which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. As the main functions of the Corporation were to develop and promote handicrafts and handlooms in all aspects in the North Eastern Region and the general superintendence, management and control of the business of the Corporation, the Corporation exercised both executive and financial powers. Hence, the non-official Directors (including Chairman, who was a member of Parliament) *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

4. The Committee, however, felt that the Ministry of Commerce had failed to take note of an earlier recommendation of the Committee made in para 14 of the Second Report of the Joint Committee on offices of Profit on the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1971, wherein it had been clearly stated as follows :—

“as the Board of Directors of public undertakings, by and large, enjoy executive and financial powers, the Committee accept the Government suggestion that directorship of public undertakings, as a class, should disqualify”,

Moreover, Section 10 of "The Representation of the People Act, 1951", reproduced below, was also attracted in this case :—

"A person shall be disqualified if, and for so long as, he is a managing agent, manager or Secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty five percent share."

5. In view of above, the Ministry should not have appointed a member of Parliament as the Chairman of the above Corporation as the member was liable to be disqualified under Article 102(1)(a) of the Constitution.

6. The Committee decided that the Ministry of Commerce might be asked to take remedial steps to save the member of Parliament from disqualification and also ensure that an M.P. was not appointed as Chairman of any public undertaking (including the instant case) in future.

Board of Trustees, Victoria Memorial Hall, Calcutta (Ministry of Human Resource Development) (Memorandum No. 185)

7. The Committee noted that the non-official members of the Board of Trustees, Victoria Memorial Hall, Calcutta were paid T.A. and D.A. as per Government of India rules (maximum D.A. 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 Board of Trustees being maintenance and management of the Victoria Memorial Hall at Calcutta were executive in nature. Hence, the non-official members of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

8. The Committee felt that although strictly going by the criteria laid down in the past, the membership of the bodies like Board of Trustees, Victoria Memorial Hall should be regarded as a disqualification but from a practical view point there should be flexibility in the approach of the Committee in such cases. It was decided that with a view to review and reconsider the guidelines being followed by the Committee in that regard, the representatives of the Ministry of Law and Justice might be invited for discussion at a subsequent sitting of the Committee sometime in the next inter-session period.

Review Committee on Indian Council for Child Welfare (Ministry of Human Resource Development) (Memorandum No. 186)

8. The Committee noted that the non-official members of the Review Committee on Indian Council for Child Welfare were paid T.A. and D.A.

admissible to Grade I Officers of the Central Government (Maximum D.A. 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 being to review the activities and performances of the Indian Council for Child Welfare, which was engaged in programmes concerning Child Welfare and Development were 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.

*Central Secretariat Library Review Committee (Ministry of Human
Resource Development—Department of Culture)
(Memorandum No. 187)*

9. The Committee noted that the non-official members of the Central Secretariat Library Review Committee were paid only 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 Review Committee were advisory in nature as the functions were only to examine the scope, functions and administrative control of the Central Secretariat Library and to make recommendations for the more efficient working of the Library. Hence the non-official Members including the Chairman of the Review Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

The Committee then adjourned.

The Committee met on Monday, the 6th June, 1988 from 15.00 to 15.40 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 P.M. Sayeed
7. Shri S.B. Sibal

Rajya Sabha

8. Shri Sohan Lal Dhusiya
9. Shrimati Sudha Vijay Joshi
10. Shri K. Gopalan
11. Shri Puttapaga Radhakrishna

SECRETARIAT

1. Shri K.C. Rastogi — *Joint Secretary*
2. Shri G.S. Bhasin — *Chief Legislative Committee Officer*
3. Shri Swarn Singh — *Officer on Special Duty*

The Committee took up for consideration Memoranda Nos. 188 to 192 relating to the bodies constituted by the Central Government and made the following recommendations :—

The National Industrial Development Corporation Limited (Ministry of Industry-Department of Public Enterprises Memorandum No. 188)

3. The Committee noted that the non-official Chairman of the National Industrial Development Corporation Limited was paid a fixed salary which was not covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The business of the Company was managed by the Board of Directors who exercised control and authority over the affairs of the Company. As such the Board exercised both executive and financial powers. Hence the non-official members including the Chairman of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Advisory Committee, National Museum (Ministry of Human Resource Development—Department of Culture (Memorandum No. 189)

4. The Committee noted that the non-official members of the Advisory Committee, National Museum were paid TA & DA as per Government of India rules (Maximum DA 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 function of the Committee was to provide guidance on the working of the National Museum and as such the function was advisory in nature. Hence the non-official members (including M. Ps) *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Board of Trustees, Salarjung Museum, Hyderabad (Ministry of Human Resource Development)—(Memorandum No. 190)

5. The Committee noted that the non-official members of the Board of Trustees, Salarjung Museum were paid TA & DA as per Government of India rules (Maximum DA 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 Board were to manage the museum efficiently and to plan, promote, organise and implement programmes for the development of the museum and to purchase/acquire such articles or things as might be worthy of preservation in the museum. As such the Board exercised both executive and financial powers. Hence the non-official members of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Executive Council of the Nehru Memorial Museum and Library
Society (Ministry of Human Resource Development—Department
of Culture) Memorandum No. 191)*

6. The Committee noted that the non-official members of the Executive Council of Nehru Memorial Museum and Library Society were not paid any TA & DA. The functions of the Council were to acquire, maintain and preserve papers of nationalist leaders; to create and institute administrative, ministerial and technical posts and to make appointments thereto besides obtaining donations and gifts and maintaining a fund for paying expenses incurred by the Society. As such the Society exercised both executive and financial powers. Hence the non-official members of the said Society *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Executive Committee, Centre for Cultural Resources and Training
Ministry of Human Resource Development—Department of
Culture) Memorandum No. 192)*

7. The Committee noted that the non-official members of the Executive Committee, Centre for Cultural Resources and Training were paid TA & DA as per Government of India rules (Maximum DA 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 manage and administer the affairs of the Society and also to obtain or accept grants, subscriptions, donations, gifts etc. As such the Executive Committee exercised both executive and financial powers. Hence the non-official members of the said Executive Committee *should not 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 at 12.00 noon on Tuesday the 21st June,
1988 and at 15.00 hours on Monday, the 4th July, 1988.
The Committee then adjourned*

The Committee met on Tuesday, the 21st June, 1988 from 12.00 to 12.30 hours.

PRESENT

Kumari Kamla Kumari—~~Chairman~~

MEMBERS

Lok Sabha

2. **Shri Ajoy Biswas**
3. **Shri Ajit Singh Dabhi**
4. **Shri Mahendra Singh**
5. **Shri Balram Singh Yadav**

Rajya Sabha

6. **Shri Sohan Lal Dhuwala**
7. **Shrimati Sudha Vijay Joshi**
8. **Shri K. Gopalan**
9. **Shri Puttapaga Radhakrishna**

SECRETARIAT

1. **Shri Swarn Singh**—*Officer on Special Duty*

2. The Committee took up for consideration Memoranda Nos. 193 to 197 relating to the bodies constituted by the Central Government State Governments and made the following recommendations: -

Gandhi Smriti and Darshan Samiti Ministry of Human Resource Development—Department of Culture.—(Memorandum No. 193)

3. The Committee considered the particulars of the Gandhi Smriti and Darshan Samiti and noted that the non-official members of the Samiti were not paid any TA/DA. The Samiti, however, exercised both executive and financial powers as the functions of the Samiti were to manage the affairs of the Gandhi Smriti and Darshan Samiti. However, the Committee decided that a clarification might be sought from the Ministry in regard to the following:

- “(i) What constitutes the “funds” of the Gandhi Smriti and Darshan Samiti and what are the precise contributions made by the

Central Government and the public/other sources ? (full details to be furnished).

- (ii) Number of employees appointed by the Samiti, and its budget allocation for the year 1988-89 (details under each Head may be given).
- (iii) What are the specific nature of duties of members of the Samiti ? It may be clarified whether they exercise executive and financial powers."

Board of Ayurvedic and Unani Systems of Medicine, Punjab
(Memorandum No. 194)

4. The Committee noted that the non-official members of the Board of Ayurvedic and Unani Systems of Medicine, Punjab were paid sitting fee of Rs. 30/- per Board meeting. 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 main functions of the Board were registration of Practitioners of Ayurvedic and Unani System of Medicines and also to control expenditure of the Board. The functions were thus executive and financial in nature. Hence, the non-official members of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Punjab State Civil Supplies Corporation Limited, Chandigarh—
(Memorandum No. 195)

5. The Committee noted that the non-official Directors of the Punjab State Civil Supplies Corporation Limited were paid sitting fee a Rs. 150/- per Board meeting besides actual T.A. 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 Board of Directors exercised both executive and financial powers as the management of the affairs and business of the Corporation were vested in the Board. Hence the non-official Directors of the said Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Punjab State Agricultural Marketing Board (Punjab)—
(Memorandum No. 196)

6. The Committee noted that the non-official members of the Punjab State Agricultural Marketing Board were paid TA & DA as admissible to grade I officers of the State Government and were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of

Disqualification) Act, 1959. The Chairman was however, entitled to certain perquisites besides monthly allowance of Rs. 18.00/- per month. The payment of monthly allowance was not covered by the 'compensatory allowance'. The Board (including the Chairman) performed executive and financial powers while discharging their duties of regulating the Agricultural markets. Hence, the non-official members including the Chairman of the said Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Ad-hoc Purchase Committee (Goa, Daman and Diu)
(Memorandum No. 197)

7. The Committee noted that the non-official members of the Ad-hoc Purchase Committee were paid TA and DA as admissible to Grade I officer of the State Government besides an honorarium of Rs. 75/- per meeting. The payment of honorarium was not 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 select and purchase the items of the Museum. As such, the Ad-hoc Committee exercised both. executive and financial powers. Hence, the non-official members of the said Committee *should not 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 at 15.00 hours on Monday, the 4th July, 1988.

The Committee then adjourned.

XLVIII
FORTY-EIGHTH SITTING

The Committee met on Monday, the 4th July, 1988 from 15.00 to 15.30 hours..

PRESENT

Kumari Kamla Kumari—Chairman

MEMBERS

Lok Sabha

2. Shri Ajoy Biswas
3. Shri Ajit Singh Dabhi
4. Shri Sharad Dighe
5. Shri Mahendra Singh

Rajya Sabha

6. Shri Sohan Lal Dhusiya
7. Shrimati Sudha Vijay Joshi

SECRETARIAT

1. Shri G. S. Bhasin—Chief Legislative
Committee Officer
2. Shri Swarn Singh—Officer on Special Duty

The committee took up for consideration Memoranda Nos. 198 to 202 relating to the bodies constituted by the State Governments and made the following recommendations :—

Archival Council (Goa, Daman and Diu)
(Memorandum No. 198)

2. The Committee noted that the non-official members of the Archival Council of Goa, Daman and Diu were paid TA and DA as admissible to Grade I officers 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 Council were basically of an advisory nature as the functions included examination of the constitutional, financial, administrative and archival aspects of enactment of

archival laws for the Goa Archives and tendering technical advice to the Planning Board on the allocation of funds for archives. Hence the non-official members of the said Council *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*State Level Sanctioning Committee of Rural Development Agency
(Goa, Daman and Diu)—(Memorandum No. 199)*

3. The Committee noted that the non-official members of the State Level Sanctioning Committee for Rural Development Agency were paid only T.A. which was covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee being to review and approve the Rural Development Schemes for the State were 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.

*Cultural Development Committee (Goa, Daman and Diu)
(Memorandum No. 200)*

4. The Committee noted that the non-official members of the Cultural Development Committee were paid TA/DA as admissible to Grade I officers 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 main functions of the Committee were to work for the promotion and development of cultural activities in the State. As such the functions were primarily 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.

*State Council of Sports (Goa, Daman and Diu)
(Memorandum No. 201)*

5. The Committee noted that the non-official members of the Goa State Council of Sports were not paid any remuneration and the functions of the Council were to look after the implementation of Scheme for promotion and development of Sports activities in the State. As such, its functions were primarily advisory in nature. Hence the non-official members of the said Council *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Tripura Agricultural Produce Market Board (Goa Daman and Diu)
(Memorandum No. 202)*

6. The Committee noted that the non-official members of the Tripura Agricultural Produce Market Board were not paid any TA or DA. However the main functions of the Board were to supervise, control and coordinate the activities of the market committee besides raising loan from the open market or any financial institutions. As such the Board exercised both executive and financial powers. Hence the non-official members of the said 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 15.00 hours on Friday, the 15th July, 1988.

XLIX
FORTY-NINTH SITTING

The Committee met on Friday, the 15th July, 1988 from 15.00 to 15.40 hours.

PRESENT

Kumari Kamla Kumari —Chairman

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Mahendra Singh
4. Shri P. M. Sayeed

Rajya Sabha

5. Shri Sohan Lal Dhusiya
6. Sbrimati Sudha Vijay Joshi

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer*
3. Shri Swarn Singh—*Officer on Special Duty*

The Committee took up for consideration Memoranda Nos. 203 to 208 relating the bodies constituted by the Central Government and the State Government of Goa, Daman and Diu made the following recommendations:—

State Level Consumer Protection Committee (Goa, Daman and Diu)
(Memorandum No.203)

2. The Committee noted that non-official members of the State Level Consumer protection Committee were not paid any TA/DA and the functions of the Committee were to coordinate activities of State Government departments responsible for implementation of protection of Consumer Laws and also to motivate and monitor the work of voluntary Consumer Organisations. As such the functions of the Committee were 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.

Flood Control Board (Goa, Daman and Diu)
(Memorandum No. 204)

3. The Committee noted that the non-official members of the Flood Control Board, Goa, Daman and Diu were not paid any TA and DA and the main functions of the Board were to consider and approve arrangements and programmes for surveys, investigation and collection of data for flood control works besides approval of the Master Plan and specific schemes for flood control measures and also assess the flood problems in the state. As such the Board did not exercised any executive and financial powers. Hence the non-official members of the Board should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Command Area Development Board (Goa, Daman and Diu)
(Memorandum No. 205)

4. The Committee noted that the non-official members of the Command Area Development Board were paid TA/DA as admissible to Grade I officers 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 main functions of the Board were to advise the Government in all matters pertaining to Goa. As such the functions were advisory in nature. Hence the non-official members of the Board should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Advisory Committee to watch the interest of Scheduled Castes and Scheduled Tribes and Economically backward classes (Goa, Daman and Diu) (Memorandum No. 206)

5. The Committee noted that the non-official members of the Advisory Committee to watch the interests of Scheduled Castes and Scheduled Tribes and economically backward classes were paid TA and DA as admissible to Grade I officers 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. Moreover, the functions of the Committee were to review the achievements and to make recommendations about measures necessary for intensifying the implementation of the schemes to quicken the pace of social integration of scheduled castes/scheduled tribes with the rest of the community besides reviewing from time to time the working of the Untouchability (Offences) Act. As such the functions were 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.

*State Level Committee under Protection of Civil right Act, 1955
(Goa, Daman and Diu) (Memorandum No. 207)*

6. The Committee noted that the non-official members of the State Level Committee under Protection of Civil Right Act, 1955 were paid TA & DA as admissible to Grade I officers 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 were to assist the Government in formulating and implementing measures to be taken up by the Government for ensuring that the rights arising from the abolition of the untouchability were made available to and were availed of by the persons subjected to any disability arising out of untouchability. As such the functions were 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.

*Nomination of Prof. Narain Chand Parashar, MP on the Sahitya
Akademi, New Delhi (Ministry of Human Resource
Development, Deptt. of Culture Memorandum No. 208)*

7. The Committee considered the request of the Government of Himachal Pradesh who had sought approval of the Speaker, Lok Sabha for nomination of Prof. Narain Chand Parashar, MP on the Sahitya Akademi, New Delhi as a nominee of Himachal Pradesh Government.

8. Since the Government of Himachal Pradesh did not furnish complete particulars regarding remuneration payable and functions etc. of the Akademi, inspite of several reminders, Lok Sabha Secretariat requested the Government of India, Department of Culture (Ministry of Human Resource Development) to furnish the requisite details.

9. Meanwhile the Government of India nominated Prof. Narain Chand Parashar, MP as a member of the General Council and Executive Board of the Sahitya Akademi without obtaining prior approval of the Speaker, Lok Sabha.

10. The Sahitya Akademi also informed the Government of Himachal Pradesh that the same member could not be nominated from two constituencies (Central Government and Himachal Pradesh Government) and Professor Parashar, MP has therefore, to vacate one of the two constituencies.

11. On scrutiny of the particulars furnished by the Department of Culture on 24th June, 1988, the Committee noted that Prof. Parashar would be eligible

for a daily allowance of Rs. 100/- per day for attending the meetings of the Executive Board/General Council which exceeded the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the functions of the Board Council included appointment of staff/supervision and control of work of the Akademi and its office and award of fellowships. The functions of the Board/Council were thus executive and financial in nature.

12. The Committee considered the matter in great detail and recommended that Prof. Narain Chand Parashar, M.P. might not be permitted to associate himself with the Executive/Board/General Council of the Sahitye Akademi which exercised both executive and financial powers. The Committee also decided that all the Ministries of the Government of India and the State Governments might be asked to take prior approval of the Speaker, Lok Sabha or the Chairman, Rajya Sabha before nominating any member of Parliament in any Government Committee unless the Act under which such Committee has been set up provides for appointment of an M.P. or where members of Parliament are saved from incurring disqualification by the provisions in the relevant Acts, as the case with Rubber Board, Coffee Board, Tea Board etc.

The Committee then adjourned.

L

The Committee met on Tuesday, the 30th August, 1988 from 15.30 to 16.00 hours.

PRESENT

Shri Sharad Dighe—*In the Chair*

MEMBERS

Lok Sabha

2. Shri Ajoy Biswas
3. Shri Mahendra Singh
4. Shri Sriballav Panigrahi

Rajya Sabha

5. Shri Sohan Lal Dhusiya
6. Shrimati Sudha Vijay Joshi.

SECRETARIAT

1. Shri G.S. Bhasin—*Deputy Secretary*
2. Shri Swarn Singh—*Officer on Special Duty*

2. In the absence of the Chairman, Shri Sharad Dighe was chosen to act as Chairman for the sitting in terms of Rule 258 (3) of Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee took up for consideration Memoranda Nos. 209 to 211 relating to the following matters :—

- (i) 209 — Nomination of Prof. Narain Chand Parashar, M.P. on the Sahitya Akademi, New Delhi.
- (ii) 210 — Nomination of Shri Karma Tenzing Topden, MP (RS) as Tourism Adviser to the Government of Sikkim.
- (iii) 211 — Nomination of MPs on Gandhi Shmriti and Darshan Samiti, New Delhi.

3. The Committee were of the opinion that since, the abovesaid Memoranda related to matters of significant importance involving some sitting Members of Parliament, it would be more appropriate to deliberate upon them when the Chair-person was also present. It was accordingly decided to postpone further discussion on the Memoranda to a later date.

4. The Committee also decided that the Secretary, Ministry of Law and Justice Legislative Department) might be requested to be present for consultation, when the Committee took up consideration of those Memoranda at their next sitting.

5. The Committee then considered their future programme of work and decided to hold the next sitting on Friday, the 23rd September, 1988 at 15.00 hours subject to the convenience of the Chairperson, Joint Committee on Offices of Profit.

The Committee then adjourned.

॥

FIFTY FIRST SITTING

The Committee met on Friday, the 23rd September, 1988 from 15.00 to 17.00 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 Puttapaga Radhakrishna

SECRETARIAT

1. Shri G.S. Bhasin — *Deputy Secretary*
2. Shri Swarn Singh — *Officer on Special Duty*

Representative of the Ministry of Law and Justice (Legislative Department)

Sri A.C.C. Unni — *Joint Secretary and
Legislative Counsel*

2. At the outset, the Chairman informed the Committee that a background note and the case law on the subject prepared by the Secretariat along with the comments of the Ministry of Law and Justice on Memoranda Nos. 209 to 211 has been circulated to members on 21st September, 1988.

3. The Committee then took up for consideration Memorandum No. 209 regarding nomination of Prof. Narain Chand Parashar, M.P. on the Sahitya

Akademi, New Delhi. The Committee noted that the Ministry of Law, who had been asked to offer their comments on the subject, had opined that Sahitya Akademi to which Prof. Parashar had been nominated, had powers to award fellowships and to supervise and control the work of the Sahitya Akademi. These powers were executive and financial in nature and would therefore come within the criteria consistently adopted by the Joint committee on Offices of Profit for disqualifying a person for being chosen as and for being a Member of Parliament. The Ministry of Law had, however; pointed out that if the trends of judicial decisions were to be followed, the holding of an Office of Profit is generally equated as profit in terms of money or pecuniary gain. Since it had been stated by the Ministry of Human Resource Development (Department of Culture) that Prof. Parashar would be entitled to T.A./D.A. only at the rates as per Rules of Parliament, it could not be stated that he was holding an Office of Profit in terms of the pecuniary gain.

4. In the discussion that ensued, several Members pointed out that the criteria, laid down by the Committee in the past for judging whether an office constituted an Office of Profit, though sound and relevant, had been applied in a very mechanical manner so much so that even the membership of a small village library, which could be considered to be exercising executive and financial powers, was held to be an office of profit. Members also pointed out that in the present context Members of Parliament had to be increasingly involved in the implementation of various socio-economic development schemes and hence the criteria of executive and financial powers exercised by a body or Committee should be interpreted in such a way that Members of Parliament are not deprived of the membership of such bodies purely on technical considerations. Each case should, therefore, be considered on merits and the Committee should decide whether the Body/Committee exercised considerable executive and financial powers.

5. The Committee felt that when judged in the light of the above criteria, ordinary membership of bodies like Sahitya Akademi and such other bodies concerned with cultural and literary activities should not be subjected to disqualification. The Committee decided that as Prof. Narain Chand Parashar was not an officer of the Akademi who exercised certain executive and financial powers, but only a member of the General Council/Executive Board, his association with the Sahitya Akademi should not be considered as holding of an Office of Profit in terms of Article 102(1) of the Constitution.

6. The Committee also decided to meet again on 7th October, 1988 to resume consideration of Memoranda Nos. 210 and 211.

The Committee then adjourned.

FIFTY SECOND SITTING

The Committee met on Friday, the 7th October, 1988 from 15.00 to 15.45 hours.

PRESENT

Kumari Kamla Kumari — *Chairman*

MEMBERS

Lok Sabha

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

Rajya Sabha

6. Shri Sohan Lal Dhusiya
7. Shrimati Sudha Vijay Joshi
8. Shri Puttapaga Radhakrishna

SECRETARIAT

1. Shri K.C. Rastogi — *Joint Secretary*
2. Shri G.S. Bhasin — *Deputy Secretary*
3. Shri Swarn Singh — *Officer on Special Duty*

2. The Committee took up for consideration Memoranda Nos. 210 and 211 relating to the bodies constituted by the Central Government and made the following recommendations:

Nomination of Shri Karma Tenzing Topden, M.P. (R.S.) as Tourism Adviser to the Government of Sikkim

(Memorandum No. 210)

3. The Committee considered the requests of the Government of Sikkim and Shri Karma Tenzing Topden, Member of Rajya Sabha regarding his proposed nomination as Tourism Adviser to the Government of Sikkim. The Committee noted that prior to his recent election to the Rajya Sabha, Shri

Topden was a Senior I.A.S. Officer and had held the post of Secretary, Tourism in the State. As Tourism Adviser, Shri Topden would be working on a purely honorary basis without any fee, allowances etc. He would however, be entitled to reimbursement of actual expenditure incurred by him in the discharge of the functions as Adviser. As there was no ceiling prescribed on such expenditure, the same might exceed the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee further noted that the services of a driver alongwith a car and petrol would be provided to facilitate his work. He would also be holding the rank equivalent to a cabinet Minister in the State for protocol purposes.

4. In this connection, the Committee noted the case of Shri R. Mohanarangam, a Member of Rajya Sabha, who had to vacate his seat in Parliament for holding the post of Special Representative of Tamil Nadu as he was getting some benefits like use of staff car, occupation of Tamil Nadu House and use of a telephone. In this case also the Member was not entitled to draw any salary or honorarium or any pecuniary benefit from that post. The Election Commission nevertheless declared it an 'office of profit under the Government' as prior to the appointment of the concerned M.P. against the post in an honorary capacity the post of special Representative carried a salary which was actually attached to the post.

5. The Committee also noted that in another judgment, the Bombay High Court had held that in order that an office may be an 'office of profit', it was not necessary that the holder of the office should actually make a profit out of it. It was enough if the office was capable of yielding a profit, or in other words, was one for which the person holding it may reasonably be expected to make a profit out of it.

6. The Committee felt that the facilities being offered to Shri Topden would give him a status and prestige which was not ordinarily enjoyed by a Member of Parliament. As Adviser Tourism, he would be performing various functions on behalf of the State Government and the office would be directly under the control of State Government. As such, it should be treated as an office of profit under Government.

7. The Committee also felt that ethically also it would not be desirable that Shri Topden, who was holding the post as an I.A.S. officer, should be allowed to hold the same post as M.P. even though in an honorary capacity. The Committee therefore recommended that Shri Topden should not be allowed to accept the post of Tourism under the Government of Sikkim.

Gandhi Smriti and Darshan Samiti
(Memorandum No. 211)

8. The Committee considered the particulars of composition, functions etc. of the Gandhi Smriti and Darshan Samiti in the light of following clarifications given by the Ministry of Human Resource Development (Department of Culture) *vide* their O.M. dated the 28th July, 1988.

“(i) The Samiti is an autonomous body.

(ii) Excepting the Chairman and Vice-Chairman who have been invested with specific powers in relation to various administrative and financial matters, no specific powers have been given to the other members individually.”

9. The Committee also noted that no remuneration or allowances were payable to the non-official members of the Gandhi Smriti and Darshan Samiti. As the functions of the Samiti were primarily to carry out activities for the promotion of Mahatma Gandhi's ideals, the Committee felt that non-official members of the Gandhi Smriti and Darshan Samiti *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

10. The Committee then adjourned to meet again at 15.00 hours on Monday, the 24th October, 1988.

FIFTY-THIRD SITTING

The Committee met on Monday, the 24th October, 1988 from 15.00 to 15.40 hours.

PRESENT

Kumari Kamla Kumari — *Chairman*

MEMBERS

Lok Sabha

2. **Shri Ajoy Biswas**
3. **Shri Mahendra Singh**
4. **Shri Sriballav Panigrahi**
5. **Shri P.M. Sayeed**
6. **Shri S.B. Sidnal**

Rajya Sabha

7. **Shri Sohan Lal Dhusia**
8. **Shrinati Sudha Vijay Joshi**

SECRETARIAT

Shri O.P. Chopra — *Under Secretary*

The Committee took up for consideration Memoranda Nos. 212 to 217 relating to the bodies constituted by the Central Government and the State Government of Goa, Daman and Diu and made the following recommendations :—

*Advisory Committee on Child Welfare Board and Children Court
(Goa, Daman and Diu)*

(Memorandum No. 212)

2. The Committee noted that the non-official Members of the Advisory Committee on Child Welfare Board and Children Court (Goa, Daman and Diu) were not paid any T.A. and D.A. The functions of the Committee were mainly to co-ordinate and integrate efforts relating to Child-Welfare and were thus

purely of an advisory character. The Committee decided 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.

Rehabilitation Committee for Mandovi Irrigation Project

(Goa, Daman and Diu)

(Memorandum No. 213)

3. The Committee noted that the non-official members of the Rehabilitation Committee for Mandovi Irrigation Project were paid T.A. and D.A. as were admissible to grade I officers of the State Government, and 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 advise in planning and executing rehabilitation schemes for the persons affected by the execution of the Mandovi Irrigation Project. The functions of the Committee being advisory in nature, the Committee recommended 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.

Rehabilitation Committee for Anjunem Irrigation Project

(Goa, Daman and Diu)

(Memorandum No. 214)

4. The Committee noted that the non-official members of the Rehabilitation Committee for Anjunem Irrigation Project (Goa, Daman and Diu) were paid T.A. and D.A. as were admissible to grade I officers of the State Government and 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 help and advise in the matter of rehabilitation of the people affected by the Anjunem Irrigation Project. The functions being advisory in nature, the Committee felt that the non-official members *should be exempted* from disqualification for being chosen as, or for being a Member of Parliament.

State Level Committee for Women

(Goa, Daman and Diu) (Memorandum No. 215)

5. The Committee noted that the non-official members of the State Level Committee for Women (Goa, Daman and Diu) were not paid any T.A. and D.A. or any other remuneration. Moreover, the function of the Committee was to coordinate the development programmes for women in the State which was advisory in nature. The Committee recommended that the non-official¹

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

Appellate Board (Goa, Daman and Diu)
(Memorandum No. 216)

6. The Committee noted that the Chairman of the Appellate Board (Goa, Daman and Diu) was paid an honorarium of 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. The functions of the Appellate Board were judicial in nature, as the Board passed orders on appeals by any aggrieved person against an order of an authorised officer refusing to grant licence for fishing vessel or a fishing net etc. The Committee, therefore, decided that the Chairman of the Appellate Board who was a non-official *should not be exempted* from disqualification for being chosen as, or for being a Member of Parliament.

*Appointment of a Member of Rajya Sabha (Shri Suresh Kalmadi) as
Chairman of Maharashtra Tourism Development Corporation Ltd.*
(Memorandum No. 217)

7. Before the Memorandum was considered, the Chairperson informed the Committee that Shri Suresh Kalmadi, Member Rajya Sabha desired that his request for grant of permission for appointment as Chairman, Maharashtra Tourism Development Corporation Ltd. might be treated as withdrawn. The Committee agreed to the member's request and did not consider Memorandum No. 217.

The Committee then adjourned.

LVIII

FIFTY-EIGHTH SITTING

The Committee met on Tuesday, the 11th April, 1989 from 15.00 to 15.45 hours.

PRESENT

Kumari Kamla Kumari — *Chairman*

MEMBERS

Lok Sabha

2. Shri Sharad Dighe
3. Shri Mahendra Singh
4. Shri Sriballav Panigrahi

Rajya Sabha

5. Shri Sohan Lal Dhusiya
6. Shrimati Sudha Vijay Joshi
7. Shri Puttapaga Radhakrishna

SECRETARIAT

1. Shri K. C. Rastog, — *Joint Secretary*
2. Shri G. S. Bhasin — *Deputy Secretary*
3. Shri Swarn Singh — *Officer on Special Duty*

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

The Committee decided that the Report might be presented to Lok Sabha on the 25th April, 1989 and also laid on the Table of Rajya Sabha on the same day.

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

The Committee also authorised Shrimati Sudha Vijay Joshi, M. P. and in her absence, Shri Puttapaga Radhakrishna, M. P. to lay the Report on the Table of Raja Sabha.

* * * * *

The Committee then adjourned.

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