

JOINT COMMITTEE ON OFFICES OF PROFIT

TWELFTH 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)

Price : Rs. 10.00

CONTENTS

	PAGE
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT	(ii)
INTRODUCTION	(iii)
CHAPTER I Nomination of Members of Parliament on State Body	1
1. State Level Child Board, Rajasthan	
CHAPTER II Incurring of disqualification by non-official Members of Central / State Bodies	2
1. State Level Advisory Committee on Implementation on Twenty Point Programme.	
2. Hindi Salahakar Samiti (Ministry of Water Resources).	
APPENDIX	
Minutes of the sittings of the Committee	4

**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 Dau Dayal Joshi
- *5. Shri Mohan S. Delkar
6. Shri D.R. 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 —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. Kuppuswamy 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 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 Twelfth Report.

2. The matters covered by the Report were considered by the Committee at their sitting held on 30 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 Governments 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 there 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, 1995

28 Agrahayana, 1917 (Saka)

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

CHAPTER I

NOMINATION OF MEMBERS OF PARLIAMENT ON STATE BODY

*State Level Child Board, Rajasthan—Proposal to nominate
Smt. Krishnendra Kaur, M.P. as a member thereof.*

1.1 The Committee considered the request from the Government of Rajasthan, seeking approval for nomination of Smt. Krishnendra Kaur, Member, Lok Sabha as a member of State Level Child Board, Rajasthan.

1.2 The Committee note from the information furnished by the State Government of Rajasthan that the non-official members of the State Level Child Board, Rajasthan are not paid any TA/DA or remuneration.

1.3 The Committee further note that the functions of the Board are mainly to co-ordinate and integrate efforts relating to Child Welfare. The Committee find that the functions performed by the said Board are advisory in nature.

1.4 Keeping in view relevant clause (h) of Section 8 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 amount of TA/DA provided to the non-official members of the Board should not exceed the 'compensatory allowance' as defined in Section 2(a) of the said Act, the Committee recommend to exempt non-official members (including Members of Parliament) of the said Board from disqualification for being chosen as, or for being, a Member of Parliament.

CHAPTER II

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

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

2.1 The Committee note from the information furnished by the State Government of Assam that the non-official members of the State Level Advisory Committee on Implementation of the Twenty Point Programme, Assam are entitled to get TA/DA at the rates admissible to Government servants of senior grade 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 also note that the State Level Advisory Committee do not exercise any executive, legislative, judicial or financial powers. The Committee further note that the functions of the Committee are advisory in nature.

2.3 Keeping in view relevant 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 amount of TA/DA provided to the non-official members of the Committee should not exceed the 'compensatory allowance' as defined in Section 2(a) of the said Act, the Committee recommend to exempt non-official members (including Members of Parliament) of the said Committee from disqualification for being chosen as, or for being Members of Parliament.

(2) Hindi Salahakar Samiti (Ministry of Water Resources)

2.4 The Committee note from the information furnished by the Ministry of Water Resources that the non-official members of Hindi Salahakar Samiti will be paid TA/DA for attending the meetings of the Samiti at the rates fixed by the Government of India.

2.5 The Committee also note that the main functions of the Hindi Salahakar Samiti are to advise the Ministry on matters relating to progressive use of Hindi for official purpose and allied issues. Thus, the functions performed by the Samiti are advisory in nature.

2.6 Keeping in view the relevant 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 amount of TA/DA provided to the non-official members of the Samiti should not exceed the 'compensatory allowance' as defined in Section 2(a) of the said Act, the Committee recommend to exempt non-official members (including Members of Parliament) of the said Samiti 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-FIFTH SITTING OF THE JOINT
COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)**

The Committee met on Thursday, 30 October, 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. Shri Dau Dayal Joshi
3. Shri Roshan Lal
4. Shri E. Balanandan
5. Shri Makhan Lal Fotcdar
6. Shri Digvijay Singh

SECRETARIAT

- | | |
|-----------------------|---------------------------|
| 1. Shri Ram Autar Ram | — <i>Deputy Secretary</i> |
| 2. Shri J.P. Jain | — <i>Under Secretary</i> |

State Level Advisory Committee on Implementation of the Twenty-Point Programme, Assam (Memorandum No. 132)

The Committee took up for consideration Memorandum No. 132 and noted from the information furnished by the State Government of Assam that the non-official members of the Committee are entitled to get TA/DA at the rates admissible to Government servants of senior grade 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 State Level Advisory Committee do not exercise any executive, legislative, judicial or financial powers. Thus, the Committee found that the functions of the Committee are advisory in nature.

Keeping in view relevant 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 amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act, the Committee recommended to exempt non-official members (including Members of Parliament) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

Hindi Salahakar Samiti (Ministry of Water Resources) (Memorandum No. 133)

The Committee then considered Memorandum No. 133 and noted from the information furnished by the Ministry of Water Resources that the non-official members of Hindi Salahakar Samiti will be paid TA/DA for attending the meetings of the Samiti at the rates fixed by the Government of India.

The Committee also noted that the main functions of the Hindi Salahakar Samiti are to advise the Ministry on matters relating to

progressive use of Hindi for official purpose and allied issues. Thus, the Committee found that the functions performed by the Samiti were advisory in nature.

Keeping in view relevant 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 amount of TA/DA provided to the non-official members of the Samiti should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act, the Committee recommended to exempt non-official members (including Members of Parliament) of the said Samiti from disqualification for being chosen as, or for being, Members of Parliament.

State Level Child Board Rajasthan— Proposal to nominate Smt. Krishnendra Kaur, M.P. as a member thereof (Memorandum No. 134)

The Committee, thereafter, considered Memorandum No. 134 and noted from the information furnished by the State Government of Rajasthan that the non-official members of the State Level Child Board, Rajasthan were not paid any TA/DA or remuneration.

The Committee further noted that the functions of the Board are mainly to coordinate and integrate efforts relating to Child Welfare and thus advisory in nature.

Keeping in view relevant 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 amount of TA/DA provided to the non-official members of the Board should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act, the Committee recommended to exempt non-official members (including Members of Parliament) of the said Board from disqualification for being chosen as, or for being, a Member of Parliament.

The Committee then adjourned to meet again on 16 November, 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.

• • • • •

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

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

© 1996 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of
Business in Lok Sabha (Seventh Edition) and printed by the Manager,
P.L. Unit, Govt. of India Press, Minto Road, New Delhi.
