

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



Presented to Lok Sabha on 22.12.95

Laid in Rajya Sabha on 22.12.95

LOK SABHA SECRETARIAT
NEW DELHI

December, 1995/Agrahayana, 1917 (Saka)

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CONTENTS

	PAGE
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT	(iii)
INTRODUCTION.....	(v)
CHAPTER I Nomination of Members of Parliament on State Bodies—	1
1. State Planning Board, Rajasthan	1
2. Assam Plains Tribes Development Corporation	1
3. Committees for Implementation and Coordination of 20-Point Economic Programme at district level, Bundi, Rajasthan	2
4. Dang Area Development Board, Rajasthan	3
CHAPTER II Incurring of disqualification by non-official members of Central Bodies—	4
1. Gosamvardhana Advisory Council— Ministry of Agriculture (Department of Animal Husbandry and Dairying)	4
2. Central Advisory Committee for development of Sheep, Goats and Rabbits — Ministry of Agriculture (Department of Animal Husbandry and Dairying).....	4
APPENDIX	
Minutes of the sittings of the Committee	6

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

COMPOSITION OF THE COMMITTEE

Shri Chiranji Lal Sharma — *Chairman*

MEMBERS

Lok Sabha

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

Rajya Sabha

- \$11. Shri E. Balanandan
- &12. Shri Makhan Lal Fotedar
- &13. Shri Digvijay Singh
14. Vacant
15. Vacant

SECRETARIAT

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

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

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

\$Re-elected by Rajya Sabha on 15.12.1994.

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

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 Eleventh Report.

2. The matters covered by the Report were considered by the Committee at their sittings held on 22 September and 11 October, 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 19.12.95.

NEW DELHI;
19 December, 1996

28 Agrahayana, 1917 (Saka)

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

CHAPTER I

NOMINATION OF MEMBERS OF PARLIAMENT ON STATE BODIES

- (1) *State Planning Board, Rajasthan—Proposal to nominate S/Shri Ram Niwas Mirdha, Shiv Charan Mathur and Jaswant Singh, MPs as non-official members thereof***

1.1 The Committee considered the request from the Government of Rajasthan, seeking approval of the Hon'ble Speaker, Lok Sabha for nomination of Sarvashri Ram Niwas Mirdha, Shiv Charan Mathur and Jaswant Singh, Members of Parliament as non-official members of State Planning Board, Rajasthan.

1.2 The Committee note from the information furnished by the Government of Rajasthan that non-official members of the Board would be paid TA equivalent to 1st Class heads of Departments of the State Government. The payment of TA is covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.3 The Committee further note that the main functions of the Board are long term planning, policy formulation for development, determination of plan priorities and also to identify regional imbalances of various sectors of development and to suggest measures to correct the same. The Committee find that functions performed by the said Board are advisory in nature.

1.4 Keeping 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 provided the amount of TA/DA does not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959, the Committee recommend to exempt the non-official members (including Members of Parliament) of the State Planning Board, Rajasthan from disqualification for being chosen as, or for being, Members of Parliament.

- (2) *Board of Directors of Assam Plains Tribes Development Corporation Limited—Proposed nomination of Shri Bolin Kuli, MP as Chairman thereof***

1.5 The Committee note from the information furnished by the State Government of Assam that the non-official Chairman of Assam Plains Tribes Development Corporation is to be paid an honorarium of Rs. 1000/ p.m.

CHAPTER II

INCURRING OF DISQUALIFICATION BY NON-OFFICIAL MEMBERS OF CENTRAL BODIES

(1) *Gosamvardhana Advisory Council—Ministry of Agriculture (Department of Animal Husbandry and Dairying)*

2.1 The Committee note from the information furnished by the Ministry of Agriculture (Department of Animal Husbandry and Dairying) that non-official members (including Members of Parliament) of the Gosamvardhana Advisory Council are paid TA/DA for attending the meeting as per rules which is covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.2 The Committee further note that the main functions of the Council are to review from time to time the schemes relating to the preservation, development, breeding, feeding and marketing of cattle; to review and coordinate the activities of the various official and non-official institutions and to undertake promotional activities for development of cattle. As such, the Committee found that the functions of the said council are advisory in nature.

2.3 Keeping in view the provisions of clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the TA/DA to be provided to such member does not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act, the Committee recommend to exempt the non-official members (Members of Parliament) of the said Council from disqualification for being chosen as, or for being, Members of Parliament.

(2) *Central Advisory Committee for development of Sheep, Goats and Rabbits — Ministry of Agriculture (Department of Animal Husbandry and Dairying)*

2.4 The Committee note from the information furnished by the Ministry of Agriculture (Department of Animal Husbandry and Dairying) that the non-official members (including Members of Parliament) of the Central Advisory Committee for development of Sheep, Goats and Rabbits are entitled to TA/DA for attending the meetings as per rules which is covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.5 The Committee also note that the main functions of the Committee are to advise the Central Government on various development programmes relating to Sheep, Goats and Rabbits and also to consider problems of marketing and the policies relating to import/export of Sheep, Goat and Rabbit. Thus the Committee find that the functions performed by the said Committee are advisory in nature.

2.6 Keeping in view Clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the TA/DA to be provided to such member does not exceed the 'Compensatory Allowance' as defined in section 2(a) of the said Act, the Committee recommend to exempt non-official members (Members of Parliament) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

NEW DELHI;
19 December, 1995

28 Agrahayana, 1917 (Saka)

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

APPENDIX

(Vide Para 2 of the Report)

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

The Committee met on Friday, 22 September, 1995 from 1130 hours to 1230 hours in Committee Room 'E' Parliament House Annexe, New Delhi.

PRESENT

Shri Chiranji Lal Sharma — Chairman

MEMBERS

- 2. Shri Ram Chandra Rath**
- 3. Shri Roshan Lal**
- 4. Shri Thota Subba Rao**
- 5. Shri E. Balananda,**
- 6. Shri Makhan Lal Fotedar**

SECRETARIAT

Shri Ram Autar Ram — Deputy Secretary

State Planning Board, Rajasthan — Proposal to nominate S/Shri Ram Niwas Mirdha, Shiv Charan Mathur and Jaswant Singh, MPs, Lok Sabha as non-official members thereof (Memorandum No. 126).

The Committee took up for consideration Memorandum No. 126 and noted from the information furnished by the State Government of Rajasthan that non-official members of the State Planning Board, Rajasthan would be paid TA equivalent to 1st Class Heads of Departments of the State Government. The payment of TA is covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee further noted that the main functions of the Board are long term planning, policy formulation for development, determination of plan priorities and also to identify regional imbalances of various sectors of development and to suggest measures to correct the same. Thus, the Committee found that the functions performed by the said Board were advisory in nature.

The Committee, therefore recommended to exempt the non-official members (including Members of Parliament) from disqualification for being chosen as, or for being, Members of Parliament.

Board of Directors of Assam Plains Tribes Development Corporation Limited — Proposed nomination of Shri Bolin Kuli, M.P. as Chairman thereof (Memorandum No. 127)

The Committee then considered Memorandum No. 127 and noted from the information furnished by the State Government of Assam that the non-official Chairman of Assam Plains Tribes Development Corporation is to be paid an honorarium of Rs. 1000/- P.M. besides TA as per rate applicable to Class I Officer. He is also allotted a car with 75 litres of P.O.L. P.M. The Committee observed that honorarium and facility of a car attached with the post of Chairman exceeded the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the functions of the Board of Directors are to authorise the undertaking of works of a capital nature, to purchase, to take on lease or otherwise acquire for the Corporation any property, rights or privileges, to invest and deal with any moneys of the Corporation, to distribute money by way of bonus or ex-gratia payment amongst the staff, to appoint staff for the management or transaction of the affairs of the Corporation. The Committee further noted that the Board of Directors shall have the 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, the functions of the Assam Plains Tribes Development Corporation Limited were executive and financial in nature.

The Committee recalled that they had already examined Assam Plains Tribes Development Corporation at their sitting held on 17 January, 1995 and recommended that the non-official members (including Members of Parliament) of the said Corporation might not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

The Committee observed that as far as the office of the Chairman of the said Corporation is concerned, it is neither covered under Clause (h) nor under Clause (i) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, if the holder of such office was not entitled to any remuneration other than 'Compensatory Allowance'.

The Committee, in view of the above, recommended not to exempt a Member of Parliament holding the office of Chairman of the Assam Plains

Tribes Development Corporation from disqualification for being chosen as, or for being, a Member of Parliament.

Committee for Implementation and Coordination of 20 Point Economic Programme at district level, Bundi, Rajasthan — Proposal to nominate Shri Dau Dayal Joshi, M.P. as member thereof. (Memorandum No. 128)

The Committee, thereafter, considered Memorandum No. 128 and noted from the information furnished by the State Government of Rajasthan that non-official members (including Member of Parliament) of the Committee for Implementation and Coordination of 20-Point Economic Programme for district Bundi, Rajasthan were not paid any remuneration.

The Committee further noted that the main functions of the said Committee are to review the progress of the 20-Point Programme at district level and it does not exercise executive, legislative or judicial powers. Thus, the Committee found that the functions of the said Committee were advisory in nature.

Keeping in view, clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the TA/DA to be provided to such member does not exceed the 'compensatory allowance' as defined in section 2(a) of the said Act, the Committee recommended to exempt non-official members (Members of Parliament, if nominated) of the said Committee from disqualification for being chosen as, or for being, a Member of Parliament.

The Committee then adjourned to meet again on *Wednesday, the 11 October, 1995.*

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

The Committee met on Wednesday, 11 October, 1995 from 1530 hours to 1620 hours in Committee Room No. 53, Parliament House, New Delhi.

PRESENT

Shri Chiranji Lal Sharma — *Chairman*

MEMBERS

2. **Shri Harisinh Pratapsinh Chavda**
3. **Shri Ram Chandra Rath**
4. **Shri Roshan Lal**
5. **Shri Thota Subba Rao**
6. **Shri E. Balanandan**
7. **Shri Makhan Lal Fotedar**

SECRETARIAT

Shri J.P. Jain — *Under Secretary*

Gosamvardhana Advisory Council — Ministry of Agriculture (Department of Animal Husbandry and Dairying) (Memorandum No. 129)

The Committee took up for consideration Memorandum No. 129 and noted from the information furnished by the Ministry of Agriculture (Department of Animal Husbandry and Dairying) that non-official members (including Members of Parliament) of the Gosamvardhana Advisory Council are paid TA/DA for attending the meeting as per rules which is covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2. The Committee further noted that the main functions of the Council are to review from time to time the schemes relating to the preservation, development, breeding, feeding and marketing of cattle; to review and coordinate the activities of the various official and non-official institutions and to undertake promotional activities for the development of cattle. Thus, the Committee found that the functions of the said Council were advisory in nature.

3. The Committee, therefore, recommended to exempt the non-official members (Members of Parliament) of the Council from disqualification for being chosen as, or for being, Members of Parliament.

Central Advisory Committee for development of Sheep, Goats and Rabbits—Ministry of Agriculture (Department of Animal Husbandry and Dairying) (Memorandum No. 130)

4. The Committee then considered Memorandum No. 130 and noted from the information furnished by the Ministry of Agriculture (Department of Animal Husbandry and Dairying) that the non-official members (including Members of Parliament) of the Central Advisory Committee for development of Sheep, Goats and Rabbits are entitled to TA/DA for attending the meetings as per rules which is covered by the Compensatory Allowance as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

5. The Committee also noted that the main functions of the Committee are to advise the Central Government on various development programmes relating to Sheep, Goats and Rabbits and also to consider problems of marketing and the policies relating to import/export of Sheep, Goat and Rabbit. Thus the Committee found that the functions performed by the said Committee were advisory in nature.

6. The Committee, therefore, recommended to exempt non-official members (Members of Parliament) from disqualification for being chosen as, or for being, Members of Parliament.

Dang Area Development Board, Rajasthan — Proposal to nominate the following Members of Parliament as non-official members thereof —

1. Shri Dau Dayal Joshi - Kota
2. Shri Ganga Ram Koli - Bayana
3. Shri Kunji Lal Meena - Sawai Madhopur
4. Smt. Vasundhara Rajc - Jhalawar

(Memorandum No. 131)

7. The Committee, thereafter, considered Memorandum No. 131 and noted from the information furnished by the State Government of Rajasthan that non-official members (including Members of Parliament) of the Dang Area Development Board were not paid any remuneration.

8. The Committee further noted that the main functions of the said Board are to examine the progress of Dang area and also to approve the works to be initiated in the Dang area. Thus, the Committee found that the functions of the said Board were advisory in nature.

9. Keeping in view, Clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the TA/DA to be provided to such member does not exceed the 'Compensatory Allowance' as defined in Section 2(a)

of the said Act, the Committee recommended to exempt non-official members (Members of Parliament) of the said Board from disqualification for being chosen as, or for being, Members of Parliament.

The Committee then adjourned to meet again on Monday, the 30 October, 1995.

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

The Committee met on Tuesday, 19 December, 1995 from 1530 hours to 1620 hours in Chairman's Room No. 145, Third Floor, Parliament House, New Delhi.

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 Makhan Lal Fotedar

SECRETARIAT

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

2. The Committee considered and adopted their three Draft Reports *i.e.* Tenth, Eleventh and Twelfth Reports.

3. The Committee authorised the Chairman and, in his absence, Shri Roshan Lal, MP to present the Reports to Lok Sabha on their behalf.

4. The Committee also authorised Shri E. Balanandan, MP. and in his absence Shri Digvijay Singh, MP to lay the Reports on the Table of Rajya Sabha.

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The Committee then adjourned to meet again on 5 January, 1996.

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

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