

JOINT COMMITTEE ON OFFICES OF PROFIT
EIGHTH REPORT
(TENTH LOK SABHA)



सत्यमेव जयते

Presented to Lok Sabha on 31 May, 1995
Laid in Rajya Sabha, 31 May, 1995

LOK SABHA SECRETARIAT
NEW DELHI

May, 1995/Jyaishta, 1917 (Saka)

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**JOINT COMMITTEE ON OFFICES OF PROFIT
(Tenth Lok Sabha)**

COMPOSITION OF THE COMMITTEE

Shri Chiranjil Lal Sharma—Chairman

MEMBERS

Lok Sabha

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

Rajya Sabha

- \$11. Shri E. Balanandan
- &12. Shri Makhan Lal Fotedar
- @13. Shri Sarada Mohanty
- £14. Shri S.K.T. Ramachandran
- &15. Shri Digvijay Singh

SECRETARIAT

- | | | |
|-----------------------|---|----------------------|
| 1. Shri S.N. Mishra | — | Additional Secretary |
| 2. Shri G.C. Malhotra | — | Joint Secretary |
| 3. Shri Ram Autar Ram | — | Deputy Secretary |
| 4. Shri J.P. Jain | — | Under Secretary |

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

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

@ Elected by Rajya Sabha on 11.5.1993 vice Shri Som Pal resigned from the Committee.

£ Elected by Rajya Sabha on 12.8.1992 vice Shri Santosh Kumar Sahu resigned from the Committee.

& Elected by Rajya Sabha on 12.5.1994 vice Sarvashri Subramanian Swamy and Shiv Pratap Mishra retired from Rajya Sabha.

\$ Re-elected by Rajya Sabha on 15.12.1994.

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

INTRODUCTION

1. 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 Eighth Report.

2. The matters covered by the Report were considered by the Committee at their sittings held on 20 December, 1994, 3 January, 17 January and 27 January, 1995. Minutes of the sittings, which form part of the Report, are appended to it.

3. The Committee examined the composition, character, functions etc. of the Committees/Bodies etc. constituted by the State Governments/Central Government and the emoluments and allowances payable to their members, non-official Directors, Chairmen etc. with a view to consider whether holders of offices of these bodies would incur disqualification under Article 102 of the Constitution of India. While examining the question of disqualification, the Committee also kept in view the provisions contained in Parliament (Prevention of Disqualification) Act, 1959 and their own recommendations contained in their Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984.

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

5. The Committee considered and adopted the Report at their sitting held on 29 May, 1995.

NEW DELHI;
29 May, 1995

8 Jyaishta, 1917 (Saka)

CHIRANJI LAL SHARMA,
Joint Committee on Offices,
of Profit.

CHAPTER I

NOMINATION OF MEMBERS OF PARLIAMENT ON STATE BODIES

(1) The State Advisory Committee on Social Justice, Himachal Pradesh.

The Committee considered the request of the Government of Himachal Pradesh, seeking approval of the Speaker, Lok Sabha for nomination of Shri K.D. Sultanpuri, M.P., Lok Sabha and the approval of Chairman, Rajya Sabha for nomination of Shri Sushil Barongpa, M.P., Rajya Sabha as members to the State Advisory Committee on Social Justice.

1.2 The Committee note from the information furnished by the Government of Himachal Pradesh that non-official Members of the State Advisory Committee on Social Justice would be provided with a Government vehicle, Secretarial assistance, space for office with telephone facilities at Shimla besides TA/DA as admissible to them under the rules. No salary or special allowance will, however, be paid to them for performing this work. The functions of the Committee are to evaluate and suggest measures in respect of various social justice programmes such as poverty elevation, social security schemes, PDS/RDPS rural housing and sanitation. Thus the functions performed by the Committee are *advisory in nature*.

1.3 The Committee, therefore, recommend that non-official Members of the said Committee *may be exempted* from disqualification for being chosen as, or for being, a Member of Parliament subject to condition that TA/DA proposed to be provided to them should not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

(2) Himachal Pradesh State Land Use and Wasteland Development Board.

1.4 The Committee considered the request of the State Government of Himachal Pradesh seeking approval of the Speaker, Lok Sabha for nomination of Shri K.D. Sultanpuri, M.P., Lok Sabha and Chairman, Rajya Sabha for nomination of Shri Sushil Barongpa, M.P., Rajya Sabha as member of Himachal Pradesh State Land Use and Wasteland Development Board.

1.5 The Committee note from the information furnished by State Government of Himachal Pradesh that the main functions of the Committee are to assess the land resources and matters relating to Soil Conservation and Water logging and Intensive Use of Irrigation Areas in the State. It would also formulate a perspective plan and programme and guidelines for the development of Wasteland/Afforestation for the

State within the National/State Forest Policy. Thus the functions performed by the Board are *advisory in nature*.

1.6 The Committee further note that non-official members (Members of Parliament) of the Himachal Pradesh State Land Use and Wasteland Development Board will be entitled to perform journey by rail, road, air and steamer in order to participate in the meetings of the said Board as and when fixed by the Chairman. They will be entitled to TADA on the same scale as admissible to them under the Salary, Allowances and Pension of Members of Parliament Act, 1954, as amended from time to time.

1.7 Attention of the Committee was drawn to the relevant clause (h) of Section 3 of the Parliament (Prevention of disqualification) Act, 1959, which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance.

1.8 Accordingly, the Committee recommend that the non-official member (Member of Parliament, if nominated) of the said Board may be exempted from disqualification for being chosen as, or for being, a Member of Parliament subject to condition that TADA proposed to be provided to them, should not exceed the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

(3) *High Powered Co-ordination and Review Committee for the Welfare of Scheduled Castes and Scheduled Tribes at State Level, Himachal Pradesh.*

1.9 The Committee considered the request of the Government of Himachal Pradesh, seeking approval of the Speaker, Lok Sabha for nomination of Shri K.D. Sultanpuri, M.P., Lok Sabha as member of High Powered Co-ordination and Review Committee for the Welfare of Scheduled Castes and Scheduled Tribes at State Level.

1.10 The Committee note from the information furnished by the State Government of Himachal Pradesh that main functions of the said Committee are to review the implementation of developmental programmes and safeguards provided for the Scheduled Castes/Tribes and to issue general guidelines and directions in all vital matters concerning the SCSTs. The functions of the Review Committee are thus advisory in nature.

1.11 The Committee further note that non-official members of the High Powered Co-ordination and Review Committee are paid TA/DA as admissible to them under the Salary, Allowances and Pension of Members of Parliament Act, 1954. In this connection, attention of the Committee was drawn to the relevant clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of Profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member

of Parliament if the holder of such office is not entitled to any remuneration other than compensatory allowance.

1.12 The Committee accordingly recommend that the non-official member (Member of Parliament, if nominated) of the High Powered Co-ordination and Review Committee may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

(4) *Committee for Implementation and Co-ordination of 20-Point Economic Programme at District Level, Bharatpur, Rajasthan.*

1.13 The Committee considered the request of the Government of Rajasthan, seeking approval of Speaker, Lok Sabha for nomination of Shrimati Krishnendra Kaur (Deepa), M.P., Lok Sabha as member of the Committee for Implementation and Co-ordination of 20-Point Economic Programme at District Level, Bharatpur, Rajasthan.

1.14 The Committee note from the information furnished by the State Government of Rajasthan that non-official members of the Committee for Implementation and Co-ordination of 20-Point Economic Programme at District Level, Rajasthan are not paid any remuneration and do not enjoy executive, legislative, financial or judicial powers. Since the said Committee are advisory in nature, the Committee took in view clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959, which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament if the holder of such office is not entitled to any remuneration other than compensatory allowance, and *recommend that the non-official members (Members of Parliament) of the said Committee may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.*

CHAPTER II

NON-INCURRING OF DISQUALIFICATION BY NON-OFFICIAL MEMBERS OF THE NATIONAL ROAD SAFETY COUNCIL.

2.1 The Committee note from the information furnished by the Ministry of Surface Transport, Government of India, that the non-official members of the National Road Safety Council will be entitled to draw TA/DA admissible as per rules to Grade I officers of the Government of India and which will be borne by the Central Government.

2.2 The Committee further note that the main functions of the Council are to advise on all matters pertaining to planning and co-ordination of policies, standards of safety in the road transport sector, and to oversee and monitor through Central Level Road Safety Cell, the road safety measures undertaken by State/Union Territory agencies. Thus, functions of National Road Safety Council are advisory in nature.

2.3 The attention of the Committee was drawn to the relevant clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959, which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance.

2.4 The Committee, accordingly, recommend that non-official members (Members of Parliament) of the said Council may be exempted from disqualification for being chosen as, or for being, a Member of Parliament subject to condition that amount of TA/DA provided to the non-official Members of the Council should not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

CHAPTER III

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

(1) Assam Plains Tribes Development Corporation Limited, Assam

3.1 The Committee note from the information furnished by the State Government of Assam that the non-official members of the Assam Plains Tribes Development Corporation Limited will not be entitled to any remuneration. The Committee also note that the main functions of the Corporation are to construct suitable houses for Scheduled Tribes and Backward Classes, to advance loans, provide hire purchase facilities and to promote and setting up of business and trades for the development of persons belonging to scheduled tribes and backward classes. The Board of Directors shall have power to allot or otherwise dispose of the shares of the Corporation to such persons on such terms and conditions as they deem fit. Thus, functions of the Assam Plains Tribes Development Corporation Limited are executive and financial in nature.

3.2 In this connection, attention of the Committee was drawn to their own recommendation made in their Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984 that if the body, in which an office is held, exercises executive functions or confers powers of disbursement of funds, allotment of land, issue of licences etc., then the office in question will entail disqualification.

3.3 The Committee, keeping in view the said recommendation, recommend that non-official members (including Members of Parliament, if nominated) of the said Corporation *may not be exempted* from disqualification for being chosen as, or for being, a Member of Parliament.

(2) The Assam State Development Corporation for Scheduled Castes and the Assam State Development Corporation for other Backward Classes.

3.4 The Committee note from the information furnished by State Government of Assam that non-official members of these Corporations will not be entitled to any remuneration. The Committee further note that the main function of the Corporations are to promote, establish, improve, develop, administer, own and run small, cottage and village industries based on agro-forestry, enterprises, agriculture, forestry, fisheries etc. for the development of SC/OBC. Corporations have also power to construct suitable houses and to advance money for setting up business, trade, profession for persons belonging to SC/OBC and assist them by grants,

subsidies, loans advances, to manage production training centres for upliftment and welfare of SC/OBC.

3.5 The shares of the Corporations shall be under the control of the Board of Directors who may allot or otherwise dispose of the same to such persons on such terms and conditions as they think fit.

3.6 Thus, functions of the Assam State Development Corporation for Scheduled Castes and the Assam State Development Corporation for other Backward Classes are executive and financial in nature. In this connection, attention of the Committee was drawn to their own recommendation made in their Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984 that if the body, in which an office is held, exercises executive functions or confers powers of disbursement of funds, allotment of land, issue of licences, etc., then the office in question will entail disqualification.

3.7 The Committee, keeping in view the said recommendation recommend that non-official members (including Members of Parliament, if nominated) of the said Corporations may not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

NEW DELHI;
29 May, 1995

8 Jyaishta, 1917(S)

CHIRANJI LAL SHARMA,
Chairman,
Joint Committee on Offices of Profit.

APPENDIX

MINUTES OF THE FORTY-THIRD SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

The Committee met on Tuesday, 20 December, 1994 from 1530 to 1630 hours in Room No. 145, Parliament House.

Present

Shri Chiranji Lal Sharma — *Chairman*

MEMBERS

2. Prof. Susanta Chakraborty
3. Shri Harisinh Pratapsinh Chavda
4. Shri Dau Dayal Joshi
5. Shri Roshan Lal
6. Shri S.B. Thorat
7. Shri S.K.T. Ramachandran

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri Ram Avtar Ram — *Deputy Secretary*
3. Shri J.P. Jain — *Under Secretary*

2. * * * * *

3. The Committee authorised the Chairman to present the Report to Lok Sabha on their behalf. The Committee also authorised the Chairman to arrange for laying of the Report in Rajya Sabha simultaneously.

4. The Committee then took up for consideration Memoranda Nos. 101 and 102 on certain Committees/Boards etc. constituted by State Government as follows:—

- (i) *The State Advisory Committee on Social Justice, Himachal Pradesh — Proposal to nominate Sarvashri K.D. Sultanpuri, M.P., Lok Sabha and Sushil Barongpa, MP, Rajya Sabha as non-official members thereof (one Chairman and one Member).*

(Memorandum No. 101)

5. The Committee noted that non-official Members of the State Advisory Committee on Social Justice would be provided with a Government vehicle, Secretarial assistance, space for office with telephone facilities at Shimla besides TA/DA as admissible to them under the rules. No salary or special allowance will, however, be paid to them for

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

performing this work. The functions of the Committee were to evaluate and suggest measures in respect of various social justice programmes such as poverty elevation, Social security schemes, PDS/RDPS Rural housing and sanitation. As such the functions performed by the Committee were *advisory in nature*. The Committee, therefore, recommended that non-official Members of the said Committee might *be exempted* from disqualification for being chosen as or for being a member of Parliament subject to condition that TD/DA proposed to be provided to them should not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

(ii) *Himachal Pradesh State Land Use and Waste Land Development Board — Nomination of Shri K.D. Sultanpuri, MP, as non-official member thereof*

(Memorandum No. 102)

6. The Committee noted that non-official members of the Board would perform journey by Rail, Road, Air and Steamer in order to participate in the meetings of the said Board as and when fixed by the Chairman and shall be entitled to TA/DA on the same scale as admissible to them under Salary, Allowances and Pension of Members of Parliament Act, 1954 as amended from time to time. The functions and powers of the said Committee were to assess the land resources and matters relating to Soil Conservation, Water logging and Intensive Use of Irrigation Areas in the State to formulate a perspective plan and programme and guidelines for the development of Wasteland/Afforestation for the State within the National/State Forest Policy. As such the functions performed by the Committee were *advisory in nature*. The Committee therefore, recommended that the non-official members of the said Committee *might be exempted* from disqualification for being chosen as or for being a Member of Parliament subject to condition that the TA/DA proposed to be provided to Members of the Board should not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee then adjourned.

MINUTES OF THE FORTY-FOURTH SITTING OF THE JOINT
COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

The Committee met on Tuesday, 3 January, 1995 from 1500 to 1540 hours in Committee Room 'B', Parliament House Annexe.

PRESENT

Shri Chiranji Lal Sharma — *Chairman*

MEMBERS

2. Shri Harisinh Pratapsinh Chavda
3. Shri Mohan S. Delkar
4. Shri Dau Dayal Joshi
5. Shri D.K. Naikar
6. Shri S.B. Thorat
7. Shri Makhan Lal Fotedar
8. Shri S.K.T. Ramachandran

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri Ram Autar Ram — *Deputy Secretary*

2. The Committee took up for consideration Memorandum No. 103 with regard to nominations of members on—

Himachal Pradesh District Welfare Committees—Proposal to nominate following members of Parliament as non-official members thereof:—

Lok Sabha

Shri D.D. Khanoria	Kangra
Shri P.K. Dhumal	Hamirpur
Shri K.D. Sultanpuri	Solan Districts

Rajya Sabha

Shri Maheshwar Singh	Kullu
Shri Sushil Barongpa	Lahul Spiti Districts

(Memorandum No. 103)

3. The Committee were not satisfied with the information furnished by the Government of Himachal Pradesh. They therefore desired to call for further information including a copy of the notification as the matter required detailed study before arriving at the final decision. The Committee, therefore, postponed consideration of the Memorandum till receipt of the full information from the Himachal Pradesh Government.

Himachal Pradesh State Land Use and Wasteland Development Board—Proposal to nominate Shri Sushil Barongpa, MP, Rajya Sabha as non-official member thereof.

(Memorandum No. 104)

4. The Committee then considered Memo. No. 104 and noted from the information furnished by State Government of Himachal Pradesh that the main functions of the Committee were to assess the land resources and matters relating to Soil Conservation and Water logging and Intensive Use of Irrigation Areas in the State. It would also formulate a perspective plan and programme and guidelines for the development of Wasteland/Afforestation for the State within the National/State Forest Policy. As such the functions performed by the Board were advisory in nature.

The Committee further noted that non-official members (Members of Parliament) of the Himachal Pradesh State Land Use and Wasteland Development Board would be entitled to perform journey by rail, road, air and steamer in order to participate in the meetings of the said Board as and when fixed by the Chairman. They would be entitled to TA/DA on the same scale as admissible to them under the Salary, Allowances and Pension of Members of Parliament Act, 1954, as amended from time to time.

Attention of the Committee was drawn to the relevant clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959, which has declared certain offices of profit not to disqualify the holder thereof for being chosen as or for being a member of Parliament.

Accordingly, the Committee held that the non-official member (Member of Parliament, if nominated) of the said Board might be exempted from disqualification for being chosen as or for being, a Member of Parliament subject to condition that TA/DA proposed to be provided to them, should not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

High Powered Co-ordination and Review Committee for the Welfare of Scheduled Castes and Scheduled Tribes at State level Proposal to nominate Shri Krishan Dutt Sultanpuri, Member, Lok Sabha as non-official member thereof (Himachal Pradesh).

(Memorandum No. 105)

5. The Committee thereafter considered Memorandum No. 105 and noted from the information furnished by the State Government of Himachal Pradesh that main functions of the High Powered Co-ordination and Review Committee for the welfare of Scheduled Castes and Scheduled Tribes were to ensure implementation of developmental programmes and safeguards provided for the Scheduled Castes/Tribes

and to issue general guidelines and directions in all vital matters concerning the SC/ST.

The Committee further noted that non-official members of the High Powered Co-ordination and Review Committee were paid TA/DA as admissible to them under the Salary, Allowances and Pension of Members of Parliament Act, 1954. In this connection, attention was drawn of the Committee to the relevant clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of Profit not to disqualify the holder thereof for being chosen as or for being a Member of Parliament. The functions of the Review Committee were found to be advisory in nature. The Committee accordingly held that the non-official members (including Member of Parliament, if nominated) of the High Powered Co-ordination and Review Committee might be exempted from disqualification for being chosen as or for being a Member of Parliament.

Committee for implementation and Co-ordination of 20-Point Economic Programme at District Level, Rajasthan—Proposal to nominate Shrimati Krishnendra Kaur (Deepa) as member thereof.

(Memorandum No. 106)

6. The Committee then considered Memorandum No.106 and noted from the information furnished by the State Government of Rajasthan that non-official members of the Committee for Implementation and Co-ordination of 20-Point Economic Programme at District Level, Rajasthan were not paid any remuneration and do not enjoy executive, legislative financial or judicial powers. Since the said Committee were advisory in nature, the Committee took in view, clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as or for being, a Member of Parliament and held that the non-official members (Member of Parliament) of the said Committee may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

The Committee then adjourned.

**MINUTES OF THE FORTY-FIFTH SITTING OF THE JOINT
COMMITTEE ON OFFICES OF PROFIT
(TENTH LOK SABHA)**

The Committee met on Tuesday, 17 January, 1995 from 1500 to 1530 hours in Committee Room 'B' Parliament House Annexe, New Delhi.

PRESENT

Shri Chiranji Lal Sharma — Chairman

MEMBERS

2. Shri D.K. Naikar
3. Shri Roshan Lal
4. Shri E. Balanandan
5. Shri Makhan Lal Fotedar

SECRETARIAT

1. Shri Ram Autar Ram — *Deputy Secretary.*
2. Shri J..P. Jain — *Under Secretary*

2. * * * * *

*Assam Plains Tribes Development Corporation Limited (APTDC)
(Memorandum No. 107)*

3. The Committee then considered Memorandum No. 107 and noted from the information furnished by the State Government of Assam that the non-official members of the Assam Plains Tribes Development Corporation Limited would not be entitled to any remuneration. The Committee also noted that the main function of the Assam Plains Tribes Development Corporation Limited were to construct suitable houses for Scheduled Tribes and Backward Classes. The Corporation have also power to advance loans, provide hire purchase facilities and to promote and setting up of business and trades for the development of persons belonging to scheduled tribes and backward classes. The Board of Directors shall have power to allot or otherwise dispose of the shares of the Corporation to such persons on such terms and conditions as they deem fit. As such, functions of the Assam Plains Tribes Development Corporation Limited were executive and financial in nature.

In this connection, attention of the Committee were drawn to its own recommendation made in Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984 that if the body, in which an office is held,

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

exercises executive functions or confers powers of disbursement of funds, allotment of land, issue of licences etc., then the office in question will entail disqualification.

The Committee, keeping in view the said recommendation, recommended that non-official members (including Members of Parliament, if nominated) of the said Corporation *might not be exempted* from disqualification for being chosen as, or for being a Member of Parliament.

The Assam State Development Corporation for Scheduled Castes (ASDC for SC) and the Assam State Development Corporation for other Backward Classes (ASDC for OBC)

(Memorandum No. 108)

4. The Committee, thereafter considered Memorandum No. 108 and noted from the information furnished by State Government of Assam that non-official members of the Corporation would not be entitled to any remuneration. The Committee further noted that the main functions of the Corporations were to promote, establish, improve, develop, administer, own and run small, cottage and village industries based on agro-forestry, enterprises, agriculture, forestry, fisheries etc. for the development of SC/OBC. Corporations have also power to construct suitable houses and to advance money to setting up business, trade, profession for persons belonging to SC/OBC and assist them by grants, subsidies, loans, advances, to manage production training centres for upliftment and welfare of SC/OBC.

5. The shares of the Corporations shall be under the control of the Board of Directors who may allot or otherwise dispose of the same to such persons on such terms and conditions as they think fit.

6. As such, functions of the Assam State Development Corporation for Scheduled Castes (ASDC for SC) and the Assam State Development Corporation for other Backward Classes (ASDG for OBC) were executive and financial in nature. In this connection, attention of the Committee was drawn to its own recommendation made in Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984 that if the body, in which an office is held, exercises executive functions or confers powers of disbursement of funds allotment of land, issue of licences etc., then the office in question will entail disqualification.

7. The Committee, kept in view the said recommendation and accordingly recommended that non-official members (including Members of Parliament, if nominated) of the said Corporations might not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

8. *The Committee then adjourned to meet again on 27 January, 1995.*

**MINUTES OF THE FORTY-SIXTH SITTING OF THE JOINT
COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)**

The Committee met on Friday, 27 January, 1995 from 1500 to 1540 hours in Committee Room No. 50, Parliament House, New Delhi.

PRESENT

Shri Chiranji Lal Sharma — Chairman

MEMBERS

2. **Shri Harisinh Pratapsinh Chavda**
3. **Shri D.K. Naikar**
4. **Shri Ram Chandra Rath**
5. **Shri Roshan Lal**
6. **Shri E. Balanandan**
7. **Shri Makhan Lal Fotedar**
8. **Shri S.K.T. Ramachandran**

SECRETARIAT

1. **Shri G.C. Malhotra — Joint Secretary**
2. **Shri Ram Autar Ram — Deputy Secretary**
3. **Shri J.P. Jain — Under Secretary**

(i) State Level Co-ordination Committee for District Industries Centres (DICs), Assam.

(Memo. No. 109)

(ii) State Level Advisory Committee on Implementation of the Twenty Point Programme, Assam.

(Memo. No. 110)

National Road Safety Council (Ministry of Surface Transport).

(Memo. No 111)

2. At the outset the Committee considered Memoranda Nos. 109 and 110 and expressed dissatisfaction with the incomplete information furnished by the State Government of Assam. The Committee, therefore, desired to call for further information including amount of TA/DA provided to the non-official members of these Committees as the matter required detailed study before arriving at the final decision. The Committee, therefore, postponed consideration of the Memoranda till receipt of the full information from the State Government of Assam.

3. The Committee then considered Memorandum No. 111 and noted from the information furnished by the Ministry of Surface Transport that

the non-official members of the National Road Safety Council would be entitled to draw TA/DA admissible as per rules to Grade I officers of the Government of India and would be borne by the Central Government. The Committee further noted that the main functions of the Council were to advise on all matters pertaining to planning and co-ordination of policies, standards of safety in the road transport sector, and to oversee and monitor through Central Level Road Safety Cell the road safety measures undertaken by State/Union Territory agencies. As such, functions of National Road Safety Council were advisory in nature. The attention of the Committee was drawn to the relevant Clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959, which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as or for being, a member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance.

4. The Committee, keeping in view the above, recommended that non-official members (Members of Parliament) of the said Council might be exempted from disqualification for being chosen as, or for being, a member of Parliament subject to condition that amount of TA/DA provided to the non-official Members of the Council should not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee then adjourned.

**MINUTES OF THE FORTY-SEVENTH SITTING OF THE JOINT
COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)**

The Committee met on Monday, 29 May, 1995 from 1530 to 1615 hours in Room No. 145, Third Floor, Parliament House, New Delhi.

PRESENT

Shri Chiranji Lal Sharma —Chairman

MEMBERS

2. **Shri Dau Dayal Joshi**
3. **Shri Roshan Lal**
4. **Shri Makhan Lal Fotedar**
5. **Shri Sarada Mohanty**

SECRETARIAT

1. **Shri Ram Autar Ram — Deputy Secretary**
2. **Shri J.P. Jain — Under Secretary**

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

3. The Committee authorised the Chairman to present the Report to Lok Sabha on their behalf. The Committee also authorised the Chairman to arrange for laying of the Report in Rajya Sabha simultaneously.

The Committee then adjourned.

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