

# **JOINT COMMITTEE ON OFFICES OF PROFIT**

## **TENTH REPORT**

**(SEVENTH LOK SABHA)**

**ON**

**THE DRAFT PARLIAMENT (PREVENTION OF  
DISQUALIFICATION) AMENDMENT BILL, 1983**



**Presented to Lok Sabha on 7th May, 1984**

**Laid in Rajya Sabha on 7th May, 1984**

**LOK SABHA SECRETARIAT  
NEW DELHI**

**May, 1984/Vaisakha, 1906 (Saka)**

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Published under Rule 382 of the Rules of Procedure and Conduct  
of Business in Lok Sabha (Sixth Edition) and printed by  
M/s. Sunlight Printers, 2265, Dr. Sen Marg, Delhi-6 Ph. : 233363

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CORRIGENDUM  
TO  
THE TENTH REPORT OF THE JOINT COMMITTEE  
ON OFFICES OF PROFIT (SEVENTH LOK SABHA)

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# C O N T E N T S

	PAGE
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT ...	(iii)
REPORT OF THE JOINT COMMITTEE	
I. Introduction ...	1
II. Background ...	3
III. Scheme of the Schedules ...	5
IV. Disqualification of directorship/membership of certain bodies ...	-6
V. Deletion/transposition of certain bodies from the Schedules ...	9
VI. Style of indicating names of bodies included in the Schedules ...	11
VII. Non-inclusion of certain bodies in the Schedules ...	14
VIII. Bodies for which further verifications are required before final inclusion in the Schedules ...	16
IX. Miscellaneous ...	18
A. General Recommendations/Guidelines ...	20
B. Conclusion ...	23
APPENDIX-	
I. Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983. ...	24
II. Comments on the points raised by the Ministry of Law, Justice and Company Affairs while forwarding the draft Bill ...	57
III. Minutes of the sittings of the Joint Committee ...	71

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

**COMPOSITION OF THE JOINT COMMITTEE**

Shri Gulsher Ahmed—*Chairman*

**MEMBERS**

*Lok Sabha*

- \*2. Shri Ajitsinh Dabhi
- 3. Shri Harish Kumar Gangwar
- 4. Shri Krishna Chandra Halder
- 5. Shri Virdhi Chander Jain
- 6. Shri Jamilur Rahman
- 7. Shri Rashid Masood
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- 9. Shri N. K. Shejwalkar
- 10. Shri Nandi Yellaiah

*Rajya Sabha*

- 11. Shri Syed Rahmat Ali
- @12. Shri Dinesh Goswami
- @13. Shri Robin Kakati
- \*\*14. Lakhan Singh
- \*\*\*15. Shri Ram Bhagat Paswan

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\*Elected by Lok Sabha on 21st July, 1982 *vice* Shri Jagan Nath Kaushal resigned from the Committee.

@Ceased to be member of the Joint Committee on his retirement from Rajya Sabha on 9th April, 1984.

\*\*Ceased to be member of the Joint Committee on his retirement from Rajya Sabha on 2nd April, 1984.

\*\*\*Elected by Rajya Sabha on 11th August, 1982 *vice* Prof. N. M. Kamble ceased to be member of the Joint Committee on his retirement from that House.

## **SECRETARIAT**

**Shri D. C. Pande—Joint Secretary**

**Shri S. P. Gupta—Chief Personnel and  
Executive Officer**

**Shri S. D. Kaura—Chief Legislative  
Committee Officer**

**Shri S. S. Chawla—Senior Legislative  
Committee Officer**



# REPORT OF THE JOINT COMMITTEE

## I

### INTRODUCTION

1.1 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 Tenth Report of the Committee on the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 (Appendix I).

1.2 The Joint Committee on Offices of Profit (Seventh Lok Sabha) at their sitting held on 26th February, 1981 desired that the Ministry of Law, Justice and Company Affairs might draft a Bill to give effect to all the recommendations made by the Committee since the Second Lok Sabha and place the same before them for their scrutiny and comments before such an amending Bill was introduced in Lok Sabha.

1.3 In pursuance of the above decision, the Ministry of Law, Justice and Company Affairs forwarded to the Lok Sabha Secretariat on 19th May, 1983, the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 seeking to implement the recommendations of the Joint Committee on Offices of Profit contained in forty Reports presented during the terms of the Second Lok Sabha to Seventh Lok Sabha [Five Reports each presented during the Second and Third Lok Sabha, Seven Reports during the Fourth Lok Sabha, nineteen Reports during the Fifth Lok Sabha and four Reports during the Seventh Lok Sabha upto 11th August, 1982. The Committee was not constituted during the Sixth Lok Sabha].

The Ministry, while forwarding the Bill, had also sought certain clarifications *vide* their O.M. dated 19th May, 1983. The Committee considered the points raised therein at their sittings held on 6th October and 20th December, 1983 and finalised their comments thereon as per details given in the *Appendix II*.

1.4 At their sitting held on the 28th June, 1983 the Chairman apprised the Committee about the receipt of the Draft Bill from the Ministry of Law, Justice and Company Affairs. He also informed that the Bill would be placed

before the Joint Committee for consideration, after its provisions had been examined by the Secretariat.

1.5 The Committee heard oral evidence of the representatives of the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs and Legislative Department) at their sitting held on the 26th October, 1983.

1.6 The Committee wish to express their thanks to the Secretaries, Legislative Department and Department of Legal Affairs, Ministry of Law, Justice and Company Affairs for giving evidence before the Committee and furnishing the desired information in connection with the examination of the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983.

1.7 The Committee considered the draft Bill at their sittings held on the 6th and 26th October and 20th December, 1983 and 3rd, 4th and 16th January, 1984.

1.8 The Committee considered and adopted the Report on 27th April, 1984. The Minutes of the sitting which form *part* of the Report are appended to it (*Appendix III*).

## II

### BACKGROUND

2.1 Article 102 (1) (a) of the Constitution of India provides that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder.

2.2 The offices declared by Parliament to be exempt from disqualification for membership of Parliament are laid down in Section 3 of the Parliament (Prevention of Disqualification) Act, 1959. Under clause (i) of Section 3 of the Act, the office of Chairman, director or member of any statutory or non-statutory body other than any such body as is referred to in clause (h) is exempt from disqualification if the holder of such office is not entitled to any remuneration other than 'compensatory allowance', but the following offices have been specifically excluded from exemption :—

- (i) the office of chairman of any statutory or non-statutory body specified in Part I of the Schedule to the Act, and
- (ii) the office of chairman or secretary of any statutory or non-statutory body specified in Part II of the Schedule to the Act.

2.3 On the 21st October, 1973, the Government introduced in Lok Sabha the Parliament (Prevention of Disqualification) Amendment Bill, 1973. The Bill sought to implement the recommendations of the Joint Committee made in their reports presented during the Second, Third and Fourth Lok Sabha. The amending Bill was passed by Lok Sabha on the 17th December, 1974 and transmitted to Rajya Sabha on the 18th December, 1974. While the Bill was pending in Rajya Sabha, Lok Sabha was dissolved on the 18th January, 1977 and the Bill lapsed.

2.4 The Draft Bill, 1983, under examination seeks to amend Section 3 of the principal Act by substituting two Schedules in place of one Schedule contained in the principal Act of 1959 and also seeks to incorporate various other bodies for purpose of disqualification as recommended by the Joint Committee from time to time. The amendment proposed in clause 2 of the Bill is of a consequential nature.

2.5 The observations/recommendations of the Joint Committee on the proposals contained in the Draft Bill are set forth in the succeeding paragraphs.

### III

#### SCHEME OF THE SCHEDULES

3.1 The Committee note that the present Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 follows the same scheme of having two separate Schedules on the pattern of the Parliament (Prevention of Disqualification) Bill, 1973, passed earlier by Lok Sabha on the 17th December, 1974. The First Schedule includes bodies whose chairmanship and secretaryship are to be disqualified and the Second Schedule includes bodies whose chairmanship/vice-chairmanship/secretaryship/directorship/membership, as the case may be, by whatever such offices designated/termed, are to be disqualified.

3.2 The substitution of the two Schedules in the Draft Bill as against the existing Parts I or II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, has been done in pursuance of the recommendations of the Joint Committee on Offices of Profit made in paragraphs 6—10 of their Third Report (Second Lok Sabha); in paragraph 18 of their First Report (Third Lok Sabha) and in paragraph 3.7 of their First Report (Seventh Lok Sabha).

## IV

### DISQUALIFICATION OF DIRECTORSHIP/MEMBERSHIP OF CERTAIN BODIES

#### (i) Regional Rural Banks

4.1 The Committee find that some of the similar bodies have been included in the Central List as well as in the State Lists in the Schedules to the Draft Bill, e.g. Board of Directors of the Regional Rural Banks of Certain States have been included in the Central List of the Second Schedule (entry No. 88) and they have also been included in the State List of the Second Schedule under the Andhra Pradesh List (entry No. 10), Bihar List (entry No. 3), etc.

4.2 As Regional Rural Banks would have been constituted in other States also and yet not been included in the Second Schedule and in view of the functions of all the Regional Rural Banks being similar, the Committee recommend that all the Regional Rural Banks constituted in different States and Union Territory Administrations ought to be included in the Central List of the Second Schedule.

#### (ii) Nationalised Banks

4.3 The Committee note that the non-official directors of all the Nationalised Banks are entitled to a sitting fee of Rs. 150/- for attending each meeting of the Board alongwith travelling and halting expenses. The payment of sitting fee admissible to them is not covered by the definition of 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Besides, the Boards of Directors of all the Nationalised Banks exercise executive and financial powers.

4.4 As such, the Committee feel that the directorship of all the Nationalised Banks ought to be disqualified and included in the Central List of the Second Schedule.

#### (iii) Dock Labour Boards

4.5 The Committee note that the Draft Amendment Bill proposes to include the Dock Labour Boards of Bombay, Calcutta, Madras, Cochin and

Vishakhapatnam in the First Schedule (entry No. 42 under the Central List). That would mean that the chairman and secretary of all those Dock Labour Boards would be disqualified. But the Joint Committee on Offices of Profit have subsequently recommended *vide* paragraphs 27 and 28 of their Twelfth Report (Fifth Lok Sabha) that the membership of the Kandla and Marmugao Dock Labour Boards ought to be disqualified in view of executive and financial powers exercised by them.

4.6 As all the Dock Labour Boards have been established under the provisions of the same Act and Rules, *i.e.* Dock Workers (Regulation of Employment) Act, 1948 and Dock Workers (Regulation of Employment) Rules, 1962, the Committee feel that all the Dock Labour Boards should be included in the Central List of the Second Schedule.

#### (iv) State Transport and Regional Transport Authorities

4.7 The Committee, while reviewing the earlier recommendations made in paragraph 31 of their Thirteenth Report (Fifth Lok Sabha), para 31 note that all the State Transport and Regional Transport Authorities have been constituted under the Motor Vehicles Act, 1939, and have the same functions and powers. The Committee also note that they possess the power to issue permits, and are in a position to wield influence. They can also exercise quasi-judicial powers. As such, the Committee feel that not only the chairmanship and secretaryship but even ordinary membership of all the Authorities ought not to be exempt from disqualification. The Committee feel that the Parliament (Prevention of Disqualification) Amendment Bill, 1983 should be amended to this effect. The Committee, therefore, recommend that all the State Transport Authorities and Regional Transport Authorities may be deleted from the First Schedule and included in the State List of the Second Schedule under the respective States.

4.8 The Committee further recommend that the names of Transport Authorities and Regional Transport Authorities pertaining to the remaining States/Union Territory Administrations, *e.g.* Assam, Jammu & Kashmir, Tamil Nadu, U. P. etc. which have not been included in the State Lists of the Second Schedule may also be included therein.

**(v) Khadi and Village Industries Boards**

4.9 The Committee note that the Khadi and Village Industries in various States have been included in both the Schedules without observing any uniformity. For instance, Hyderabad and Assam Khadi & Village Industries Boards have been included in the First Schedule (entry 6 of Andhra Pradesh List and entry 4 of Assam List respectively of the draft Bill) whereas Gujarat and Rajasthan Khadi and Village Industries Boards have been included in the Second Schedule (entry 14 of Gujarat List and entry 3 of Rajasthan List respectively) of the draft Bill.

4.10 The Joint Committee on Offices of Profit, in paragraph 7 of their Eighth Report (Fifth Lok Sabha), and in paragraph 14 of their Ninth Report (Fifth Lok Sabha), have recommended that membership including chairmanship of the Gujarat and Rajasthan Boards ought not to be exempted from disqualification.

4.11 In view of the above and also with a view to observe uniformity, the Committee recommend that all the Khadi & Village Industries Boards may be included in the Second Schedule under the respective State Lists by transferring corresponding entries from the First Schedule.



## DELETION/TRANSPPOSITION OF CERTAIN BODIES FROM THE SCHEDULES

5.1 The Committee, while examining the bodies in the Schedules, note that certain bodies have appeared in both the Schedules or they have been included in an inappropriate Schedule. The Committee, therefore, recommend that the bodies whose particulars are given below should be included only in one of the appropriate Schedules as per recommendations of the Committee and may be deleted from the other Schedule :—

(i) *Air India Corporation and Indian Airlines Corporation*

**Air India Corporation and Indian Airlines Corporation have been included in both the Schedules. (S. Nos. 1 and 50 under the Central List in the First Schedule and S. Nos. 9 and 54 of the Central List in the Second Schedule, respectively). The entries made in the Second Schedule imply disqualification of the offices of the chairman, vice-chairman, secretary, director or member, as the case may be, and thus already covered cases of disqualification of the offices of chairman and secretary. As such, the Committee feel that the corresponding entries made in the First Schedule in regard to these bodies are superfluous and ought to be deleted from the First Schedule.**

(ii) *Indian Iron and Steel Company Limited*

**Board of Directors of the Indian Iron and Steel Company Limited have been included in the Second Schedule at two places (S. Nos. 56 and 108 of the Central List in the Second Schedule). As Board of Directors and Board of Management seem to be the same authority, entry at S. No. 108 may be deleted from the Second Schedule.**

(iii) *Lube India Limited and State Planning Board, Haryana*

**Similarly, Board of Directors of the Lube India Limited and State Planning Board, Haryana have been entered in the Second Schedule at two places respectively (S. Nos. 67 and 165 of the Central**

List and S. Nos. 9 and 14 under the Haryana List in the Second Schedule). Since the entries pertain to only two bodies, the additional entries in that regard are superfluous. As such, the Committee recommend entries at S. No. 165 under the Central List and S. No. 14 under the Haryana List in the Second Schedule may be deleted.

(iv) *Haryana Agro-Industries Corporation Limited and Karnataka State Leather and Leather Based Industries*

Haryana Agro-Industries Corporation Limited and Karnataka State Leather and Leather based Industries Board have been entered both in the First and Second Schedules (S. No. 3 of Haryana List and S. No. 7 of the Karnataka List in the First Schedule and S. No. 5 of Haryana List and S. No. 14 of Karnataka List in the Second Schedule). As only the chairmen of the above bodies are to be disqualified as recommended by the Joint Committee on Offices of Profit (Fifth Lok Sabha) in paragraph 14 of their Fifth Report, and in paragraph 40 of their Fifteenth Report, respectively, entries in regard to the above bodies may be included only in the First Schedule and corresponding entries may be deleted from the Second Schedule.

(v) *Nahan Foundry Limited*

Board of Directors of the Nahan Foundry Limited (S. No. 73 of the Central List in the Second Schedule) has been constituted by the Government of Himachal Pradesh and not by the Central Government. As such the Committee feel that this body may be included appropriately under the Himachal Pradesh List in the Second Schedule and the existing entry under S. No. 73 of the Central List may be deleted.

(vi) *Delhi Transport Corporation and Delhi Urban Art Commission*

Similarly the Delhi Transport Corporation and Delhi Urban Art Commission (S. Nos. 133 and 134 of the Central List in the Second Schedule have been constituted by the Delhi Administration. As such, the Committee feel that these bodies, may be deleted from the Central List and included in the Delhi Administration List in the Second Schedule at the appropriate place.

## VI

### STYLE OF INDICATING NAMES OF BODIES INCLUDED IN THE SCHEDULES

6.1 The Committee find that there is no uniformity in style of the names of bodies included in the two Schedules to the draft Bill. While a reference has been made to the places where they are situated against certain bodies or the names of the Ministry etc. have been indicated under whose administrative control the undertakings are established, the same has not been done in respect of similar other bodies/undertakings. Similarly, against certain bodies the specific names of the offices have been indicated which have been disqualified.

6.2 The Committee feel that a uniform style should be adopted in all cases and the names of places, etc. might not be indicated alongwith the names of the bodies as they are not necessary for reference purposes. The Committee, therefore, recommend that the references to words mentioned against each of the following bodies in the *Second Schedule* may be deleted to bring them in uniformity with the names of other bodies :

(i) *Electronics Corporation of India Limited*

The reference of 'Hyderabad' given after the Electronics Corporation of India Limited, Hyderabad (S. No. 27 of the Central List) may be deleted as similar references of places where other bodies are situated have not been given against those bodies.

(ii) *Governing Council of the Indian Institute of Astrophysics, Kodaikanal.*

The reference to 'Ministry of Tourism and Civil Aviation' given after the Governing Council of the Indian Institute of Astrophysics, Kodaikanal (S. No. 147 of the Central List) may be deleted as similar references of Ministries have not been given against other bodies.

- (iii) (a) *Hindustan Copper Ltd.*  
 (b) *Housing and Urban Development Corporation Limited ; and*  
 (c) *Steel Authority of India Limited.*

The reference to office of only non-official director/director/directorship given against the entries of Hindustan Copper Limited ; Housing and Urban Development Corporation Limited ; and Steel Authority of India Limited (S. Nos. 154, 154A and 189 of the Central List) may be deleted as inclusion of a body in the Second Schedule covers the office of directors also.

- (iv) *Space Commission*

Similarly, reference to office of 'member' given against the entry of Space Commission (S. No. 188 of the Central List) may be deleted as inclusion of a body in the Second Schedule covers the office of member also.

- (v) *Gujarat Official Language (Legislative) Commission*

The reference to the office of 'chairman only' given against the entry of Gujarat Official Language (Legislative) Commission (S. No. 15 of Gujarat List) is not correct as the Joint Committee on Offices of Profit in paragraph 25 of their Tenth Report (Fifth Lok Sabha), had recommended for disqualification of Chairman as well as non-official members who were in receipt of monthly honorarium. The Committee, therefore, recommend that the reference to 'Chairman only' given against the entry may be deleted.

- (vi) *Ladakh Development Board*

Similarly, reference to the office of 'vice-chairman' given against the entry of Ladakh Development Board (S. No. 6 of Jammu and Kashmir List) may be deleted as inclusion of a body in the Second Schedule covers the office of vice-chairman also.

6.3 The Committee also note that while certain bodies have been

**indicated alongwith Sections and Acts under which they have been constituted yet such references have not been given against other bodies.**

**The Committee therefore, recommend that the two Schedules should be checked by the Ministry of Law, Justice and Company Affairs (Legislative Department) again to ensure that Sections and Acts in respect of all bodies constituted under the provisions of certain enactments are also indicated therein.**

## NON-INCLUSION OF CERTAIN BODIES IN THE SCHEDULES

**7.1** The Committee note that besides the bodies already included in the Schedules, there are certain other bodies which, though recommended by them, for disqualification, have not been included in the Schedules to the Draft Bill. The reasons for non-inclusion of these bodies have not been given by the Ministry of Law, Justice and Company Affairs. The Committee, therefore, recommend that the following bodies should be included in the respective Schedules at the appropriate places unless these bodies have since ceased to exist or these have not been reconstituted : —

*(i) Governing Council of National Sample Survey Organisation*

The Committee in paragraph 14 of their Seventeenth Report (Fifth Lok Sabha), recommended that the Chairman of the Council ought not to be exempt from disqualification. As such, this body may be included under the Central List in the First Schedule.

*(ii) Board of Directors and Executive Committee of the Agricultural Refinance Corporation*

The Committee in paragraph 17 of their Eleventh Report (Fifth Lok Sabha), recommended that the directorship of the Corporation and the membership of the Executive Committee ought not to be exempt from disqualification. As such, this body may be included under the Central List in the Second Schedule.

*(iii) Board of Directors of Himachal Pradesh Scheduled Castes Development Corporation*

The Committee in paragraph 2.9 of their First Report (Seventh Lok Sabha), recommended that Board of Directors (including vice-Chairman) of the above Corporation ought not to be exempt from disqualification. As such, this body may be included under the Himachal Pradesh List in the Second Schedule.

- (iv) (a) Arbitration Board, Kerala*  
*(b) Cochin Town Planning Trust*  
*(c) State Road Transport Corporation, Kerala*

The Committee in paragraph 15 of their First Report (Fifth Lok Sabha), and in paragraphs 15 and 9 of their Fifth and Sixth Reports (Fourth Lok Sabha), respectively, recommended that members of the above bodies ought to disqualify. As such, they may be included under the Kerala List in the Second Schedule.

(v) *Board of Directors of the Tamil Nadu Small Industries Corporation*

The Committee in paragraph 28 of their Tenth Report (Fifth Lok Sabha), recommended that directorship of the Corporation ought not to be exempt from disqualification. As such, this body may be included under the Tamil Nadu List in the Second Schedule.

(vi) *Tarai Anusuchit Janajati Vikas Nigam Limited, U.P.*

The Committee in paragraph 3.3 of their Second Report (Seventh Lok Sabha), recommended that the Board of Directors ought to disqualify. As such, this body may be included under the Uttar Pradesh List in the Second Schedule.

## VIII

### BODIES FOR WHICH FURTHER VERIFICATION IS REQUIRED BEFORE FINAL INCLUSION IN THE SCHEDULES

**8.1 The Committee, while examining the entries in the Schedules to the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983, note that in case of the following bodies, particulars are required to be further verified by the Ministry of Law, Justice and Company Affairs before finally including them in the Schedules :—**

- (i) *Central Board of Trustees Employees' Provident Fund*  
(S. No. 13 of the Central List in the First Schedule)

**The basis for including the entry in the Schedule may be verified.**

- (ii) *Market Committee, Andhra Pradesh*  
(S. No. 8 under Andhra Pradesh List in the First Schedule)

**The reference to year of the Act (1339) given against the body does not seem to be correct and needs verification before mentioning it in the Schedule.**

- (iii) *Punjab Nurses Registration Council*  
(S. No. 4 under Haryana List in the First Schedule)

**The same body has been included both under Haryana and Punjab Lists (S. No. 4) in the First Schedule. It needs verification whether the nomenclature 'Punjab' would be applicable for the Nurses Registration Council in Haryana.**

- (iv) (a) *Iron Ore Mines Labour Welfare Fund Advisory Committee for Goa, Daman and Diu.*  
(b) *Managing Committee for the Management and Administration of Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen, Goa, Daman and Diu.*



(c) *State Transport Authority, Goa.*

*[Union Territory List in the Second Schedule.]*

**These bodies have not been serialised properly and as such, they may be correctly given *in seriatim*.**

(v) *Board of Directors of the State Industry Development Corporation Limited (S. No. 2 under the West Bengal List in the Second Schedule)*

**The basis for including the entry in the Schedule may be verified.**

## MISCELLANEOUS

9.1 The Ministry of Law, Justice and Company Affairs, while forwarding the draft Bill, have stated that the draft Bill has not been circulated to the Ministries/Departments of the Government of India and the State Governments or the Union Territory Administrations for confirming whether the bodies included in the Schedules are existing and if so, whether they have the same names and composition.

9.2 The Committee desire that the Ministry of Law, Justice and Company Affairs should expeditiously confirm from the Ministries/State Governments/Union Territory Administrations that the bodies included in the Schedules are still existing and they continue to have the same names otherwise modified/revised names may be given in the Schedules.

9.3 The Committee have noticed that against entry No. 164 of the Central List of the Second Schedule the body has been indicated as 'Local Audition Committee of All India Radio at 35 Stations'. As the number of All India Radio Stations have since increased and will go on increasing, the Committee recommend that instead of mentioning the number, namely '35 Stations', the words 'various Stations' may be substituted in the entry.

9.4 The Committee have noticed that though the name of the erstwhile Mysore State has since been changed to Karnataka, the name of 'Mysore' has been used in some of the bodies included in Karnataka List of the Second Schedule to the draft Bill, namely, Board of Directors of the Mysore State Agro-Industries Corporation Limited (S. No. 5) 'Board of Directors of the Mysore State Fisheries Development Corporation Limited (S. No. 6) and Mysore State Road Transport Corporation (S. No. 7).

The Committee desire that the Ministry of Law, Justice & Company Affairs may confirm from the State Government whether the name of 'Mysore' still continues in respect of those bodies or it has been changed to Karnataka before finally including them in the Second Schedule to the Bill.

9.5 The Committee note that the Maharashtra State Legal Aid and Advice Board (S. No. 5 of Second Schedule under Maharashtra List of the

Draft Bill) was recommended by the Joint Committee on Offices of Profit in paragraph 2.11 of their Fifth Report (Seventh Lok Sabha) for disqualification of the non-official members (including the Executive Chairman) of the Board.

9.6 The Ministry of Law, Justice and Company Affairs while forwarding the Draft Amendment Bill 1983 stated that the Bill covered the first four Reports of the Seventh Lok Sabha for implementing the recommendations of the Joint Committee. The present Committee have presented eight Reports during the Seventh Lok Sabha so far.

The Committee, therefore, recommend that either all the bodies covered under in the eight Reports presented so far may be included or the entry regarding the Maharashtra State Legal Aid and Advice Board may be deleted from the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 to bring it in accordance with the position stated by the Ministry.

## GENERAL RECOMMENDATIONS/GUIDELINES

10.1 The Joint Committee on Offices of Profit on 26th October, 1983 heard the views of representatives of the Ministry of Law, Justice and Company Affairs (Legislative Department as well as Department of Legal Affairs) on the question whether the principles followed by the Joint Committee on Offices of Profit for deciding various offices for granting exemption from disqualification or excluding them from such exemption, could be incorporated in the Parliament (Prevention of Disqualification) Act, 1959 through an amending Bill.

10.2 On being asked in that regard, the Secretary of the Department of Legal Affairs stated that it might not be permissible under Article 102 (1) (a) of the Constitution to enumerate the principles and the guidelines on the basis of which an office of profit was to be determined in the Act. However, technically it would be open to Parliament to lay down principles and guidelines by saying that "if a person is found to be holding an office which satisfies certain principles and guidelines, then the holder of that particular office will stand disqualified". But that might give rise to many practical complications and difficulties. First, that might open flood gates of disputes because the determination of the fact as to whether the holder of any particular office other than the office of profit would fall within the guidelines or principles, would itself be a point of dispute or form part of that dispute. Secondly, there would be an increase in the references under Article 103 of the Constitution virtually leading to an enormous rise in the election petitions to be decided by the President and Election Commission, because any number of election petitions could be filed then on the basis that a particular person was not disqualified as his case was not covered by the guidelines which were proposed to be laid down. The Secretary, Legislative Department also submitted that leaving aside the case of purely advisory bodies, there were bound to be some powers of an executive nature whenever a member became a member of the Executive Committee of a body however insignificant the nature of powers might be. If a provision to that effect was made in any Act it would tantamount to nullifying the exemption itself which was the

purpose behind enacting the 1959 Act. So, with a view to make the provision workable, the task of defining the type of executive power, which was to disqualify a member, would have to be taken up. The law would also become very uncertain and would lead to an increase of election petitions. Same would be the case with legislative, Judicial and financial powers as in each case the exact type of such powers which would disqualify, had to be specified making the issue fairly cloudy. He also stated that the work of advice on the exemption of the nature of the office had been entrusted to the Joint Committee on Offices of Profit since a member was entitled to know before he had accepted an office as to whether acceptance of it would lead him to disqualification. With regard to the guidelines that a member would be disqualified if he held an office where he was in a position to wield influence or distribute patronage, the representatives of the Ministry maintained that the trend of judicial decisions had been to equate profit in terms of money or assess in terms of pecuniary gain. Mere patronage under Article 112 (1) (a) would not disqualify.

**10.3 The Committee feel that the basic principle underlying the imposition of disqualification under articles 102 (1) (a) and 191 (1) (a) of the Constitution is that a member of the Legislature should not be indebted to Government by accepting an 'office of profit' under the Government and thus compromise his independence. The Legislature should be kept independent of the executive so that the members would be free to carry out fearlessly their duties to their electorate and not to be influenced by any consideration of personal gain. They should not run the risk of conflict between duty and self-interest.**

**10.4 The broad criteria for the determination of the question whether an office held by a person is an office of profit have been laid down in judicial pronouncements. If the Government exercises control over the appointment to and dismissal from the office, and over the performance and functions of the office and in case the remuneration or pecuniary gain, either tangible or intangible in nature, flows from such office irrespective of whether the holder for the time being actually receives such remuneration or gain or not, the office should be held to be an office of profit under the Government. Otherwise, the object of imposition of the disqualifications as envisaged in the Constitution will become frustrated. This first basic principle (para 10.3) should be the guiding factor in offering positions to a member of the Legislature.**

**10.5 Keeping the above position in view, the Joint Committee on Offices of Profit have been following the undernoted criteria to test the Committees, Commissions, etc. for deciding the question as to which of the offices**

should disqualify and which should not disqualify a person for being chosen as and for being a Member of Parliament :—

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

[The principle thus is that if a member draws not more than what is required to cover the actual out- f-pocket expenses and does not give him pecuniary benefit, it will not act as a disqualification.]

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

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

## XI

### CONCLUSION

**11.1 The Joint Committee by way of conclusion recommend that Government might revise the Draft Parliament (Provention of Disqualification) Amendment Bill, 1983 embodying the above suggestions of the Committee as early as possible and desire that the revised Draft Bill should be introduced before Parliament at an early date ensuring *inter alia* that the Bill so introduced does not lapse on account of dissolution of Parliament as was the fate of the Bill which was introduced in 1973.**

NEW DELHI;  
27th April, 1984  
Vaisakha 7, 1906 (S)

GULSHER AHMED,  
*Chairman,*  
*Joint Committee on Offices of Profit.*

## APPENDIX I

( *Vide* Para 1.1 of the Report )

### THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT BILL, 1983

#### A B I L L

*Further to amend the Parliament (Prevention of  
Disqualification) Act, 1959.*

Be it enacted by Parliament in the Thirty-fourth year of the  
Republic of India as follows :—

- |                         |   |
|-------------------------|---|
| Short title.            | 1. This Act may be called the Parliament (Prevention of Disqualification) Amendmet Act, 1983.   |
| Amendment of section 2. | 2. In section 2 of the Parliament (Prevention of 10 of 1959. Disqualification) Act, 1959 (hereinafter referred to as the principal Act), in clause (a), for the words and figures "the Salaries and Allowances of Members of Parliament Act, 1954", the words and figures "the Salary, Allowances and Pension of Members of Parliament Act, 1954" shall be substituted. |
| Amendment of section 3. | 3. In section 3 of the principal Act,—<br><br>(a) in clauses (f) and (h), for the word "chairman", the words "chairman, vice-chairman", shall be substituted ;<br><br>(b) in clause (i),—<br><br>(i) For the words "chairman, director", the words "chairman ,vice-chairman, -director" shall be substituted ;  |



(ii) for the words, brackets and figures "but excluding (i) the office of chairman of any statutory on non-statutory body specified in Part I of the Schedule and (ii) the office of chairman or secretary of any statutory or non-statutory body specified in Part II of the Schedule", the words, brackets and figures "but excluding (i) the offices of chairman and secretary of any statutory or non-statutory body specified in the First Schedule and (ii) the office of chairman, vice-chairman, secretary, director or member, as the case may be, of any statutory or non-statutory body specified in the Second Schedule" shall be substituted ;

(c) in *Explanation 1*, for the words "chairman or secretary", the words "chairman, vice-chairman, secretary, director or member" shall be substituted.

Substitution of new Schedules for existing Schedule. 4. For the Schedule to the principal Act, the following Schedules shall be substituted, namely :—

**The First Schedule**  
[ See section 3(1) ]

**Part I**

**Bodies under the Central Government**

1. Air India Corporation, established under section 3 of the Air Corporations Act, 1953 (27 of 1953).
2. Bhakra Management Board.
3. Board of Examinations (Engineering, Agriculture, Rural Services and Sanitary Inspectors Courses).
4. Board of Moderators for National Diploma Examination in Architecture.
5. Board of Studies for Agricultural and Science Courses.
6. Board of Studies for Civil and Rural Engineering.
7. Board of Studies for Rural Services Course.

8. Board of Studies for Sanitary Inspectors Course.
9. Board of Trustees for Coal Mines Provident Fund.
10. Board of Trustees, constituted under the Major Port Trusts Act, 1963 (38 of 1963), in respect of major ports.
11. Central Advisory Committee on Raw Films.
12. Central Board of Geophysics.
13. Central Board of Trustees, Employees' Provident Fund.
14. Central Silk Board, constituted under section 4 of the Central Silk Board Act, 1948 (61 of 1948).
15. Central Social Welfare Board.
16. Central Warehousing Corporation, established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962).
17. Committee to advise on problems concerning Petroleum Products and the like.
18. Coal Mines Labour Housing Board constituted under section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947).
19. Coffee Board, constituted under section 4 of the Coffee Act, 1942 (7 of 1942).
20. Coir Board, constituted under section 4 of the Coir Industry Act, 1953 (45 of 1953).
21. Co-ordinating Committee to consider problems of Industrialisation, etc., of Cambay Region.
22. Cotton Advisory Board.
23. Cotton Textile Consultative Board.
24. Development Council for Acid and Fertilizers, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
25. Development Council for Alcohol and Fermentation Industries.
26. Development Council for Alkalis and Allied Industries, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
27. Development Council for Automobiles, Automobiles Ancilliary and Transport Vehicles Industries.

28. Development Council for Bicycles, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
29. Development Council for Drugs, Dyes and Intermediates, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
30. Development Council for Food Processing Industries, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
31. Development Council for Heavy Electrical Engineering Industries, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
32. Development Council for Internal Combustion Engines and Power Driven Pumps, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
33. Development Council for Leather, Leather goods and Pickers.
34. Development Council for Light Electrical Engineering Industries, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
35. Development Council for Machine Tools, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
36. Development Council for Non-ferrous Metals including alloys, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
37. Development Council for Oil-based and plastic Industries, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
38. Development Council for Paper, Pulp and Allied Industries.
39. Development Council for Sugar Industry, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
40. Development Council for Textiles made of artificial silk including artificial silk yarn, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

41. Development Council for Textiles made of wool including woollen yarn, hosiery, carpets and druggets, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).
42. Dock Labour Boards, Bombay, Calcutta, Madras, Cochin and Visakhapatnam established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).
43. Durgah Committee, Ajmer, constituted under section 4 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955).
44. Executive Committee for the National Atlas.
45. Executive Council of the Central Indian Medical Plants Organisation, New Delhi.
46. Executive Council of the Regional Research Laboratory, Assam.
47. Executive Council of the Regional Research Laboratory, Jammu.
48. Finance Commission.
49. Forward Markets Commission, established under section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952.)
50. Indian Airlines Corporation, established under section 3 of the Air Corporation Act, 1953 (27 of 1953).
51. Industrial Finance Corporation of India, established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948).
52. Inter-State Transport Commission.
53. Iron Ore Board, New Delhi.
54. Kendriya Hindi Shikshana Mandal.
55. Licensing Committee, constituted under rule 10 of the Registration and Licensing of Industrial Undertakings Rules, 1952, made under the Industries (Development and Regulation) Act, 1951 (65 of 1951).
56. Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956).
57. Mining Boards, constituted under section 12 of the Mines Act, 1952 (35 of 1952).
58. National Co-operative Development Corporation, established under section 3 of the National Co-operative Development Corporation Act, 1962 (26 of 1962).

59. Nagarjunasagar Control Board.
60. Planning Committee for the Birla Industrial and Technological Museum, Calcutta.
61. Planning Committee for the Central Mechanical Engineering Research Institute, Durgapur.
62. Planning Committee for the Central Public Health Engineering Research Institute, Nagpur.
63. Price Fixation Committee for Prize Winning Books.
64. Rajasthan Canal Board and Committee of Directions.
65. Regional Advisory Committees on Raw Films at Bombay, Madras and Calcutta.
66. Rubber Board, constituted under section 4 of the Rubber Act, 1947 (24 of 1947).
67. Small Inventions Development Board (Central Board).
68. Small Inventions Development Board (Regional Boards).
69. Standing Committee of the Employees' State Insurance Corporation.
70. Standing Commission for Scientific and Technical Terminology.
71. Tungabhadra Board.

## PART II

### BODIES UNDER THE STATE GOVERNMENTS

#### Andhra Pradesh

1. Agricultural Improvement Fund Committee, constituted under section 3 of the Andhra Pradesh (Telengana Area) Agricultural Improvement Fund Act, 1952.
2. Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Common Good Fund Committee.
3. Co-operative Agricultural and Marketing Development Fund Committee.
4. Executive Committee of Shri Bhadrachala Sitaramalaya Uddharana Sangham.

5. Handicrafts Advisory Board.
6. Hyderabad Khadi and Village Industries Board, Hyderabad.
7. Livestock Purchasing Committee.
8. Market Committee, constituted under section 4 of the Andhra Pradesh (Telangana Area) Agricultural Markets Act, 1339F (Act 11 of 1339F).
9. Market Committee, constituted under section 4A of the Andhra Pradesh (Andhra Area) Commercial Crops Markets Act, 1933 (Act 20 of 1933).
10. Regional Advisory Boards for pile carpets and lace goods Industries.
11. Regional Transport Authorities for the Districts of Krishna, Guntur, West Godavari, East Godavari, Nellore, Chittoor, Guddapah, Anantapur, Kurnool, Visakhapatnam, Srikakulam, Hyderabad, Medak, Adilabad, Karimnagar, Khamam, Mahboobnagar, Nalgonda, Nizamabad and Warangal.
12. State Transport Authority.

#### **Assam**

1. Advisory Council under the Assam Maintenance of Public Order Act, 1947 (Assam Act 5 of 1947).
2. Advisory Council under the Assam Maintenance of a Public Order (Autonomous District) Act, 1953 (Assam Act 16 of 1953).
3. Assam Evacuee Property Management Committee, constituted under section 12 of the Assam Evacuee Property Act, 1951 (Assam Act 11 of 1951).
4. Assam Khadi and Village Industries Board.
5. Assam State Electricity Board.
6. Assam Text Book Committee.
7. Board of Examiners for Boilers Attendants.
8. Cottage Industries Loan Board.
9. Law Commission.
10. Small Scale Industries and Handicrafts Advisory Board of Assam.
11. State Evaluation and Implementation Committee.

**Bihar**

1. Advisory Board under the Bihar Maintenance of Public Order Act, 1949 (Bihar Act 3 of 1950).
2. Bihar State Board of Religious Trusts.
3. Bodh Gaya Temple Advisory Committee, constituted under section 5 of the Bodh Gaya Temple Act, 1949 (Bihar Act 17 of 1949).
4. Bodh Gaya Temple Management Committee, constituted under section 3 of the Bodh Gaya Temple Act, 1949 (Bihar Act 17 of 1949).
5. Mining Board for Coal Mines.
6. Regional Transport Authorities of South Bihar, North Bihar, East Bihar and Chhota Nagpur.
7. State Transport Authority.
8. Text Book and Education Literature Committee.

**Gujarat**

1. Allocation Committee (Allopathic) under the Employees' State Insurance Scheme.
2. Allocation Committee (Ayurvedic) under the Employees' State Insurance Scheme.
3. Gujarat Housing Board, constituted under section 3 of the Gujarat Act 20 of 1961.
4. Gujarat State Electricity Board, constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).
5. Gujarat State Electricity Consultative Council, constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948).
6. Medical Services Committee under the Employees' State Insurance Scheme.
7. Pharmaceutical Committee under the Employees' State Insurance Scheme.
8. Regional Transport Authorities, Ahmedabad, Rajkot and Baroda.
9. State Transport Authority, Ahmedabad.

### **Haryana**

1. Board of Industries.
2. District Loan Advisory Committee.
3. Haryana Agro-Industries Corporation Limited, Chandigarh.
4. Punjab Nurses Registration Council, constituted under section 3 of the Punjab Nurses Registration Act, 1932 (Punjab Act 1 of 1932).
5. Punjab State National Workers (Relief and Rehabilitation) Board.
6. Regional Transport Authority, Ambala.
7. State Agricultural Marketing Board, constituted under section 3 of the Punjab Agricultural Produce Markets Act, 1961 (Punjab Act 23 of 1961).
8. State Transport Authority, Haryana.

### **Himachal Pradesh**

State Council for Training in Vocational Trades.

### **Jammu and Kashmir**

1. Board of Industries.
2. Forestry Committee.
3. Jammu and Kashmir Handloom Board.
4. Small Scale Industries and Handicrafts Boards.

### **Karnataka**

1. Board of Management, Kolar Gold Mining Undertakings.
2. Board of Management, Mysore Iron and Steel Works, Bhadravathi.
3. Board of Management of Industrial concerns.
4. Board of Studies for Samakrita Education.
5. Central Board of Technical Examinations, Bangalore.
6. Handicrafts Co-operative Advisory Committee.
7. Karnataka State Leather and Leather Based Industries Board.
8. Regional Transport Authorities.
9. State Board of Technical Education and Training.
10. State Transport Authority.



### **Kerala**

1. Board of Examiners, appointed under rule 8 of the Kerala Boiler Attendants Rules, 1957.
2. Malabar Market Committee, constituted under section 4A of the Madras Commercial Crops Markets Act, 1933 (Madras Act 20 of 1933).
3. Managing Committees of Institutions under Welfare Programmes, Kerala.
4. Panel of Assessors, constituted under rule 37 of the Kerala Boiler Rules, 1967.
5. Panel of Assessors, constituted under the Kerala Economiser Rules, 1957.
6. Regional Transport Authority, Kerala Districts.

### **Madhya Pradesh**

1. Board of Secondary Education, Madhya Pradesh.
2. Panchamarhi Development Committee.
3. Regional Transport Authorities.
4. State Council for Training in Vocational Trades.
5. State Transport Authority.

### **Maharashtra**

1. Ad hoc Hindi Board.
2. Allocation Committee (Allopathic) under the Employees' State Insurance Scheme.
3. Allocation Committee (Ayurvedic) under the Employees' State Insurance Scheme.
4. Board of Communications.
5. Board to conduct over-all supervision of the business and affairs of the Narsingiriji Mills, Sholapur.
6. Koyna Control Board.
7. Maharashtra State Electricity Board, constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).
8. Maharashtra State Electricity Consultative Council, constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948).

9. Maharashtra State Khadi and Village Industries Board.
10. Medical Service Committee under the Employees' State Insurance Scheme.
11. Pharmaceutical Committee (Allopathic) under the Employees' State Insurance Scheme.
12. Pharmaceutical Committee (Ayurvedic) under the Employees' State Insurance Scheme.
13. Regional Transport Authorities for Aurangabad, Bombay, Nagpur, Poona and Thana.
14. School Book Committee in Marathi.
15. State Council for Training in Vocational Trades.
16. State Transport Authority.
17. Vidarbha Housing Board, constituted under section 3 of the Madhya Pradesh Housing Board Act, 1950 (43 of 1950).
18. Wage Board for Cotton Textile Industry.
19. Wage Board for Sugar Industry.
20. Wage Board for Textile Industry.

#### **Orissa**

1. Appeal Committee under the Board of Secondary Education.
2. Board of Secondary Education.
3. Orissa Board of Communications and Transport.
4. Regional Transport Authority, constituted under section 4 of the Motor Vehicles Act, 1939 (4 of 1939).
5. Regulated Market Committee.
6. State Council of Technical Education and Training.
7. State Transport Authority, constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

#### **Punjab**

1. Board of Industries, Punjab.
2. Committee set up under rule 9 of the Punjab Security of Land Tenures Rules, 1956.

3. District Industrial Advisory Committee.
4. Punjab Nurses Registration Council, constituted under section 3 of the Punjab Nurses Registration Act, 1932 (Punjab Act 1 of 1932).
5. Punjab State National Workers (Relief and Rehabilitation) Board.
6. Regional Transport Authorities for Jullundur and Patiala Divisions.
7. State Agricultural Marketing Board, constituted under section 3 of the Punjab Agricultural Produce Markets Act, 1961 (Punjab Act 23 of 1961).
8. State Transport Authority.

### **Rajasthan**

1. Appellate Authority, Transport.
2. City Improvement Trust, Kota, constituted under the City of Kota Improvement Act, 1946.
3. Excise Appellate Board, Ajmer.
4. High Power Committee to guide road transport system.
5. Rajasthan Khadi and Village Industries Board.
6. Rajasthan State Electricity Board, constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).
7. Regional Transport Authorities, Jaipur, Udaipur, Kotah, Bikaner and Jodhpur.
8. Standing Committee to investigate and advise the Government for grant of aid to the political sufferers.
9. State Transport Authority.
10. Technical Committee to function as the Board of Examiners for conducting the Examination of Electrical Supervisors and Wiremen for the grant of Certificates of Competency and Permits.
11. Urban Improvement Board, Jaipur.

### **Tamil Nadu**

1. Committee of Management for Handicrafts Emporium, Madurai.
2. Landing and Shipping Fees Committees for Minor Ports.

3. Local Committee, constituted under regulation 10A of the Employees' State Insurance (General) Regulations, 1950.
4. Madras Board of Transport.
5. Tamil Nadu State Electricity Board, constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).
6. Tamil Nadu State Electricity Consultative Council, constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948).
7. Tamil Nadu State Housing Board.
8. Port Conservancy Boards.
9. Port Trust Boards of Minor Ports.
10. Small Scale Industries and Handicrafts Board.
11. State Board of Technical Education and Training.
12. State Council for Training in Vocational Trades.
13. State Evaluation and Implementation Committee.
14. Technological Diploma Examination Board, Madras.
15. Text Books Committee.

#### **Tripura**

1. Industrial Advisory Board, Tripura.
2. Local Council for Training in Vocational Trades, Tripura.

#### **Uttar Pradesh**

1. Advisory Council for Revision of District Gazetteers.
2. Board of Ayurvedic and Unani Tibbi systems of medicine.
3. Local Committees for Agra, Kanpur, Lucknow and Saharanpur appointed under section 25 of the Employees' State Insurance Act, 1948 (34 of 1948).
4. Book Selection Committee constituted to select magazines and books for education extension libraries and supplementary books for the libraries of primary schools.
5. U.P. Sugar and Power Alcohol Labour Housing Board, constituted under section 10 of the Uttar Pradesh Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1950 (16 of 1951).

### **West Bengal**

1. **Board of Industries.**
2. **Distribution Committee of Chanks.**
3. **Licensing Board, constituted under the regulations made under rule 45 of the Indian Electricity Rules, 1956.**
4. **West Bengal Housing Board, constituted under the West Bengal Development Corporation Act, 1954 (14 of 1955).**

### **PART III**

#### **Bodies in the Union Territories**

##### **Dadra and Nagar Haveli**

State Transport Authority.

##### **Delhi**

1. **Board of Ayurvedic and Unani Systems of Medicines.**
2. **Board of Examiners for Boilers Attendants.**
3. **Board of Examiners for Electricians, etc.**
4. **Delhi Development Authority, constituted under section 3 of the Delhi Development Act, 1957 (61 of 1957).**
5. **State Transport Authority, Delhi.**
6. **Territorial Council for Training in Vocational Trades.**

##### **Goa, Daman and Diu**

1. **Iron Ore Mines Labour Welfare Fund Advisory Committee for Goa, Daman and Diu.**
2. **Managing Committee for the Management and Administration of Special Fund for Reconstruction and Rehabilitation of ex-servicemen, Goa, Daman and Diu.**
3. **State Transport Authority, Goa.**

## **THE SECOND SCHEDULE**

**[See Section 3 (1)]**

### **PART I**

#### **Bodies under the Central Government**

1. **Advisory Board to assist and advise the Custodian on the various matters of the Indian Iron and Steel Company Limited.**
2. **Advisory Committee in Irrigation, Flood Control and Power Projects—non-official members.**
3. **Aeronautics (Research and Development) Board.**
4. **Agricultural Prices Commission.**
5. **All-India Institute of Medical Sciences, New Delhi, established under section 4 of the All-India Institute of Medical Sciences Act, 1956 (25 of 1956).**
6. **Atomic Energy Commission.**
7. **Bharat Aluminium Company Limited.**
8. **Bharat Heavy Plate and Vessels Limited.**
9. **Board of Directors of the Air India Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953).**
10. **Board of Directors of the Balmer Lawrie and Company Limited.**
11. **Board of Directors of the Bharat Earth Movers Limited.**
12. **Board of Directors of the Bharat Electronics Limited.**
13. **Board of Directors of the Bharat Heavy Electricals Limited.**
14. **Board of Directors of the Bharat Pumps and Compressors Limited, Naini, Allahabad including Chairman.**
15. **Board of Directors of the Bharat Wagon and Engineering Company Limited.**
16. **Board of Directors of the Biecco Lawrie Limited.**
17. **Board of Directors of the Bokaro Steel Limited,**

18. Board of Directors of the Bridge and Hoof Comyany (India) Limited.
19. Board of Directors of the Burn Standard Company Limited.
20. Board of Directors of the Central Electronics Limited.
21. Board of Directors of the Central Fisheries Corporation Limited, Calcutta.
22. Board of Directors of the Central Inland Water Transport Corporation Limited, Calcutta.
23. Board of Directors of the Central Road Transport Corporation Limited, Calcutta.
24. Board of Directors of Computer Maintenance Corporation Limited.
25. Board of Directors of a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and under section 3 of the Banking Companies (Acquisition and Transfor of Undertakings) Act, 1980 (40 of 1980).
26. Board of Directors of the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961).
27. Board of Directors of the Electronics Corporation of India Limited, Hyderabad.
28. Board of Directors of the Electronics Trade and Technology Development Corporation Limited.
29. Board of Directors of the Engineering Projects (India) Limited.
30. Board of Directors of the Export Credit and Guarantee Corporation Limited.
31. Board of Directors of the Fertilisers and Chemicals, Travancore Limited.
32. Board of Directors of the Food Corporation of India established under section 3 of the Food Corporation Act, 1964 (37 of 1964).
33. Board of Directors of the General Insurance Corporation of India.
34. Board of Directors of the Handicrafts and Handlooms Exports Corporation of India Limited.
35. Board of Directors of the Heavy Engineering Corporation Limited.
36. Board of Directors of the Hindustan Aeronautics Limited.
37. Board of Directors of the Hindustan Antibiotics Limited, Pimpri.
38. Board of Directors of the Hindustan Cables Limited.

39. Board of Directors of the Hindustan Housing Factory.
40. Board of Directors of the Hindustan Insecticides Limited.
41. Board of Directors of the Hindustan Latex Limited.
42. Board of Directors of the Hindustan Machine Tools Limited.
43. Board of Directors of the Hindustan Organic Chemicals Limited.
44. Board of Directors of the Hindustan Paper Corporation Limited.
45. Board of Directors of the Hindustan Petroleum Corporation Limited.
46. Board of Directors of the Hindustan Photo Films Manufacturing Company Limited, Ootacamund.
47. Board of Directors of the Hindustan Shipyard Limited.
48. Board of Directors of the Hindustan Steel Limited.
49. Board of Directors of the Hindustan Steel Works Construction Limited.
50. Board of Directors of the Hindustan Teleprinters Limited.
51. Board of Directors of the Hindustan Zinc Limited.
52. Board of Directors of the Hotel Corporation of India Limited.
53. Board of Directors of the India Tourism Development Corporation Limited.
54. Board of Directors of the Indian Airlines Corporation established under section 3 of the Air Corporation Act, 1953 (27 of 1953).
55. Board of Directors of the Indian Drugs and Pharmaceuticals Limited.
56. Board of Directors of the Indian Iron and Steel Company Limited.
57. Board of Directors of the Indian Oil Corporation Limited.
58. Board of Directors of the Indian Petro-chemicals Corporation Limited.
59. Board of Directors of the Indian Rare Earths Limited.
60. Board of Directors of the Indian Telephone Industries Limited, Bangalore.
61. Board of Directors of the Indo-Burma Petroleum Company Limited.
62. Board of Directors of the Industrial Containers Limited.
63. Board of Directors of the Industrial Development Bank of India Limited established under section 3 of the Industrial Development of India Act, 1964 (18 of 1964).



64. Board of Directors of the Industrial Re-construction Corporation of India Limited.
65. Board of Directors of the Jessop and Company Limited.
66. Board of Directors of the Lagan Jute Machinery Company Limited.
67. Board of Directors of the Luba India Limited.
68. Board of Directors of the Machine Tool Corporation of India Limited, Ajmer.
69. Board of Directors of the Madras Refineries Limited, Manali, Madras.
70. Board of Directors of the Manganese Ores India Limited.
71. Board of Directors of the Mineral Exploration Corporation Limited.
72. Board of Directors of the Mogul Lines Limited.
73. Board of Directors of the Nahan Foundry Limited.
74. Board of Directors of the National Coal Development Corporation Limited.
75. Board of Directors of the National Film Development Corporation Limited.
76. Board of Directors of the National Industrial Development Corporation Limited.
77. Board of Directors of the National Instruments Limited.
78. Board of Directors of the National Projects Construction Corporation.
79. Board of Directors of the National Research Development Corporation of India.
80. Board of Directors of the National Seeds Corporation Limited.
81. Board of Directors of the National Small Industries Corporation Limited.
82. Board of Directors of the National Textile Corporation Limited.
83. Board of Directors of the Neyveli Lignite Corporation Limited.
84. Board of Directors of the Orissa Mining Corporation Limited.
85. Board of Directors of the Petrofils Cooperative Limited.
86. Board of Directors of the Praga Tools Corporation Limited, Secunderabad.
87. Board of Directors of the Pyrites, Phosphates and Chemicals Limited, Dehri-on-Sone.

88. Board of Directors of the Regional Rural Banks in the State of Andhra Pradesh, Bihar, Haryana, Jammu and Kashmir, Karnatka Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal.
89. Board of Directors of the Rehabilitation Industries Corporation Limited, Calcutta.
90. Board of Directors of the Richardson and Cruddas Limited.
91. Board of Directors of the Rural Electrification Corporation Limited.
92. Board of Directors of the Sambhar Salts Limited, Director includes Chairman.
93. Board of Directors of the Scooters India Limited, Lucknow.
94. Board of Directors of the Semi-Conductor Complex Limited.
95. Board of Directors of the Shipping Corporation of India Limited, Bombay.
96. Board of Directors of the State Farms Corporation of India Limited.
97. Board of Directors of the State Trading Corporation of India Limited.
98. Board of Directors of the Steel Containers Limited.
99. Board of Directors of the (Subsidiary Banks) constituted under section 3 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959).
100. Board of Directors of the Tannery and Footwear Corporation of India Limited.
101. Board of Directors of the Tungabhadra Steel Products Limited.
102. Board of Directors of the Uranium Corporation of India Limited Jaduguda (Bihar).
103. Board of Governors of the Indian Institute of Management, Bangalore.
104. Board of Governors of the Lawrence School (Sanawar) Society.
105. Board of Governors, the Sainik School Society.
106. Board of Management for the Atomic Power Authority.
107. Board of Management of Bal Bhavan Society.
108. Board of Management of the Indian Iron and Steel Company Limited.

109. Board of Management of Tele-communication Factories.
110. Boards of Mining Examinations for Coal and Non-Coal Mines.
111. Board to administer the Nuclear Fuel Complex at Hyderabad.
112. Board of Rehabilitation.
113. Bolani Ores Limited.
114. Cardamom Board established under section 4 of the Cardamom Act, 1965 (49 of 1965).
115. Cement Corporation of India.
116. Central Coal Mines Rescue Station Committee.
117. Central Governing Council of Military Schools.
118. Central Managing Committee of the Special Fund for Re-construction and Rehabilitation of Ex-servicemen.
119. Central Social Welfare Board.
120. Children's Film Society of India.
121. Coal Mines Authority Limited.
122. Cochin Shipyard Limited Directorship.
123. Committee for Release of Technical Know-how to Trade by Defence Materials and Stores Research and Development Establishment (DMSRDE), Kanpur.
124. Committee of Administration of the Cashew Export Promotion Council.
125. Committee of Administration of the Film Export Promotion Council.
126. Committee of Administration of the Handloom Export Promotion Council, Madras.
127. Committee of Administration of the Tobacco Export Promotion Council.
128. Committee to implement Schemes under the Educated Unemployed Programme.
129. Consultative Committee for National Programmes of Music, All India Radio.
130. Consultative Committee for National Programmes of Talks/ Discussions in English, All India Radio.
131. Consultative Committee for National Programmes of Talks/ Discussions in Hindi, All India Radio.

132. Cotton Corporation of India Limited, Bombay.
133. Delhi Transport Corporation.
134. Delhi Urban Art Commission.
135. Electronics Commission (Department of Electronics).
136. Executive Council of the National Institute of Health Administration and Education.
137. Film Finance Corporation Limited, Bombay.
138. Finance Commission.
139. Food and Nutrition Board.
140. General Council of National Labour Institute, New Delhi.
141. Goa Shipyard Limited.
142. Governing Body of the Central Council for Research in Indian Medicine and Homeopathy.
143. Governing body of Foodcrafts Institutes, Kalamassry, Bangalore, Goa, Lucknow, Poona, Hyderabad, Ahmedabad and Chandigarh.
144. Governing Council of the Central Institute of Plastics Engineering and Tools, Guindy, Madras.
145. Governing Council of the Central Institute of Tool Design, Hyderabad.
146. Governing Council of the Film and Television Institute of India.
147. Governing Council of the Indian Institute of Astro-physics, Kodai-kanal (Ministry of Tourism and Civil Aviation).
148. Governing Council of the Indian Institute of Geomagnetism, Bombay.
149. Governing Council of the Indian Institute of Tropical Meteorology, Poona.
150. Governing Council of the Institute for Design of Electrical Measuring Instruments, Bombay.
151. Governing Council of Small Industry Extension Training Institute, Hyderabad.
152. Governing Council of the Peoples Action for Development (India), New Delhi.
153. Hindustan Aeronautics Limited.
154. Hindustan Copper Limited—only non-official Director.
- 154A. Housing and Urban Development Corporation Limited—Director.
155. Indian Council of Social Science Research, New Delhi.

156. Indian Farmers Fertilisers Co-operative Limited.
157. Informal Consultative Panel for Documentary Films and Newsreels, Bombay.
158. International Airports Authority of India, constituted under section 3 of the International Airports Authority Act, 1971 (43 of 1971).
159. Jute Corporation of India.
160. Kandla Dock Labour Board.
161. Kendriya Hindi Shikshana Mandal.
162. Kendriya Sainik Board, Ministry of Defence.
163. Khadi and Village Industries Commission.
164. Local Audition Committees of All India Radio at 35 stations.
165. Lube India Limited.
166. Management Board of the Geological Survey of India.
167. Management Committee of the Nationalised Banks.
168. Metallurgical and Engineering Consultants (India) Limited.
169. Metropolitan Transport Team.
170. Mining and Allied Machinery Corporation Limited, Durgapur.
171. Modern Bakeries India Limited.
172. Music Audition Board, Directorate General, All India Radio, New Delhi.
173. Mysore Iron and Steel Limited, Bhadravati.
174. National Buildings Construction Corporation Limited.
175. National Commission on Agriculture.
176. National Insurance Company Limited.
177. National productivity Council.
178. National Savings Central Advisory Board.
179. New India Assurance Company Limited.
180. Oil and Natural Gas Commission established under section 3 of the Oil and Natural Gas Commission Act, 1959 (43 of 1959).
181. Oil Industry Development Board, established under section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974).
182. Oriental Fire and General Insurance Company Limited.
183. Panel Committee, Films Division, Bombay.
184. Panel of Agricultural Scientists.

185. Panel of the Structural Fabricating Industry.
186. Posts and Telegraphs Workshops Board.
187. Shipping Development Fund Committee.
188. Space Commission—Member.
189. Steel Authority of India Limited, Directorship.
190. Steering Committee for VOR/TVOR and DME (Department of Electronics).
191. Textile Committee Bombay, established under section 2 of the Textiles Committee Act, 1963 (41 of 1963).
192. Triveni Structurals Limited.
193. United India Fire and General Insurance Company Limited.

## PART II

### BODIES UNDER THE STATE GOVERNMENTS

#### Andhra Pradesh

1. Advisory Board under the Andhra Pradesh Preventive Detention Act, 1970.
2. Advisory Leather Board, Andhra Pradesh.
3. Andhra Pradesh Housing Board.
4. Andhra Pradesh Khadi and Village Industries Board.
5. Andhra Pradesh State Electricity Board.
6. Andhra Pradesh State Planning Board.
7. Board of Directors of Andhra Pradesh Fisheries Corporation Limited.
8. Board of Directors of Andhra Pradesh State Agro-Industries Corporation Limited.
9. Board of Directors of Andhra Pradesh State Trading Corporation Limited.
10. Board of Directors of Regional Rural Banks,

11. Committee for the Management of Government Handicrafts and Cottage Industries Emporium, Hyderabad.
12. Regional Transport Authorities for the Districts of Krishna, Guntur, West Godavari, East Godavari, Nellore, Chittoor, Cuddappah, Anantpur, Karnool, Vishakhapatnam, Srikakulam, Hyderabad, Medak, Adilabad, Karimnagar, Khamam, Mahboobnagar Nalgonda, Nizamabad and Warangal.
13. State Transport Authority.

### **Assam**

Assam Government Marketing Corporation Limited.

### **Bihar**

1. Bihar State Road Transport Corporation.
2. Bihar State Warehousing Corporation.
3. Board of Directors of Regional Rural Banks.
4. Board of Directors of the Bihar State Construction Corporation Limited.
5. Board of Directors of the Bihar State Small Industries Corporation Limited, Patna.
- 5A. Regional Transport Authorities of South Bihar, North Bihar, East Bihar and Chhota Nagpur.
6. State Transport Authority, Bihar

### **Gujarat**

1. Board of Directors of Gujarat Export Corporation.
2. Board of Directors of Gujarat Industrial Investment Corporation.
3. Board of Directors of Gujarat Mineral Development Corporation Limited.
4. Board of Directors of the Gujarat State Financial Corporation.
5. Board of Directors of the Gujarat State Textile Corporation Limited.
6. Board of Directors of Gujarat Tribal Development Corporation.

7. Board of Examiners for the State of Gujarat.
8. Committee for administration of Agricultural Credit Relief and Guarantee Fund, Gujarat.
9. Committee for the scrutiny of applications for loans for production of films on social, cultural, historical and other aspects of Gujarat.
10. Gujarat Agro-Industries Corporation.
11. Gujarat Cultural Performances Certificate Board.
12. Gujarat State Electricity Board.
13. Gujarat Industrial Development Corporation.
14. Gujarat Khadi and Village Industries Board.
15. Gujarat Official Language (Legislative) Commission (Chairman only).
16. Gujarat State Board of School Text Books.
17. Hybrid Seed Production Programme, State Level Committee, Gujarat.
18. Khar Land Development Board, Gujarat.
19. Regional Transport Authorities, Ahmedabad, Rajkot and Baroda.
20. State Industrial Research Committee, Gujarat.
21. State Transport Authority, Ahmedabad.

### **Haryana**

1. Agricultural Marketing Board, Haryana.
2. Board of Directors of the Haryana Financial Corporation.
3. Board of Directors of the Haryana Warehousing Corporation.
4. Board of Industries, Haryana.
5. Haryana Agro-Industries Corporation Limited, (Chairman).
6. Haryana Housing Board.
7. Haryana State Council for Gosemvardhan.
8. Haryana State Electricity Board.
9. Haryana State Planning Board.



10. **Market Committees, Haryana.**
11. **Regional Transport Authority, Haryana.**
12. **State Transport Authority, Ambala.**
13. **State Working Committee on National Foundation for Teachers' Welfare (Haryana).**
14. **State Planning Board (Haryana) Deputy Chairman.**

### **Himachal Pradesh**

1. **Board of Directors of Himachal Pradesh State Small Industries and Export Corporation Limited.**
2. **Board of Industries, Himachal Pradesh.**
3. **Board of School Education, Himachal Pradesh.**
4. **Himachal Pradesh Housing Board.**
5. **Himachal Pradesh Khadi and Village Industries Board.**
6. **Regional Transport Authorities at Simla and Dharamshala.**
7. **State Transport Authority, Himachal Pradesh.**

### **Jammu and Kashmir**

1. **Board of Directors of the Jammu and Kashmir Industries Limited.**
2. **Jammu and Kashmir Handicrafts (Sales and Exports), Corporation Limited, Srinagar.**
3. **Jammu and Kashmir Industrial Development Corporation.**
4. **Jammu and Kashmir Khadi and Village Industries Board.**
5. **Jammu and Kashmir Minerals Limited.**
6. **Ladakh Development Board (Vice-Chairman).**

### **Karnataka**

1. **Advisory Committee for State Level to Advise Co-operative Sugar Factories for placing orders for plant and machinery.**
2. **Board of Directors of the Chamundi Machine Tools.**
3. **Board of Directors of Karnataka State Forest Industries Corporation Limited.**

4. Board of Directors of Karnataka State Handicrafts Development Corporation Limited.
5. Board of Directors of the Mysore State Agro-Industries Corporation Limited.
6. Board of Directors of the Mysore State Fisheries Development Corporation Limited.
7. Board of Directors of the Mysore Power Corporation Limited.
8. Departmental Recruitment Committee, Forest Department, Karnataka.
9. Departmental Recruitment Committee, Karnataka.
10. Karnataka Housing Board.
11. Karnataka Labour Welfare Fund Board.
12. Karnataka State Forest Plantation Corporation Limited, Bangalore.
13. Karnataka State Electricity Board.
14. Karnataka State Leather and Leather based Industries Board.
15. Karnataka State Temperance Board.
16. Karnataka State Transport Authority.
17. Mysore State Road Transport Corporation.
18. Official Language (Legislative) Experts Committee.
19. Planning Authorities for (i) Bangalore, (ii) Mysore, (iii) Belgaum (iv) Shimoga—Bhadrawati, (v) Hubli—Dharwar, (vi) Mangalore, (vii) Dandeli and (viii) Gulbarga.
20. Regional Transport Authority for each district, Karnataka.

#### **Kerala**

1. Board of Directors of Kerala Agro-Industries Corporation.
2. Board of Directors of the Kerala Fisheries Corporation Limited.
3. Board of Directors of Kerala Handloom Finance Corporation Limited.
4. Board of Directors of Kerala Shipping Corporation Limited.
5. Board of Directors of Kerala State Cashew Development Corporation Limited.

6. Board of Directors of the Kerala State Financial Enterprises Limited, Trichur.
7. Board of Directors of the Kerala State Industrial Development Corporation Limited.
8. Board of Directors of the Kerala Urban Development Finance Corporation Limited, Calicut.
9. Board of Directors of the Plantation Corporation of Kerala Limited.
10. Joint Town Planning Committee, Calicut Region, Kerala.
11. - Kerala State Coir Corporation Limited.
12. Kerala State Electricity Board.
13. Kerala State Housing Board.
14. Kerala State Rural Development Board.
15. Kerala State Small Industries Corporation Limited.
16. Board of Directors of the Kerala State Warehousing Corporation.
17. Kerala Toddy Workers Welfare Fund Board.
18. Kerala Tourism Development Corporation Limited.
19. Managing Committee for Welfare Institutions.
20. Regional Transport Authority, Kerala.

#### **Madhya Pradesh**

1. Board of Directors of Madhya Pradesh Audyogik Vikas Nigam Limited.
2. Board of Directors of Madhya Pradesh State Corporation of Text Book Production and Educational Research, Bhopal.
3. Board of Directors of Madhya Pradesh State Industries Corporation Limited, Bhopal.
4. Board of Directors of Madhya Pradesh State Mining Corporation.
5. Board of Directors of Madhya Pradesh State Textile Corporation Limited.
6. Board of Directors of the Madhya Pradesh State Warehousing Corporation.

7. Madhya Pradesh Housing Board.
8. Madhya Pradesh Licensing Board (Electrical).
9. Madhya Pradesh State Road Transport Corporation Board.
10. Regional Transport Authorities.
11. State Transport Authority.

### **Maharashtra**

1. Board of Directors of Maharashtra Agricultural Development and Fertilizers Promotion Corporation (MAFCO) Limited.
2. Board of Directors of Maharashtra Agro-Industries Development Corporation Limited.
3. Board of Directors of Maharashtra State Farming Corporation.
4. Godavari (Jayatwadi) Development Board, Maharashtra.
5. Maharashtra State Legal Aid and Advice Board.
6. Maharashtra State Road Transport Corporation.
7. Maharashtra State Warehousing Corporation.
8. Sugarcane Price Fixation Board.
9. Regional Transport Authorities for Aurangabad, Bombay, Nagpur, Pune and Thane.
10. State Transport Authority.

### **Meghalaya**

1. Board of Directors of Forest Development Corporation of Meghalaya Limited.
2. Board of Directors of Meghalaya Industrial Development Corporation.
3. State Level Committee to scrutinise applications for hire-purchase of machinery.

### **Orissa**

1. Districts Reorganisation Committee.
2. Orissa State Electricity Board.

3. Regional Transport Authorities.
4. State Transport Authority.

### **Punjab**

1. Advisory Board, COFEPOSA.
2. Board of Directors of Punjab Export Corporation.
3. Board of Directors of Punjab Financial Corporation, Chandigarh.
4. Punjab Housing Development Board.
5. Punjab State Electricity Board, Patiala.
6. Punjab State Planning Board.
7. Regional Transport Authorities for Jullundur, Patiala and Ambala Divisions.
8. State Transport Authority.

### **Rajasthan**

1. Board of Directors of Rajasthan Small Industries Corporation Limited.
2. Board of Directors of Rajasthan State Agro-Industries Corporation Limited, Jaipur.
3. Rajasthan Khadi and Village Industries Board.
4. Rajasthan State Board for Prevention and Control of Water Pollution.
5. Rajasthan State Industrial and Mineral Development Corporation Limited, Jaipur.
6. Rajasthan State Agriculture Marketing Board, Jaipur.
7. Rajasthan State Road Transport Corporation.
8. Rajasthan State Warehousing Corporation.
9. Regional Transport Authorities, Jaipur, Udaipur, Kotah, Bikaner and Jodhpur.
10. State Planning Board, Rajasthan—Specialist member.
11. State Transport Authority.

### **Tamil Nadu**

1. Board of Directors of Tamil Nadu Industrial Investment Corporation Limited.
2. Board of Directors of Tamil Nadu Industries Corporation Limited.
3. Board of Directors of Tamil Nadu Small Industries Development Corporation Limited.
4. Board of Directors of the State Industries Promotion Corporation of Tamil Nadu Limited.
5. Board of Directors of Tamil Nadu Sugarcane Farm Corporation Private Limited.
6. State Agricultural Marketing Board (Government of Tamil Nadu).
7. Tamil Nadu Agro-Industries Corporation Limited.
8. Tamil Nadu Khadi and Village Industries Board.
9. Tamil Nadu Land Board, Madras.
10. Tamil Nadu Land Improvement Board.
11. Tamil Nadu State Housing Board.
12. Tamil Nadu Warehousing Corporation.
13. Tamil Nadu Water Supply and Drainage Board.

### **Tripura**

1. Advisory Board for COFEPOSA.
2. Bishalgarh Agriculture Produce Market Committee, Tripura.
3. Tripura Khadi and Village Industries Board.
4. Tripura Road Transport Corporation.

### **Uttar Pradesh**

1. Board of Directors of the Pradeshiya Industrial and Investment Corporation of Uttar Pradesh Limited.
2. Board of Directors of the U.P. State Industrial Corporation Limited.
3. Divisional Industrial Committee.

4. Economic Advisory Council.
5. Kanpur Development Authority.
6. Tarai Anusuchit Janjati Vikas Nigam Limited.
7. Uttar Pradesh Khadi and Village Industries Board.

### **West Bengal**

1. Board of Directors of the State Fisheries Development Corporation Limited (West Bengal).
2. Board of Directors of the State Industries Development Corporation Ltd.
3. Board of Directors of West Bengal Essential Commodities Supply Corporation Limited.
4. Calcutta State Transport Corporation, West Bengal.
5. Calcutta Tramways Advisory Committee, West Bengal.
6. North Bengal State Transport Corporation, Government of West Bengal.

## **PART III**

### *Bodies in the Union Territories*

#### **Andaman and Nicobar Islands**

1. Andaman and Nicobar Islands Pradesh Council.
2. The Child Welfare Board.

#### **Arunachal Pradesh**

Pradesh Council of Arunachal Pradesh.

#### **Chandigarh**

State Transport Authority, Chandigarh.

#### **Dadra and Nagar Haveli**

State Transport Authority.

**Delhi**

State Transport Authority, Delhi.

**Goa, Daman and Diu**

1. Goa, Daman and Diu Housing Board.
2. Goa, Daman and Diu Industrial Development Corporation, Panaji
3. State Transport Authority.

**Mizoram**

1. Mizoram State Sports Council.
2. Governing Body for the Serchhip College, Serchhip, Mizoram.
3. Governing Body for the Champhal College, Champhal Mizoram."

5. If a member of Parliament who immediately before the commencement of this Act, held an office of profit declared by the principal Act not to disqualify the holder thereof for being such member, becomes so disqualified by reason of the provisions of the principal Act, as amended by this Act, such office shall not, if held by that member for any period not extending beyond a period of three months from the commencement of this Act, disqualify him for being a member of Parliament.



## APPENDIX II

(Vide Para 1.4 of the Report)

**Subject :—Draft Parliament (Prevention of Disqualification) Admendment Bill, 1983.**

Sl. No.	Paragraph No. of Ministry of Law O.M. dt. 19-5-83	Points on which clarifications were sought by the Ministry of Law	Recommendations made by the Joint Committee on Offices of Profit at their sitting held on 20-12-83
1	2	3	4
1	2 (i)	The draft Bill, apart from including all the entries included in the Schedule to the 1974 Amendment Bill, includes therein bodies recommended for inclusion by the Joint Committee. It may, however, be mentioned that the draft Bill has not been circulated to the Ministries/Departments of the Government of India and the State Governments or the Union Territory Administrations for confirming whether the bodies included in the Schedule are existing and, if so, whether they have the same names and composition. This will be done	The Committee note that with the approval of the Chairman, the Ministry of Law, Justice and Company Affairs had been requested on 5th July, 1983 to take immediate action to circulate the draft Bill to all Ministries/States/Union Territory Administrations for confirming whether the bodies included in the Schedules were existing and if so, whether they have the same names and composition. The Committee desire that the Ministry should expedite their reply after confirming the position from the Central Ministries/

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after the Joint Committee given its concurrence to the draft Bill.

State Governments/ Union Territory Administrations, etc.

2. 2 (ii)

The First Report of the Seventh Lok Sabha recommended the insertion of the word "Vice-Chairman" wherever the expression "chairman" occurs in clauses (f), (h) and (i) of section 3 of the 1959 Act and the Explanation under that section, But the reference to "chairman" occurs both in items (i) and (ii) of clause (i) of the said section. From the scheme suggested by the Committee, the change could be made only in item (ii) of that clause. This has been done and the Joint Committee may see for confirmation.

The Committee confirm the position stated by the Ministry of Law, Justice and Company Affairs that the word "Vice-Chairman" may be inserted in clauses (f), (h) and (i) of section 3 of the 1959 Act and in item (ii) of clause (i) of section 3 of the 1959 Act and in the Explanation under that section only.

3. 2 (iii)

As per the scheme suggested by the Joint Committee, the new First Schedule to the 1959 Act should contain bodies in respect of which persons holding offices as chairman and secretary should be disqualified while

The Committee note that the scheme of Schedules in the draft Bill as on the same pattern of Bill which was introduced in Parliament and was passed in Lok Sabha in 1974. The First Schedule contains

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the new Second Schedule should contain those bodies in respect of which persons holding office as chairman, vice-chairman, secretary, director or member should be disqualified. This will result in certain practical difficulties. Firstly, it is not clear whether in the bodies specified in the First Schedule, the persons holding the office of chairman will also be holding the office of the Secretary.

bodies whose chairmanship and secretaryship are to be disqualified. The Committee are of the view that it is not necessary that the same person will hold the post of chairman as well as secretary.

If not, those bodies should be included in the Second Schedule. But as the 1974 Bill included certain bodies in the First Schedule in respect of which the offices of chairman and secretary would be disqualified, the same had been retained in the Bill. As mentioned earlier, this will be subject to confirmation by the Ministries, etc. of the Government of India and the State Governments and Union Territory Ad-

The Committee further note that the Second Schedule includes those bodies whose chairmanship/Vice-chairmanship/Secretaryship / directorship/membership, as the case may be, should be disqualified. The Committee feel that the words 'as the case may be' if added would disqualify what ever offices exist in a particular body. In case of specific recommendations of the Committee, like dis-

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ministrations. Secondly, as per the scheme recommended by the Committee and adopted in the 1974 Bill, the names of the bodies alone have been specified in the Schedules. As the Second Schedule will have reference to five offices mentioned above it will not be known as to which offices in such bodies will be disqualified. Further, the Committee have in many cases, recommended that one or two of the offices mentioned above of a body should be disqualified and the other or others should not be disqualified. If that be so, mere mention of the bodies without specifying the offices which will disqualify, will not achieve the object in view. Instances of such recommendations have been included in the annexure to this Office Memorandum. It is felt that the scheme suggested by the Joint Committee may have to be changed to achieve the object in view.

qualification for part time members, as in the case of Punjab State Planning Board. the Committee are of opinion that this may however, be specifically mentioned against the entry.

The Committee have examined the instances mentioned by the Ministry in their Annexure and have recommended as mentioned against each body in the Annexure at pages 68 to 71 of this Report.

1	2	3	4
4	2 (iv)	<p>While referring to the public sector undertakings, the Committee have indicated the places where the registered office of the undertaking is situated or the Ministry/Department under whose administrative control the undertakings are established in respect of some of them. It is for consideration whether same uniform method should be adopted.</p>	<p>The Committee are of the view that uniform method should be adopted in all cases and the names of places may not be mentioned alongwith the bodies.</p>
5	3(1)	<p>The Joint Committee constituted for the Fifth Lok Sabha in their nineteenth Report, in paragraph 16, have recommended that the Board of Directors of 19 Regional Rural Banks should be disqualified and they have referred to such banks only in ten States. It is not known whether the Board of Directors of the Regional Rural Banks established in other States are also required to be disqualified.</p>	<p>As the functions and powers of Board of Directors of all the Regional Rural Banks would be similar, the Committee recommend that the directorship of all the Regional Rural Banks of all Regions in other States Union Territories may also be disqualified.</p>

1	2	3	4
6	3(2)	<p>The Board of Directors of the Nationalised Banks have been recommended for inclusion in the Second Schedule. This recommendation was made before 1980 when some more banks had been nationalised. The draft Bill includes therein those nationalised Banks also. The Joint Committee may be requested to confirm this position.</p>	<p>As the functions and powers of Board of Directors of all the Nationalised Banks would be similar, the Committee recommend that the Directorship of all the Nationalised Banks may also be disqualified.</p>
7	3(3)	<p>The Joint Committee had recommended that the governing body of the All India Institute of Medical Sciences and the Governing Body of the Post-Graduate Institute of Medical Education and Research should also be included in the Second Schedule in addition to the membership of the said Institutes. It is found from the Acts establishing these Institutes that the Governing body would consist only of the Members of the Institute. As such, it is not necessary to specifically refer to the</p>	<p>In view of the position explained by the Ministry of Law that the governing body consisted only of the members of the Institute; the Committee, agrees to the suggestion made by Ministry of Law, Justice and Company Affairs.</p>

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		<p>Governing body of these Institutes in the Schedule.</p>	
8	3(4)	<p>The Development Councils for various industries had been included in the First Schedule to the 1974 Amendment Bill. But only some of the Development Councils have been referred to as having been established under section 6 of the Industries (Development and Regulation) Act, 1951. It is felt that all the Development Councils have been established under section 6 of that Act. The Joint Committee may confirm whether the reference to their establishments may be indicated in respect of all the Development Councils.</p>	<p>The Committee agree to the suggestion of the Ministry of Law, Justice and Company Affairs that reference to the establishment of all the Development Councils under section 6 of the Industries (Development &amp; Regulation) Act, 1951 should be indicated in the First Schedule of the proposed Parliament (Prevention of Disqualification) Amendment Bill, 1983 with a view to bring uniformity regarding the names of the bodies.</p>
9	3(5)	<p>The 1974 Amendment Bill proposed to include the Dock Labour Boards for Bombay, Calcutta, Madras, Cochin and Visakhapatnam in the First Schedule to the 1959</p>	<p>The Committee agree to the proposal of the Ministry of Law, Justice and Company Affairs to include all the Dock Labour Boards in the Second Schedule.</p>

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Act. This would mean that chairman and secretary of all these Dock Labour Boards would be disqualified. But in the subsequent recommendations, the membership of the Kandla and Marmugao Dock Labour Boards are required to be disqualified. As all the Dock Labour Boards have been established under the same provision of the Act, a reference to all the Dock Labour Boards should be included in one Schedule.

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3(6)

The reference to Finance Commission proposed to be included should indicate the particular Finance Commission established, as a number of Finance Commissions had been established so far.

The Committee are not in favour of the suggestion made by Ministry of Law, Justice and Company Affairs that the reference to Finance Commission proposed to be included should indicate the particular number of Finance Commissions as the functions of all Finance Commissions are similar as envisaged in Article 280 of the Constitution. As such the entry may remain



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1	2	3	4
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as it is without reference to its number.

11.      3(7)

As recommended by the Joint Committee, the State and Regional Transport Authorities have been included both in the proposed new First Schedule and the Second Schedule.

The Committee note that the Joint Committee on Offices of Profit [*Vide* 13th Report (Fifth Lok Sabha), para 35] have recommended that all State and Regional Transport Authorities should be included in the Second Schedule. The Committee accordingly recommend that all the Transport authorities may be included in the Second Schedule only.

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# A N N E X U R E

( *Vide* S. No. 3 to Appendix-II of the Report )

S. No.	Name of the Statutory or non-statutory bodies	Recommendation made by the Joint Committee	Remarks
1	2	3	4
1.	Iron Ore Board	Chairman alone should be disqualified.	May be included in the First Schedule (Chairman only)
2.	Non-official Standing Voluntary Help Committee (Ministry of Railways)	Member Secretary should be disqualified.	May be included in the First Schedule (Secretary only)
3.	Governing Councils of the National Sample Survey	Only Chairman should be disqualified.	May be included in the First Schedule (Chairman only)
4.	Life Insurance Corporation of India	Only Chairman should be disqualified.	—do—
5.	National Savings Central Advisory Board.	Only Chairman should be disqualified.	—do—
6.	Air India and Indian Airlines	In the 1974 Bill, both were included in the first Schedule. The Joint Committee have recommended that the Board of Directors of these Corporations should also be dis-	May be included in the Second Schedule

1	2	3	4
		qualified. This would mean that these two Corporations should be included in the <i>Second Schedule</i> and deleted from first Schedule.	
7.	Cochin Shipyard	Directorship should be disqualified.	May be included in the Second Schedule
8.	Space Commission	Membership should be disqualified.	—do—
9.	Steel Authority of India Limited	Membership should be disqualified.	May be included in the Second Schedule
10.	Public Sector Companies	In some cases, the Joint Committee have recommended that Directors alone should be disqualified and in respect of some other bodies, the Joint Committee have recommended that the Board of Directors should be disqualified. In some recommendations, it has been mentioned that directors including Chairman should be disqualified.	The Committee have reviewed the position and are of the view that the Ministry of Law, Justice & Company Affairs may examine the feasibility of including all Public Sector Companies in the Second Schedule in view of the recommendations already made by JCOP <i>vide</i> Second Report (Fifth Lok Sabha) para 14, page 3.

1	2	3	4
11.	Handicrafts and Handlooms Export Development Corporation.	Director including chairmanship should be disqualified.	May be included in the Second Schedule.
12.	Modern Bakeries of (India) Ltd.	Chairman, Managing Director, and Directors should be disqualified.	—do—

#### BODIES UNDER THE STATE GOVERNMENTS

13.	Bihar State Road Transport Corporation.	Membership should be disqualified.	—do—
14.	Maharashtra Warehousing Corporation	Directorship alone should be disqualified.	—do—
15.	Andhra Pradesh Housing Board.	Membership (including Chairman) should be disqualified.	—do—
16.	Advisory Leather Board, Andhra Pradesh	Chairman not to be exempted. Other non-official members to be exempted.	May be included in the First Schedule.
17.	Board of School Education, Himachal Pradesh.	Members including Chairman are not to be exempted	May be included in the Second Schedule.
18.	Haryana Agro-Industries Corporation Ltd., Chandigarh	Chairman alone should be disqualified.	May be included in the First Schedule (Chairman only)
19.	Board of Industries, Himachal Pradesh.	Members should not be exempted.	May be included in the Second Schedule.
20.	Tamil Nadu Agro-Industries Corporation Ltd.,	Directors including Chairman should be disqualified,	—do—

1	2	3	4
21.	Ladhakh Development Board	Vice-Chairman to be disqualified.	May be included in the Second Schedule (vice-chairman only)
22.	Jammu & Kashmir Handicrafts (Sales & Exports) Corporation Ltd., Srinagar.	Director including managing director should be disqualified.	May be included in the Second Schedule
23.	Pradesh Council of Arunachal Pradesh	Non-official nominated member should be disqualified.	— do — (Non-official nominated members only)
24.	Gujarat Khadi & Village Industries Board.	Non-official Members Board including chairman should be disqualified.	May be included in the Second Schedule
25.	Gujarat Industrial Development Corporation	Member including chairman should be disqualified.	—do—
26.	Kerala Tourism Development Corpn. Ltd.	Directors including chairman should be disqualified.	—do—
27.	Bihar State Warehousing Corpn. Ltd.	Directorship including chairman should be disqualified.	May be included in the Second Schedule
28.	Mysore State Road Transport Corporation	Membership including chairmanship should be disqualified.	—do—
29.	Sugarcane Price Fixation Board (Govt. of Maharashtra)	Members including chairman should be disqualified.	—do—
30.	Punjab State Planning Board.	Deputy Chairman and Part-time Members should be disqualified.	—do— (Deputy Chairman and part-time members only)

1	2	3	4
31.	Gujarat Official Language (Legislative) Commission.	Chairman should be disqualified. Non-official member who receives honorarium ought also not to be exempt.	May be included in the Second Schedule
32.	Karnataka State Temperance Board.	Chairman and vice-chairman not to be exempted but Members should be exempted from disqualification.	—do— (Chairman and Vice-Chairman only)
33.	Advisory Committee for State Level to advise co-operative. Sugar Factories for placing orders for plant and machinery, (Karnataka)	Non-official members should be disqualified.	May be included in the Second Schedule
34.	Haryana State Council of govardhan	Non-official members should be disqualified.	May be included in the Second Schedule
35.	The U.P. Khadi & Village Industries Board.	Members including the vice-chairman should be disqualified.	—do—
36.	State Planning Board. Haryana	Deputy Chairman should be disqualified. Others should be exempted.	—do— (Deputy Chairman only)

## APPENDIX III

(vide para 1.8 of the Report)

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

XXXVII

#### THIRTY—SEVENTH SITTING

The Committee met on Tuesday, 28 June, 1983 from 1100 to 1200 hours.

#### PRESENT

Shri Gulsher Ahmed—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Krishna Chandra Halder
4. Shri Virdhi Chander Jain
5. Shri Jamilur Rahman
6. Shri Rashid Masood
7. Shri N.K. Shejwalkar

##### *Rajya Sabha*

8. Shri Dinesh Goswami
9. Shri Robin Kakati
10. Shri Lakhan Singh

#### SECRETARIAT

Shri S.S. Chawla—*Senior Legislative Committee Officer.*

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9. The Chairman then apprised the Committee about the receipt of a copy of the draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 from the Ministry of Law, Justice and Company Affairs with the request that the draft Bill might be placed before the Joint Committee on Offices of Profit for their consideration and Report. The Chairman further informed the members that the Bill, after its provisions had been examined by the Secretariat of the Committee, would be placed before Committee for consideration and approval.

*The Committee then adjourned.*

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

## XLII

### FORTY-SECOND SITTING

The Committee met, on Thursday, 6 October, 1983 from 15.00 to 16.45 hours.

#### PRESENT

Shri Gulsher Ahmed—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Harish Kumar Gangwar
4. Shri Virdhi Chander Jain
5. Shri N. K. Shejwalkar
6. Shri Nandi Yellaiah

##### *Rajya Sabha*

7. Shri Robin Kakati
8. Shri Lakhan Singh
9. Shri Ram Bhagat Paswan

#### SECRETARIAT

1. Shri S. D. Kaura—*Chief Legislative Committee Officer.*
2. Shri S. S. Chawla—*Senior Legislative Committee Officer.*

2. The Committee took up for consideration Memorandum No. 271 regarding draft Parliament (Prevention of Disqualification) Amendment Bill, 1983.

3. The Committee, after perusing the background note given in the Memorandum, discussed the points raised in the Ministry of Law, Justice and Company Affairs O.M.No. 17/1/83-Leg. III dated 19 May, 1983 (*See Annexure*) seeking certain clarifications on the draft Bill, and arrived at the decisions on clarifications sought in paragraphs 2(i) and 2(ii) of the said OM., as given in the succeeding paragraphs.



4. In Paragraph 2 (i) of their O.M., dated 19 May 1983, the Ministry of Law had stated :—

“The draft Bill, apart from including all the entries included in the Schedule to the 1974 Amendment Bill, includes therein bodies recommended for inclusion by the Joint Committee. It may, however, be mentioned that the draft Bill has not been circulated to the Ministries/Departments of the Government of India and the State Governments or the Union Territory Administrations for confirming whether the bodies included in the Schedule are existing and if so, whether they have the same names and composition. This will be done after the Joint Committee gives its concurrence to the draft Bill.”

5. The Committee noted that with the approval of the Chairman, the Ministry of Law had been requested on 5 July, 1983 to take immediate action to circulate the draft Bill to all Ministries, States/Union Territory Administrations for confirming whether the bodies included in the Schedule were existing and if so, whether they had the same names and composition. The Committee desired that the Ministry should expedite their reply after confirming the position from the Central Ministries/ State Governments/ Union Territory Administrations, etc.

6. In paragraph 2 (ii) of their O.M. dated 19 May, 1983, the Ministry of Law had stated :

“The First Report of the Joint Committee Seventh Lok Sabha recommended the insertion of the word “Vice-Chairman” wherever the expression “Chairman” occurs in clauses (f), (h) and (i) of section 3 of the 1959 Act and the explanation under that section. But the reference to “Chairman” occurs both in items (i) and (ii) of clause (i) of the said section. From the scheme suggested by the Committee, the change could be made only in item (ii) of that clause. This has been done and the Joint Committee may see for confirmation.”

7. While considering the point made by the Ministry of Law, Justice and Company Affairs in paragraph 2 (ii) of their O. M. some members expressed the view that instead of enumerating the list of bodies in the proposed two Schedules to the Bill, it would be better if the main Act *i. e.* the Parliament (Prevention of Disqualification) Act, 1959 itself was amended to incorporate the following principles which were followed by the Joint Committee on Offices of Profit for deciding various offices for granting

exemption from disqualification or excluding them from such exemption, namely : —

- (i) whether the holder draws any remuneration, like sitting fee, honorarium, salary, etc. *i. e.* any remuneration other than the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959;
- (ii) whether the body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc. ; or gives powers of appointment, grant of scholarships, etc.; and
- (iii) whether the body in which an office is held, wields influence or power by way of patronage.

8. After some discussion, the Committee decided to hear the views of representatives of Ministry of Law, Justice and Company Affairs (Legislative Department as well as Department of Legal Affairs) on the question whether the principles followed by the Joint Committee on Offices of Profit for deciding various offices for granting exemption from disqualification or excluding them from such exemption, could be incorporated in the Parliament (Prevention of Disqualification) Act, 1959 through an amending Bill.

9. The Committee, thereafter, considered their future programme of work and decided to hold their next sitting on 27 October, 1983.

*The Committee then adjourned.*

## **XLIII**

### **FORTY-THIRD SITTING**

The Committee met on Wednesday, 26 October, 1983 from 15.00 to 17.00 hours.

#### **PRESENT**

Shri N.K. Shejwalkar—*in the Chair*

#### **MEMBERS**

##### *Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Krishna Chandra Halder
4. Shri Virdhi Chander Jain
5. Shri Jamilur Rahman
6. Shri S.A. Dorai Sebastian

##### *Rajya Sabha*

7. Shri Robin Kakati
8. Shri Ram Bhagat Paswan

#### **WITNESSES**

*Representatives of the Ministry of Law, Justice and Company Affairs  
(Department of Legal Affairs and Legislative Department)*

1. Shri B.S. Sekhon—*Secretary, Department of Legal Affairs.*
2. Shri R.V.S. Peri Sastri—*Secretary, Legislative Department.*
3. Shri A.C.C. Unni—*Additional Legislative Counsel, Legislative Department.*

#### **SECRETARIAT**

Shri S.S. Chawla—*Senior Legislative Committee Officer.*

2. In the absence of the Chairman, Shri N.K. Shejwalkar was chosen by the Committee to act as Chairman for the sitting in terms of the provisions

of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee then took oral evidence of the representatives of the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs and Legislative Department) on the question whether the principles followed by the Joint Committee on Offices of Profit for deciding various offices for granting exemption for disqualification or excluding them from such exemption could be incorporated in the Parliament (Prevention of Disqualification) Act, 1959 by way of an amending Bill.

4. On being asked whether the Parliament (Prevention of Disqualification) Act, 1959 could be amended so as to incorporate the principles/guidelines laid down by the Joint Committee on Offices of Profit which would disqualify the holder of an office for being chosen as, and for being, a member of Parliament under Article 102(1)(a) of the Constitution instead of enumerating the list of bodies and offices in the Schedule to the said Act, the representative of the Department of Legal Affairs stated that it might not be permissible under Article 102(1)(a) of the Constitution to enumerate principles and the guidelines on the basis of which an office of profit was to be determined in the Act. However, technically it would be open to Parliament to lay down principles and guidelines by saying that "if a person is found to be holding an office which satisfied certain principles and guidelines, then the holder of that particular office will stand disqualified". But that might give rise to many practical complications and difficulties. The representative also added that the provisions in sub-clause (a) and those of clause (e) of Article 102 related to separate areas and distinct fields. Therefore, whenever the object was to lay down the guidelines for determining the fact as to whether or not a certain office was an office of profit, immediately that would fall within the ambit of sub-clause (a) and consequently, enumerating the principles and the guidelines on the basis of which an office of profit was yet to be determined, were not permissible under sub-clause (a) of Article 102(1) of the Constitution. The representative of the Ministry, however, informed the Committee that under sub-clause (e) it was permissible to lay down certain guidelines or principles of offices other than the office of profit. But that would lead to several practical difficulties. First, that might open flood gates of disputes because the determination of the fact as to whether the holder of any particular office other than the office of profit would fall within the guidelines or principles would itself be a point of dispute or form part of that dispute. Secondly, there would be an increase in the references under Article 103 of the Constitution virtually leading to an enormous rise in the election petitions to be decided

by the President and Election Commission, because any number of election petitions could be filed then on the basis that a particular person was not disqualified because his case was not covered by the guidelines which were proposed to be laid down.

5. When asked whether the Government could introduce a Bill under Article 102 (1) (e) of the Constitution declaring that the holder of an office under Government would incur disqualification if—

- “(a) he gets any sum of money by way of remuneration other than the ‘compensatory allowance’,
- (b) he holds an office in which he exercises executive/legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc., or gives powers of appointment, grant of scholarships etc., and
- (c) he holds an office whereby he is in a position to wield influence or power by way of patronage”—

the Secretary, Department of Legal Affairs, submitted that the question whether or not any law under clause (e) of Article 102 (1) of the Constitution should be introduced in the House or not, was mainly for the administrative Ministry to decide. He also stated that as regards ‘compensatory allowance’ if it meant out of pocket expenses, then there was no need for making any such provision as the definition of expression ‘compensatory allowance’ in the Parliament (Prevention of Disqualification) Act, 1959 already covered the field. The Secretary, Legislative Department, however, added that leaving aside the case of purely advisory bodies, there were bound to be some powers of an executive nature whenever a member became a member of the Executive Committee of a body, however, insignificant the nature of powers might be. If a provision to that effect was made in any Act, it would be tantamount to nullifying the exemption provision itself which was the purpose behind enacting the 1959 Act. So, with a view to make the provision workable, the task of defining the type of executive power, which was to disqualify a member, would have to be taken up. The law would also become very uncertain and would lead to an increase of election petitions. Same would be the case with legislative, judicial and financial powers as in each case the exact type of such powers which would disqualify, had to be specified making the issue fairly cloudy. He also stated that the work of advice on the exemption of the nature of the office had been entrusted to the Joint

Committee on Offices of Profit since a member was entitled to know before he had accepted an office as to whether acceptance of it would lead him to disqualification. With regard to the guidelines that a member would be disqualified if he held an office where he was in a position to wield influence or distribute patronage, the representative of the Ministry maintained that the trend of judicial decisions had been to equate profit in terms of money or assess in terms of pecuniary gain. Mere patronage under Article 102(1) (a) would not disqualify.

6. To a pointed question by the Committee as to the number of the Acts enacted so far under Article 102(e) of the Constitution, the Secretary, Department of Legal Affairs replied that the Representation of the People Act, Part III, contained provisions which could be said to be a law enacted under Article 102(1)(e) of the Constitution.

7. The Committee then enquired from the Secretary, Legislative Department as to how far it was justified to amend the 1959 Act so as to incorporate therein only the grounds of disqualification for holding offices of profit and to omit the Schedule therefrom since the Schedule could never be comprehensive. The representative maintained that the scheme of 1959 Act was in accordance with the provision of Article 102(1)(a) of the Constitution. In that view of matter, 1959 Act was not a proper place providing for disqualifications, as the very title of the Parliament (Prevention of Disqualification) Act, 1959 indicated that it was enacted with a view to envisage power to remove disqualification. However, from purely technical and drafting point of view it was possible to devise a scheme whereby whatever guidelines were finally decided to be incorporated could be provided in the Preamble to the Act. The exemption itself could be couched in such a way that only those offices which satisfied the particular features which were in view, were covered. As an alternative, the exemption could be a general one and the guidelines could be imported or put into the Act in the form of exemption. He also reiterated that all such devices were possible from purely, drafting point of view, but they could not be implemented without giving rise to serious practical difficulties. With regard to the omission of the Schedule from the Act on the ground that it could never be comprehensive, the representative was of the opinion that members were to go on the basis of the Schedule as it was for the time being.

8. The Committee then wanted to know the views of the representative of the Legislative Department about highlighting the guidelines and principles in the Parliament (Prevention of Disqualification) Act, 1959 for granting exemption from disqualification or excluding the members from such

exemption so that all concerned were enlightened about the grounds entailing disqualification. The Committee also enquired whether there was any other way to achieve that objective in case it was not possible to incorporate the guidelines in the Act. The representative of the Legislative Department stated that the government or the appointing authority and the member who was accepting the appointment were already aware of the guidelines. However, if the Committee so desired, the guidelines could be incorporated in the Preamble etc. to the Act.

9. On being further enquired whether it was within the purview of the functions of the Joint Committee on offices of profit to recommend amendment of the Parliament (Prevention of Disqualification) Act 1959, so as to delete the schedules therefrom, the Secretary, Legislative Department replied in the affirmative mentioning that it was completely within the powers of the Committee. He, however, added that if the schedules were omitted then it would be necessary to make corresponding changes in clauses (h) and (i) of section 3 (1) of the Act.

10. The Committee then asked whether it would not be proper for the Government to introduce a separate legislation based on clause (i) of Section 3 of the Act, *ibid*, regarding bodies listed in Part I and Part II of the Schedule whose Chairmanship/Vice-chairmanship/Secretaryship/Directorship/Membership would entail disqualification as the Parliament (Prevention of Disqualification) Act, 1959 was meant for the prevention of disqualification and not for entailing disqualification to the holder of an office. In reply, the representative of the Legislative Department stated that the question involved policy to be adopted by the government which was more of a political nature rather than a legal one. He also assured that if the Committee desired he would take up the matter with the Minister of Law, Justice and Company Affairs for placing the question before the Cabinet for a decision.

11. Finally, the Committee posed the question before the representatives of the Ministry that the basic factor that was striking the mind of members of Parliament was whether they were allowed to work independently or not and if there were alluring offers, whether legislative solution to avoid such a state ought to be there or not. On that the Secretary, Legislative Department was of the view that the Constitution makers had left the matter to the discretion of Parliament 'because they must have conceived that there would be situations in which, although the office may involve the exercise of financial powers, yet on balance, it may be exerting from the point of view of public interest to allow a Member who may be much better fitted to hold

such an office.' That was why certain element of discretion had been given and the very approach of the Article 102 (1) (a) was to let Parliament examine each case before granting exemption. In other words, the said Article left something deliberately to the discretion of the government and the Legislature. He also added that if the Committee have a direction in that regard, that point could be considered by them. But any decision in the matter would have to be taken in consultation with the State Governments keeping in view the Centre-State relations.

*Thereafter the witnesses withdrew.*

*The Committee then adjourned.*



FORTY-FIFTH SITTING

The Committee met on Tuesday, 20 December, 1983 from 15.00 hours to 16.20 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Krishna Chandra Halder
3. Shri Jamilur Rahman
4. Shri N.K. Shejwalkar

*Rajya Sabha*

5. Shri Dinesh Goswami

SECRETARIAT

Shri H.G. Paranjpe—*Joint Secretary*

Shri S.D. Kaura—*Chief Segislative Committee Officer*

Shri S.S. Chawla—*Senior Segislative Committee Officer.*

2. The Committee took up for consideration Memoranda Nos. 271 and 272 regarding draft Parliament (Prevention of Disqualification) Amendment Bill, 1983.

3. At the outset, the Committee considered Memorandum Nos. 272 regarding the point raised by one member Shri N.K. Shejwalkar, (M.P.) that instead of enumerating the list of bodies in the proposed two Schedules to the Bill, it would be better if the main Act, *i.e.* the Parliament (Prevention of Disqualification) Act, 1959 itself was amended with a view to incorporate the principles that were being followed by the Joint Committee on Offices of

**Profit for deciding various offices for granting exemption from disqualification or excluding them from such exemption. The Committee held over further consideration of the suggestion made by the member in that respect to their subsequent sitting.**

4. The Committee then took up Memorandum No. 271 and discussed the remaining points raised by the Ministry of Law, Justice and Company Affairs in their O.M. No. 17/1/83 Leg. III dated 19 May, 1983 seeking certain clarifications on the draft Bill, and arrived at the decisions as shown in the Annexure.

5. The Committee then decided to visit the following States/Union Territory in two laps during the months of January and February 1984, subject to the permission being accorded by the Speaker, Lok Sabha in that behalf, with a view to have informal discussions with the Speakers and Members of the respective State Legislatures and also with the State Law Ministers regarding the need for uniform provisions in the Central and State Prevention/Removal of Disqualifications Acts enacted under articles 102(1)(a) and 191(1)(a) of the Constitution of India :—

(i) Madras, Bangalore and Trivandrum—in the Third week of January, 1984 ; and

(ii) Bhopal, Bombay and Goa—in the second week of February, 1984.

6. The Committee then decided to hold their next sittings on 3 and 4 January, 1984 to further consider the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983.

*The Committee then adjourned.*

## ANNEXURE

( Vide Para 4 of the Minutes dt. 20-12-1983)

**SUBJECT :** Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983.

— — — —

Sl. No.	Para-graph No. of the Ministry of Law O.M. dt. 19.5.83	Points on which clarifications were sought by the Ministry of Law	Recommendations made by the Joint Committee on Offices of Profit at their sitting held on 20.12.83
1	2	3	4
1.	2. (ii)	The First Report of the Seventh Lok Sabha recommended the insertion of the word "Vice-Chairman" wherever the expression "Chairman" occurs in clauses (f), (h) and (i) of section 3 of the 1959 Act and the Explanation under that section. But the reference to "Chairman" occurs both in items (i) and (ii) of clause (i) of the said section. From the scheme suggested by the Committee, the change could be made only in item (ii) of that clause. This has been done and the Joint Committee may see for confirmation.	The Committee confirmed the position stated by the Ministry of Law, Justice and Company Affairs that the word "Vice-Chairman" might be inserted in clauses (f), (h) and (i) of section 3 of the 1959 Act and in item (ii) of the clause (i) of section 3 of the 1959 Act and in the Explanation under that section only.
2.	2. (iii)	As per the scheme suggested by the Joint Committee, the new	The Committee noted that the scheme of Schedules in

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First Schedule to the 1959 Act should contain bodies in respect of which persons holding offices as Chairman and Secretary should be disqualified while the new Second Schedule should contain those bodies in respect of which persons holding office as Chairman, Vice-Chairman, Secretary, Director or Member should be disqualified. This will result in certain practical difficulties. Firstly, it is not clear whether in the bodies specified in the First Schedule, the persons holding the office of Chairman will also be holding the office of the Secretary. If not, those bodies should be included in the Second Schedule. But as the 1974 Bill included certain bodies in the First Schedule in respect of which the offices of Chairman and Secretary would be disqualified, the same had been retained in the Bill. As mentioned earlier, this will be subject to confirmation by the Ministries, etc. of the Government of India and the State Governments and Union Territory Administrations. Secondly, as per the scheme recommended by the Committee and adopted in the 1974 Bill, the names of the bodies alone have been specified in the Schedules. As

the draft Bill was on the same pattern of Bill which was introduced in Parliament and was passed in Lok Sabha in 1974. The First Schedule contained bodies whose Chairmanship and Secretaryship are to be disqualified. The Committee were of the view that it was not necessary that the same person would hold the post of Chairman as well as Secretary. The Committee further noted that the Second Schedule included those bodies whose Chairmanship/Vice-Chairmanship/Secretaryship/Directorship/membership, as the case may be, should be disqualified. The Committee felt that the words 'as the case may be' if added would disqualify whatever offices existed in a particular body. In case of specific recommendations of the Committee, like disqualification for part time members, as in the case of Punjab State Planning Board, the Committee were of opinion that this might, however, be specifically mentioned against the entry.

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the Second Schedule will have reference to five offices mentioned above, it will not be known as to which offices in such bodies will be disqualified. Further, the Committee have in many cases, recommended that one or two of the offices mentioned above of a body should be disqualified and the other or others should not be disqualified. If that be so, mere mention of the bodies without specifying the offices which will disqualify, will not achieve the object in view. Instances of such recommendations have been included in the Annexure to this Office Memorandum. It is felt that the scheme suggested by the Joint Committee may have to be changed to achieve the object in view.

3. 2: (iv) While referring to the public sector undertakings, the Committee have indicated the places where the registered office of the undertaking is situated or the Ministry/Department under whose administrative control the undertakings are established in respect of some of them. It is for consideration whether same uniform method should be adopted.

The Committee were of the view that uniform method should be adopted in all cases and the names of places might not be mentioned alongwith the bodies.

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4. 3. (1) The Joint Committee constituted for the Fifth Lok Sabha in their Nineteenth Report, in paragraph 16, have recommended that the Board of Directors of 19 Regional Rural Banks should be disqualified and they have referred to such banks only in ten States. It is not known whether the Board of Directors of the Regional Rural Banks established in other States are also required to be disqualified.

As the functions and powers of Board of Directors of all the Regional Rural Banks would be similar, the Committee recommended that the Directorship of all the Regional Rural Banks of all Regions in other States/ Union Territories might also be disqualified.

5. 3. (2) The Board of Directors of the Nationalised Banks have been recommended for inclusion in the Second Schedule. This recommendation was made before 1980 when some more banks had been nationalised. The draft Bill includes therein those nationalised Banks also. The Joint Committee may be requested to confirm this position.

As the functions and powers of Board of Directors of all the Nationalised Banks would be similar, the Committee recommended that the Directorship of all the Nationalised Banks might also be disqualified.

6. 3. (3) The Joint Committee had recommended that the governing body of the All India Institute of Medical Sciences and the Governing Body of the Post-Graduate Institute of Medical Education and Research should also be included in the Second Schedule in addition to the membership of the said

In view of the position explained by the Ministry of Law that the governing body consisted only of the members of the Institutes; the Committee, agreed to the suggestion made by the Ministry of Law, Justice and Company Affairs.

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Institutes. It is found from the Acts establishing these Institutes that the Governing body would consist only of the Members of the Institute. As such, it is not necessary to specifically refer to the Governing body of these Institutes in the Schedule.

7. 3. (4) The Development Council for various industries had been included in the First Schedule to the 1974 Amendment Bill. But only some of the Development Councils have been referred to as having been established under section 6 of the Industries (Development and Regulation) Act, 1951. It is felt that all the Development Councils have been established under section 6 of that Act. The Joint Committee may confirm whether the reference to their establishments may be indicated in respect of all the Development Councils.

The Committee agreed to the suggestion of the Ministry of Law, Justice and Company Affairs that reference to the establishment of all the Development Council under section 6 of the Industries (Development and Regulation) Act, 1951 should be indicated in the First Schedule of the proposed Parliament (Prevention of Disqualification) Amendment Bill, 1983 with a view to bring uniformity regarding the names of the bodies.

8. 3. (5) The 1974 Amendment Bill proposed to include the Dock Labour Boards for Bombay, Calcutta, Madras, Cochin and Visakhapatnam in the First Schedule to the 1959 Act. This would mean that Chairman and Secretary of all these Dock

The Committee agreed to the proposal of the Ministry of Law, Justice and Company Affairs to include all the dock Labour Boards in the Second Schedule.

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Labour Boards would be disqualified. But in the subsequent recommendations, the membership of the Kandla and Marmagao Dock Labour Boards are required to be disqualified. As all the Dock Labour Boards have been established under the same provision of the Act, a reference to all the Dock Labour Boards should be included in the Schedule.

9. 3. (6) The reference to Finance Commission proposed to be included should indicate the particular Finance Commission established, as a number of Finance Commissions had been established so far.

The Committee were not in favour of the suggestion made by Ministry of Law, Justice and Company Affairs that the reference to Finance Commission proposed to be included should indicate the particular number of Finance Commission as the functions of all Finance Commissions were similar as envisaged in Article 280 of the Constitution. As such, the entry might remain as it was without reference to its number.

10. 3. (7) As recommended by the Joint Committee, the State and Regional Transport authorities have been included both in the proposed new First Schedule and the Second Schedule.

The Committee noted that the Joint Committee on Offices of Profit [*vide* 13th Report (Fifth Lok Sabha), para 35] had recommended that all State and Regional



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Transport Authorities should be included in the Second Schedule. The Committee accordingly recommended that all the Transport authorities might be included in the Second Schedule only.

11. Para 2 (3) The Joint Committee in many cases recommended that only one or two of the offices of a body should be disqualified. The scheme suggested by the Joint Committee might have to be changed to achieve the object in view. Instances of such recommendations have been given below.

The Committee examined each body mentioned by the Ministry of Law, Justice and Company Affairs and recommended as follows against each body.

S.No.	Statutory or non-statutory bodies	Recommendation made by the Joint Committee	
1	2	3	4
1.	Iron Ore Board	Chairman alone should be disqualified.	May be included in First Schedule (Chairman only)
2.	Non-official Standing Voluntary Help Comm.tee (Ministry of Railways)	Member Secretary should be disqualified	May be included in First Schedule (Secretary only)
3.	Governing Councils of the National Sample Survey	Only Chairman should be disqualified.	May be included in First Schedule (Chairman only)
4.	Life Insurance Corporation of India	Only Chairman should be disqualified.	—do—
5.	National Savings Central Advisory Board.	Only Chairman should be disqualified	—do—
6.	Air India and Indian Airlines	In the 1974. Bill, both were included in the First Schedule. The Joint Committee have recommended that the Board of Directors of these Corporations should also be disqualified. This would mean that these two Corporations should be included in the Second Schedule and deleted from first Schedule.	May be included in the Second Schedule

1	2	3	4
7.	Cochin Shipyard	Directorship should be disqualified.	May be included in Second Schedule
8.	Space Commission	Membership should be disqualified.	—do—
9.	Steel Authority of India Ltd.	Membership should be disqualified.	—do—
10.	Public Sector Companies	In some cases, the Joint Committee have recommended that Directors alone should be disqualified and in respect of some other bodies, the Joint Committee have recommended that the Board of Directors should be disqualified. In some recommendations, it has been mentioned that Directors including Chairman should be disqualified.	The Committee reviewed the position and were of the view that the Ministry of Law, Justice and Company Affairs might examine the feasibility of including all Public Sector Companies in Second Schedule in view of the recommendations already made by JCO <sup>P</sup> <i>vide</i> Second Report (Fifth Lok Sabha) para 14, page 3)
11.	Handicrafts and Handlooms Export Development Corporation.	Director including Chairmanship should be disqualified.	May be included in Second Schedule
12.	Modern Bakeries of (India) Ltd.	Chairman, Managing Director, and Directors should be disqualified	—do—

1	2	3	4
<i>Bodies Under the State Governments</i>			
13.	Bihar State Road Transport Corporation.	Membership should be disqualified.	May be included in Second Schedule
14.	Maharashtra Warehousing Corporation.	Directorship alone should be disqualified.	—do—
15.	Andhra Pradesh Housing Board.	Membership (including Chairman) should be disqualified.	—do—
16.	Advisory Leather Board, Andhra Pradesh	Chairman not to be exempted. Other non-official members to be exempted.	May be included in First Schedule
17.	Board of School Education, Himachal Pradesh	Members including Chairman are not to be exempted.	May be included in Second Schedule
18.	Haryana Agro-Industries Corporation Ltd. Chandigarh	Chairman alone should be disqualified.	May be included in First Schedule (Chairman only)
19.	Board of Industries, Himachal Pradesh.	Members should not to be exempted.	May be included in Second Schedule
20.	Tamil Nadu Agro-Industries Corporation Ltd.	Directors including Chairman should be disqualified.	May be included in Second Schedule
21.	Laddakh Development Board	Vice-Chairman to be disqualified.	—do— (Vice-Chairman only)
22.	Jammu & Kashmir Handicrafts (Sales & Exports) Corporation Ltd., Srinagar.	Director including Managing Director should be disqualified	May be included in Second Schedule
23.	Pradesh Council of Arunachal Pradesh	Non-official nominated Member should be disqualified.	—do— (Non-official nominated members only)

1	2	3	4
24.	Gujarat Khadi & Village Industries Board.	Non-official members of the Board including Chairman should be disqualified.	May be included in Second Schedule
25.	Gujarat Industrial Development Corpn.	Member including Chairman should be disqualified	—do—
26.	Kerala Tourism Development Corpn. Ltd.	Directors including Chairman should be disqualified.	—do—
27.	Bihar State Warehousing Corpn. Ltd.	Directorship including Chairman should be disqualified.	May be included in Second Schedule
28.	Mysore State Road Transport Corporation	Membership including Chairman should be disqualified.	—do—
29.	Sugarcane Price Fixation Board (Govt. of Maharashtra)	Members including Chairman should be disqualified.	—do—
30.	Punjab State Planning Board.	Deputy Chairman and Part-time Members should be disqualified.	—do— (Deputy Chairman and part-time members only).
31.	Gujarat Official Language (Legislative) Commission.	Chairman should be disqualified. Non-official member who receives honorarium ought also not to be exempt.	May be included in Second Schedule
32.	Karnataka State Temperance Board.	Chairman and Vice-Chairman not to be exempted but Members should be exempted from disqualification.	—do— (Chairman and Vice-Chairman only)

1	2	3	4
33.	Advisory Committee for State level to advise co-operative, Sugar Factories for placing orders for plant and machinery. (Karnataka)	Non-official Members should be disqualified.	May be included in Second Schedule.
34.	Haryana State Council of govardhan.	Non-official Members should be disqualified.	May be placed in Second Schedule.
35.	The U.P. Khadi & Village Industries Board.	Members including the Vice-Chairman should be disqualified.	—do—
36.	State Planning Board, Haryana.	Deputy Chairman should be disqualified. Others should be exempted.	—do— (Deputy Chairman only).

## XLVI

### FORTY-SIXTH SITTING

The Committee met on Tuesday, 3 January, 1984 from 15.00 to 16.15 hours.

#### PRESENT

Shri Gulsheir Ahmed — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Harish Kumar Gangwar
3. Shri Virdhi Chander Jain
4. Shri Jamilur Rahman
5. Shri S.A. Dorai Sebastian
6. Shri N.K. Shejwalkar

##### *Rajya Sabha*

7. Shri Syed Rahmat Ali
8. Shri Dinesh Goswami
9. Shri Ram Bhagat Paswan

#### SECRETARIAT

1. Shri S.D. Kaura — *Chief Legislative Committee Officer.*
2. Shri S.S. Chawla — *Senior Legislative Committee Officer.*

2. The Committee took up for consideration Memorandum No. 273 regarding Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 and considered, *inter alia*, the bodies mentioned in First Schedule thereof. The observations/recommendations made by the Committee in that regard had been set out in the Annexure.

3. The Committee, while examining First Schedule to the draft Bill, 1983 noted that in the case of certain bodies references to sections and Acts under which these bodies were constituted, had not been given *e.g.* Development Council for Alcohol and Fermentation Industries (S. No. 25 of First Schedule of the Central List); Development Council for Automobiles, Automobiles Ancilliary and Transport Vehicles Industries (S. No. 27 of First Schedule of the Central List) etc., whereas references to sections and Acts had been indicated against certain other bodies, *e.g.* Board of Trustees, constituted under the Major Port Trusts Act, 1963 (38 of 1963) in respect of major ports (S. No. 10 of First Schedule of the Central List); Development Council for Bicycles, established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) (S. No. 28 of First Schedule of the Central List), etc. of the draft Bill.

4. The Committee were of the view that there ought to be uniformity in that respect. The Committee, therefore, desired that the Ministry of Law, Justice and Company Affairs might be asked to give references to sections and Acts under which the bodies, listed in the Schedules to the draft Bill, had been constituted for the sake of uniformity and to remove any ambiguity in respect of all such bodies.

5. The Committee then ajourned to meet again at 1500 hours on Wednesday, 4 January, 1984 to consider Second Schedule.



## ANNEXURE

*Statutory or Non-statutory bodies included in the Schedules to the Parliament (Prevention of Disqualification) Amendment Bill, 1983 which are required to be substituted/deleted.*

S. No.	Name of the Statutory or non-statutory bodies	S. No. in the Schedule to the draft Bill	Recommendations made by the Committee
1	2	3	4

## FIRST SCHEDULE

(The office of the Chairman/Secretary ought to be disqualified)

(Part—I)

1. Air India Corporation, established under Section 3 of the Air Corporations Act, 1953 (27 of 1953).  
S. No. 1 of Central List.  
The Committee recommended that the entry relating to Air India Corporation, established under Section 3 of the Air Corporations Act, 1953 (27 of 1953) might be deleted from the first Schedule (S. No. 1) in view of the fact that the said Corporation was appearing as item No. 9 in the Second Schedule.
2. Board of Trustees constituted under the Major Port Trusts Act, 1963 (38 of 1963), in respect of major ports  
S. No. 10 of Central List.  
The Committee agree to the suggestion made by the Ministry of Law in para 3 (5) of their O. M. dt. 29 May, 1983, that Board of Trustees constituted under the Major Port Trusts Act, 1963 (38 of 1963) in respect of Major Ports might be

included in the Second Schedule in view of earlier recommendations made by the Joint Committee on Offices of Profit in respect of Kandla and Marmagao Dock Labour Boards to disqualify even the membership of the Board. As such, the Committee were of the view that the entry might be deleted from the First Schedule (S. No. 10).

3. Central Board of Trustees, Employees' Provident Fund.

S. No. 13 of Central List.

The Committee desired that the authority for including the entry might be ascertained from the Ministry of Law, Justice and Company Affairs before it was included in the Schedule.

4. Governing Council of National Sample Survey Organisation.

S. N. 49A of Central List (New entry to be added).

The Committee noted that Governing Council of National Sample Survey Organisation had not been included in the Schedule although the Joint Committee on Offices of Profit recommended for disqualification of Chairman in para 14 of their 17R (5LS).

The Committee, therefore, recommended that the said body might be included under the Central List in First Schedule after S. No. 49.

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5. Indian Airlines Corporation, established under section 3 of the Air Corporation Act, 1953 (27 of 1953).
- S. No. 50 of Central List      The Committee recommended that the entry might be deleted from First Schedule as the said Corporation was appearing as item No. 54 in the Second Schedule.

#### FIRST SCHEDULE (PART II)

6. Market Committee, constituted under section 4 of the Andhra Pradesh (Telengana Area) Agricultural Markets Act, 1339F (Act 11 of 1339F).
- S. No. 8 of Andhra Pradesh.      The Committee noted that the reference to year of the Act was not clear. The Committee desired the Ministry of Law to verify it before including the said body in the Schedule.
7. Regional Transport Authorities for the Districts of Krishna, Guntur, West Godavari, East Godavari, Nellore, Chittoor, Guddapah, Anantpur, Kurnool, Visakhapatnam, Srikakulam, Hyderabad, Medak, Kollabadi, Karimnagar, Khammam, Mahboobnagar, Nalgonda, Nizamabad and Warangal.
- S. No. 11 of Andhra Pradesh.      The Committee recommended that all the State, Union Territory Transport Authorities and Regional Transport Authorities mentioned in the First Schedule be included in the Second Schedule as recommended by the earlier Joint Committee in para 35 of their 13R (5LS) —not only the Chairmanship/Secretaryship but even membership of all Transport authorities ought not to be exempt from disqualification.

The Committee further recommended that the Ministry of Law might be asked to include the names of Transport Authorities and Regional

1	2	3	4
			Transport Authorities pertaining to the remaining States/Union Territories <i>e. g.</i> Assam, J & K, Tamil Nadu, U.P., etc. in the Second Schedule which had not so far been included.
8.	State Transport Authority.	S. No. 12 of Andhra Pradesh.	—do—
9.	Regional Transport Authorities of South Bihar, North Bihar, East Bihar and Chhota Nagpur.	S. No. 6 of Bihar.	—do—
10.	State Transport Authority.	S. No. 7 of Bihar.	—do—
11.	Regional Transport Authorities, Ahmedabad, Rajkot and Baroda.	S. No. 8 of Gujarat.	The Committee recommended that all the State/Union Territory Transport Authorities and Regional Transport Authorities mentioned in the First Schedule be included in the Second Schedule as recommended by the earlier Joint Committee in para 35 of their 13R (5LS)—Not only the Chairmanship/Secretaryship but even membership of all Transport authorities ought not to be exempt from disqualification.

The Committee further recommended that the Ministry of Law might be asked to include the names of Transport authorities and Regional Transport Authorities pertaining to the remaining States/Union Territories *e.g.* Assam, J & K, Tamil Nadu, U. P., etc. in the Second Schedule which had not so far been included.

12. Regional Transport Authorities Ahmedabad.	S. No. 9 of Gujarat.	—do—
13. Regional Transport Authority, Ambala.	S. No. 6 of Haryana	—do—
14. State Transport Authority, Haryana.	S. No. 8 of Haryana	—do—
15. Regional Transport Authorities.	S. No. 8 of Karnataka	—do—
16. State Transport Authority.	S. No. 10 of Karnataka	—do—
17. Regional Transport Authority, Kerala Districts.	S. No. 6 of Kerala.	—do—
18. Regional Transport Authorities.	S. No. 3 of Madhya Pradesh	—do—

The Committee recommended that all the State/ Union Territory Transport Authorities and Regional Transport Authorities mentioned in

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the First Schedule be included in the Second Schedule as recommended by the earlier Joint Committee in para 35 of their 13R (5LS)—Not only the Chairmanship/Secretaryship but even membership of all Transport Authorities ought not to be exempt from disqualification.

The Committee further recommended that the Ministry of Law might be asked to include the names of Transport Authorities and Regional Transport Authorities pertaining to the remaining States/Union Territories *e.g.* Assam, J&K, Tamil Nadu, U.P., etc. in the Second Schedule which had not so far been included.

19. State Transport Authority	S. No. 5 of Madhya Pradesh	—do—
20. Regional Transport Authorities for Aurangabad, Bombay, Nagpur, Poona and Thana.	S. No. 13 of Maharashtra	—do—
21. State Transport Authority	S. No. 16 of Maharashtra	—do—
22. Regional Transport Authority, constituted under section 44 of the	S. No. 4 of Orissa	—do—

**Motor Vehicles Act, 1939 (4 of 1939).**

- 23. State Transport Authority, constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).**

S. No. 7 of  
Orissa

The Committee recommended that all the State/ Union Territory Transport Authorities and Regional Transport Authorities mentioned in the First Schedule be included in the Second Schedule as recommended by the earlier Joint Committee in para 35 of their 13R (5LS) — Not only the Chairmanship/Secretaryship but even membership of all Transport Authorities ought not to be exempt from disqualification.

The Committee further recommended that the Ministry of Law might be asked to include the names of Transport Authorities and Regional Transport Authorities pertaining to the remaining States/Union Territories *e.g.* Assam, J&K, Tamil Nadu, U.P., etc. in the Second Schedule which had not so far been included.

- 24. Regional Transport Authorities for Jullundur and Patiala Divisions.**

—do—

S. No. 6 of  
Punjab.

- 25. State Transport Authority.**

—do—

S. No. 8 of  
Punjab.

1	2	3	4
	26. Regional Transport Authorities for Jaipur, Udaipur, Kotah, Bikaner and Jodhpur.	S. No. 7 of Rajasthan	The Committee further recommended that the Ministry of Law might be asked to include the names of Transport Authorities and Regional Transport Authorities pertaining to the remaining States/Union Territories <i>e.g.</i> Assam, J&K Tamil Nadu, U. P., etc. in the Second Schedule which had not so far been included.
	27. State Transport Authority	S. No. 9 of Rajasthan	--do--
	28. State Transport Authority	S. No. 1 of Dadra and Nagar Haveli	--do--
	29. State Transport Authority, Delhi.	S. No. 5 of Delhi.	--do--
	30. State Transport Authority, Goa.	S. No. 4 of Goa, Daman and Diu.	--do--

## Part III



31. Punjab Nurses Registration Council, constituted under section 3 of the Punjab Nurses Registration Act, 1932 (Punjab Act 1 of 1932)

S. No. 4 of  
Haryana

The Committee noticed that the same body has been included in the Schedule both under Haryana and Punjab list (S. No. 4). The Committee desired that the Ministry of Law, Justice & Company Affairs might be asked to confirm the nomenclature of the body before including it in the Schedule both under the Punjab and Haryana Lists.

32. Maharashtra State Khadi and Village Industries Board.

S. No. 9 of  
Maharashtra

The Committee noted that the earlier Joint Committee on Offices of Profit had recommended in the case of the Gujarat Khadi & Village Industries Board, Rajasthan Khadi and Village Industries Board etc. vide 8R (5LS), para 7 and 9R (5LS), para 14, respectively, that membership of the Board (including) Chairmanship, ought not to be exempt from disqualification.

As the functions of all the State Khadi & Village Industries Board were similar, the Committee recommended that not only Maharashtra State Khadi and Village Industries Board but all Khadi and Village Industries Boards might be included in the Second Schedule by transferring corresponding entries from the First Schedule.

1	2	3	4
33.	Serial Numbers of bodies under Goa, Daman & Diu.	First Schedule (Part III) Goa Daman and Diu.	The Committee further recommended that Ministry of Law might be requested to verify the constitution of Khadi and Village Industries Boards in various State included all of them in the Second Schedule.

The Committee recommended that these bodies  
should be enumerated correctly *in seriatim*.

## XLVII

### FORTY-SEVENTH SITTING

The Committee met on Wednesday, 4 January, 1984 from 1500 to 1630 hours.

#### PRESENT

Shri Gulsher Ahmed — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Krishna Chandra Halder
4. Shri Virdhi Chander Jain
5. Shri Jamilur Rahman
6. Shri Rashid Masood
7. Shri S. A. Dorai Sebastian
8. Shri N. K. Shejwalkar

##### *Rajya Sabha*

9. Shri Dinesh Goswami

#### SECRETARIAT

1. Shri S. D. Kaura — *Chief Legislative Committee Officer.*
2. Shri S.S. Chawla — *Senior Legislative Committee Officer.*

2. At the outset, the Committee resumed consideration of the point raised by Shri N. K. Shejwalkar, a member of the Committee, as to whether the principles and guidelines followed by the Joint Committee on Offices of Profit should be incorporated in the draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 received from the Ministry of Law, Justice and Company Affairs.

3. In this connection, Chairman traced the genesis of formation of the Joint Committee on Offices of Profit and stressed on the following points :—

- (i) Prior to formation of Joint Committee on Offices of Profit, it was left to the Government to make proposals in this connection in the shape of a Bill which was discussed in the House and the House came to a decision. It was noted that the main criterion to determine whether an office was an office of profit or not was the emoluments that a member was likely to receive if he held such an office. It was not a satisfactory position and other aspects of the matter such as the *position, power or patronage enjoyed by the holder* of that office were also relevant factors which should also be taken into account even though there was no monetary advantage to him.
- (ii) During the Course of evidence given by the representatives of the Ministry of Law, Justice and Company Affairs on 26 October, 1983, the representative of the Department of Legal Affairs had opined that it might not be permissible under Article 102 (1) (a) of the Constitution to enumerate the principles and the guidelines on the basis of which an office of profit was to be determined in the Act. However, technically it would be open to Parliament to lay down principles and guidelines by saying that "if a person is found to be holding an office which satisfied certain principles and guidelines, then the holder of that particular office will stand disqualified", but that might give rise to many practical complications and difficulties. One practical difficulty would be that if certain guidelines were laid down, then it might open the floodgate of dispute because the determination of the fact as to whether the holder of any particular office other than the office of profit would fall within the guidelines or principles would itself be a point of dispute or would form part of this dispute. Secondly there would be an increase in the references under Article 103 of the Constitution virtually leading to an enormous rise in the election petitions to be decided by the President and Election Commission, because any number of election petitions could be filed then on the basis that particular person was not disqualified because his case was not covered by the guidelines which were proposed to be laid down.

4. The Chairman also drew attention of the members to the following views expressed by the then Union Minister of Law (Shri C. C. Biswas)

regarding office of profit during the debate on the Prevention of Disqualification (Parliament and Part C States Legislatures) Bill, 1953 held in Lok Sabha on the 24 December, 1953 :—

“Even where it is not monetary profit, but other benefits, that also may come within the meaning of the word ‘profit’. For instance, if the office is one to which some power or patronage is attached the office is one in which the holder is entitled to exercise executive functions, an office of dignity, of honour that might be regarded also an office of profit, the idea being that Government must not be in a position to seduce a Member of Parliament by placing him in a position where he can exercise authority, where he thinks he is a somebody and either he has got some money or he is otherwise made very important. All these temptations must be removed. That being the object, the word ‘profit’ has been given a larger interpretation”.

5. The Chairman also drew attention to the following observations made by the Bhargava Committee in their Report of the Committee on Offices of Profit :—

“The Committee have subjected the material received to a very careful scrutiny and have come to the conclusion that such frequent scrutiny will have to be undertaken in the case of Committees which have escaped their notice or which may come into existence in future. In order to preserve a uniform method, and approach to these problems, the work of such scrutiny will have to be undertaken by a permanent committee. The Committee, therefore, recommend that a Standing Parliamentary Committee might be constituted to undertake this work of continuous scrutiny in respect of offices of profit.

Any future legislation undertaken affecting such offices or committees should be placed before this Committees for opinion and its views should be duly considered before the Bill is brought before Parliament.

The Committee by way of conclusion recommend that Government might draft and introduce a comprehensive Bill embodying such of the suggestions of the Committee as are acceptable to them as early as possible.

**The said Bill also ought to have schedules enumerating in detail the different offices which do not incur disquali-**

**fication, offices for which exemption has to be granted and offices which would disqualify Member."**

6. In this regard, the Committee also noted the following observations made by the Joint Committee on Offices of Profit (Second Lok Sabha) in Their Third Report :—

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

The Committee, however, had to recommend such bodies for inclusion either in Part I or Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 because the Act did not contain any Part in the Schedule specifying bodies whose membership would disqualify. Subsequently the Committee have come across more such bodies whose membership ought to disqualify. They have discussed at length the question of having another Part to the Schedule to the Act therein such bodies might be specified.

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

7. In view of above, the Committee decided that the scheme of Schedules suggested by the earlier Joint Committee and approved by Fifth Lok Sabha on 17 December, 1974 while passing Parliament (Prevention of Disqualification)

Amendment Bill 1983 might be followed in the present case also for the Parliament (Prevention of Disqualification) Amendment Bill, 1983 under consideration. However, in view of the importance of the matter that the legislators and the general public should be aware of the guiding principles regarding offices of Profit, the committee decided that such principles might be enumerated as general recommendations in their Report on the Draft Bill.

8. The Committee then considered Part I of the Second Schedule to the draft Bill pertaining to disqualification of the office of chairman, vice-chairman secretary, director or member, as the case may be, in respect of bodies under the Central Government and completed scrutiny thereof. The observations/recommendations made by the Committee in that regard are set out in the Annexure.

9. During the course of the sitting, Shri Dinesh Goswami, a member of the Committee, raised a point for inclusion of the word "vice-chairman" also in item (i) of clause (i) of section 3 to the principle Act whereby disqualifying also the office of vice-chairman of bodies included in the First Schedule of the Draft Bill *instead of* the office of chairman and secretary as suggested by the Ministry of Law, Justice and Company Affairs in the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983. As the suggestion of the Ministry of Law was based on the scheme of the Schedules approved by the Joint Committee on offices of Profit (Fifth Lok Sabha), it was decided to consider the point at the subsequent sitting.

10 The Committee, thereafter decided to meet again on 16 and 17 January, 1984.

*The Committee then adjourned.*

# ANNEXURE

Statutory or Non-statutory bodies included in the Schedules to the Parliament (Prevention of Disqualification) Amendment Bill, 1983 which are required to be added/substituted/deleted.

S. No.	Name or the Statutory or non-statutory bodies	S. No. in the Schedule to the draft Bill	Recommendations made by the Committee
1	2	3	4

## THE SECOND SCHEDULE

(The Office of the Chairman, Vice-Chairman, Secretary, Director or member, as the case may be, ought to be disqualified)

### PART I

- Board of Directors and Executive Committee of Agircultural Refinance Corporation.  
S. No. 49A  
(New entry to be added) of Central List  
The Committee noted that the Board of Directors and Executive Committee for Agircultural Refinance Corporation had not been included in the Second Schedule under Central List although the Joint Committee on Offices of Profit recommended for their disqualification in para 17 of their Eleventh Report (Fifth Lok Sabha). The Committee, therefore, recommended that the said body might be included under Central List in Second Schedule after S. No. 49.



2. **Board of Directors of the Indian Iron and Steel Company Ltd.** S. No. 56 of Central List.
- The Committee noted that the Board of Directors of the Indian Iron and Steel Company Ltd. had already appeared in S.No. 108 of the First Schedule of draft Bill.
- The Committee, therefore, recommended that the Ministry of Law, Justice and Company Affairs might verify whether the body mentioned in S. No. 56 of the Second Schedule was the same body as mentioned against S. No. 108. If so, the entry at S. No. 108 might be deleted from the First Schedule.
3. **Board of Directors of Nationalised Banks.** S. No. 82A (New entry to be added) of Central List.
- S. No. 25 of Central List.
- As the functions and powers of the Board of Directors of all the Nationalised Banks were similar, the Committee recommended that the Directorship of all the Nationalised Banks might be disqualified and included in the Second Schedule under Central List. In that connection Minutes dt. 20.12 1983 (S. No. 5 of the Annexure) refers.
4. **Board of Directors of a corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and under section 3 of the Banking Companies (Acquisition**

**and Transfer of Undertakings)  
Act, 1980 (40 of 1980).**

5. Board of Directors of the Regional Rural Banks in the States of Andhra Pradesh, Bihar, Haryana, Jammu & Kashmir, Karnataka, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal. S. No. 88 of Central List. The Committee noted that the functions and powers of the Board of Directors of all the Regional Rural Banks were similar. The Committee, therefore, recommended that the Directorship of all the Regional Rural Banks of all the Regions in other States/Union Territories might also be disqualified and included in Second Schedule under Central List. In that connection Minutes dt 20.12.1983 (S. No 4 of the Annexure) refers.
6. Delhi Transport Corporation S. No. 133 of Central List. The Committee recommended that these bodies might be deleted from Central List and included under Delhi List (Part II of the Second Schedule)
7. Delhi Urban Art Commission S. No. 134 of Central List.
8. Governing Body of the Post Graduate Institute of Medical Education and Research, Chandigarh. S. No. 144 of Central List. The Committee agreed to the suggestion made by the Ministry of Law, Justice and Company Affairs that the reference to words "Governing Body of the" in the entry might be deleted as stated in para 3(3) of the Ministry of Law O. M. dated 19.5.1983.

9. Governing Council of the Indian Institute of Astrophysics, Kodai-kanal (Ministry of Tourism and Civil Aviation). S. No. 147 of Central List. The Committee recommended that the reference to "Ministry of Tourism and Civil Aviation" might be deleted from the name of the body to bring it in uniformity with the names of other bodies.
10. Hindustan Copper Limited—only non-official Director. S. No. 154 of Central List. The Committee recommended that the words "only non-official Director" mentioned after the Hindustan Copper Limited might be deleted to bring it in uniformity with the names of other bodies.
11. Housing and Urban Development Corporation Limited—Director. S. No. 154A of Central List. The Committee recommended that the word "Director" might be deleted from the name of the body as the disqualification applicable would apply automatically in each case.
12. Local Audition Committees of All India Radio at 35 Stations. S. No. 164 of Central List. The Committee noted that the number of AIR Stations had been increasing and therefore, recommended that instead of mentioning the number *viz.* "35 Stations", the words "various Stations" might be substituted in the entry.
13. Lube India Limited S. No. 165 of Central List. The Committee recommended that entry at S. No. 165 pertaining to Lube India Limited might be deleted as similar entry had appeared at S. No. 67.

1	2	3	4
14.	Space Commission—Member.	S. No. 108 of Central List.	The Committee recommended that the word “Member” might be deleted to bring it in uniformity with the names of other bodies.
15.	Steel Authority of India Limited, Directorship.	S. No. 189 of Central List.	The Committee recommended that the word “Directorship” might be deleted to bring it in uniformity with the names of similar other bodies.

## **XVLIH**

### **FORTY-EIGHTH SITTING**

The Committee met on Monday, 16 January, 1984 from 1500 to 1600 hours.

#### **PRESENT**

**Shri Gulsher Ahmed—Chairman**

#### **MEMBERS**

##### *Lok Sabha*

2. Shri Harish Kumar Gangwar
3. Shri Jamilur Rahman
4. Shri Rashid Masood
5. Shri S.A. Dorai Sebastian
6. Shri N.K. Shejwalkar
7. Shri Nandi Yellaiah

##### *Rajya Sabha*

8. Shri Syed Rahmat Ali
9. Shri Dinesh Goswami
10. Shri Lakhan Singh
11. Shri Ram Bhagat Paswan

#### **SECRETARIAT**

1. Shri S.D. Kaura—*Chief Legislative Committee Officer*
2. Shri S.S. Chawla—*Senior Legislative Committee Officer*

2. The Committee resumed consideration of Memorandum No. 273 regarding draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 and scrutinised the entries made in Part II and Part III of the Second Schedule pertaining to disqualification of the office of Chairman, Vice-Chairman, Secretary, Director or Member, as the case may be, in respect of bodies under the State Governments and Union Territory Administrations. The observations/recommendations made by the Committee in that regard are set out in the Annexure.

3. The Committee noted that the Maharashtra State Legal Aid and Advice Board (S. No. 5 of Second Schedule under Maharashtra List of the Draft Bill) was recommended by the Joint Committee on Offices of Profit in their Fifth Report (Seventh Lok Sabha) for disqualification of the non-official members (including the Executive Chairman) of the Board.

The Ministry of Law, Justice and Company Affairs in their Office Memorandum dated 19 May, 1983 had stated that in the Draft Amendment Bill 1983, they had covered upto first four Reports of Seventh Lok Sabha for implementing the recommendations of the Joint Committee. The present Committee had since presented seven Reports. The Committee therefore, recommended that either all the bodies covered under the seven Reports presented so far might be included or the entry regarding the Maharashtra State Legal Aid and Advice Board be deleted from the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 to bring uniformity.

4. The Committee then considered Memorandum No. 274 and discussed the point raised by Shri Dinesh Goswami, a member of the Committee, who had desired that the word "vice-chairman" should appear both in items (i) and (ii) of clause (i) of Section 3 of the principal Act of 1953 so that the First Schedule should consist of bodies whose chairmanship, vice-chairmanship and secretaryship ought to be disqualified instead of the scheme already approved viz., only the chairmanship and secretaryship ought to be disqualified in respect of bodies appearing in the First Schedule.

In this connection, the Committee noted the earlier recommendations of the Joint Committee on Offices of Profit made in paragraphs 23, 24 and 26 of their Second Report (Fifth Lok Sabha) and the scheme of Schedules appended to the draft Parliament (Prevention of Disqualification) Amendment Bill, 1973 which was passed by the Fifth Lok Sabha on 17 December, 1974.

After some discussion, the Committee did not agree with the views of Shri Dinesh Goswami, M.P. and confirmed the proposed amendment of Section 3 made in the draft Parliament (Prevention of Disqualification) Amendment Bill, 1983.

5. Thereafter the Committee approved the draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 subject to the modifications recommended/observations made by the Committee.

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12. The Committee then adjourned to meet again at 1500 hours on 17th January, 1984.

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

## ANNEXURE

*Statutory or Non-statutory bodies included in the Schedules to the Parliament (Prevention of Disqualification) Amendment Bill, 1983 which are required to be added/substituted/deleted*

S. No.	Name of the Statutory or non-statutory bodies	S. No. in the Schedule to the draft Bill	Recommendations made by the Committee
1	2	3	4

## SECOND SCHEDULE

## PART—II

1. Gujarat Official Language (Legislative) Commission (Chairman only).  
S. No. 15 of Gujarat  
The Committee noted that earlier Joint Committee on Offices of Profit recommended in their Tenth Report (Fifth Lok Sabha), para 25 for disqualification of Chairman and the non-official members who were in receipt of monthly honorarium. As such the Committee recommended that the reference to 'Chairman only' against this entry might be deleted.
2. Haryana Agro-Industries Corporation Limited, (Chairman).  
S. No. 5 of Haryana  
As the Joint Committee of Offices of Profit had recommended for disqualification

of Chairman only, the Committee noted that this body had already been appeared in the First Schedule *vide* S. No 3 under Haryana List. As such, the Committee recommended that this entry might be deleted from the Schedule.

The Committee recommended that keeping in view of entry at S. No. 9 under the Haryana List which would also cover the office of Deputy Chairman, this entry might be deleted.

The Committee noted that this entry had been included in Part I of the Second Schedule (S. No. 73), whereas this body was constituted by the State Government of Himachal Pradesh. The Committee recommended that this body might be included in Part II instead of Part I of the Second Schedule.

The Committee recommended that this entry might be included in the Second Schedule under Himachal Pradesh List as the Joint Committee on Offices of Profit had recommended in their First Report (Seventh Lok Sabha, para 2.9 for disqualification of Directorship of the Corporation.

3. State Planning Board, Haryana  
(Deputy Chairman). S. No. 14 of  
Haryana

4. Board of Directors, Nahan Foundry  
Limited, Nahan. S. No. 7A  
(New entry to  
be added) of  
Himachal  
Pradesh.

5. Board of Directors of the Himachal  
Pradesh Scheduled Castes Develop-  
ment Corporation. S. No. 78  
(new entry to  
be added) of  
Himachal  
Pradesh



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| 6. Ladakh Development Board (Vice-Chairman)  | S. No. 6 of Jammu & Kashmir | As the office of vice-chairman was covered under the Second Schedule, the Committee recommended that the word "vice-chairman" might be deleted from the entry.  |
| 7. Board of Directors of the Mysore State Agro-industries Corporation Limited.       | S. No. 5 of Karnataka       | The Committee recommended that the Ministry of Law, Justice and Company Affairs should confirm from the State Government whether the name of 'Mysore' still continued or it had been changed to 'Karnataka' in respect of the said bodies before finally including them in the Schedule to the Bill.                              |
| 8. Board of Directors of the Mysore State Fisheries Development Corporation Limited. | S. No. 6 of Karnataka       | —do—  |
| 9. Mysore State Road Transport Corporation.  | S. No. 17 of Karnataka      | —do—  |
| 10. Karnataka State Leather and Leather based Industries Board.                      | S. No. 14 of Karnataka      | As the Joint Committee on Offices of Profit had recommended for disqualification of Chairman only, the Committee noted that this body had already been included in the First Schedule <i>vide</i> S. No. 7 under Karnataka List. The Committee, therefore, recommended that this entry might be deleted from the Second Schedule. |

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|---|---|---|---|
| 1 | 2 | 3 | 4 |
|---|---|---|---|
11. Kerala arbitration Board,

<p>S. No. 20 A (New entry to be added) of Kerala.</p>	<p>The Committee noted that the Joint Committee on Offices of Profit had recommended in their First Report (Fifth Lok Sabha), para 15 for disqualification of membership only. The Committee recommended that this entry might be included in the Second Schedule under Kerala List</p>
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  12. Cochin Town Planning Trust

<p>S. No. 20B (New entry to be added) of Kerala.</p>	<p>The Committee noted that this body was included in 1973 Bill but was not included in draft Bill of 1983. As the basis for exclusion of this Board was not known, the Committee recommended that the Ministry of Law Justice and Company Affairs might be asked to ensure that this entry should be included in the Schedule to the Bill unless that body had ceased to exist.</p>
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  13. State Planning Board, Rajasthan  
(Specialist members)

<p>S. No. 10 of Rajasthan</p>	<p>The Committee recommended that the reference of 'Specialist members' might remain against that entry as Joint Committee on Offices of Profit in their Nineteenth Report (Fifth Lok Sabha), para 19 had recommended that the 'Specialist members' who were entitled for an honorarium ought not to be exempted from disqualification while other non-official members ought to be exempt from disqualification.</p>
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14. **Board of Directors of Tamil Nadu Small Industries Corporation**      **S. No. 2A**  
(New entry to be added) of Tamil Nadu
- The Committee recommended that the body might be included in Second Schedule under 'Tamil Nadu List' as Joint Committee on Offices of Profit in their Tenth Report (Fifth Lok Sabh), para 28 had recommended for disqualification of Directorship of the Corporation.
15. **Tarai Anusuchit Janajati Vikas Nigam Ltd., UP.**      **S. No. 7A**  
(new entry to be added) of Uttar Pradesh
- The Committee recommended that this entry might be included in the Second Schedule under Uttar Pradesh List as the Joint Committee on Offices of Profit had recommended in their Second Report (Seventh Lok Sabha), para 3.3 for disqualification of Directors of the Tarai Anusuchit Janajati Vikas Nigam Ltd.
16. **Board of Directors of the State Industries Development Corporation Ltd.**      **S. No. 2 of West Bengal**
- The Committee recommended that the Ministry of Law, Justice and Company Affairs should verify that the entry was based on recommendation of the Committee, otherwise it might be deleted.

LIV  
FIFTY-FOURTH SITTING

The Committee met on Friday, the 27th April, 1984 from 15.30 to 16.10 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Virdhi Chander Jain
3. Shri Jamilur Rahman
4. Shri S.A. Dorai Sebastian
5. Shri N. K. Shejwalkar

SECRETARIAT

Shri S.S. Chawla—*Senior Legislative Committee Officer*

2. At the outset the Committee considered their draft Tenth Report on the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983 and adopted it.

3. The Committee decided that the Tenth Report might be presented to Lok Sabha on 7th April, 1984 and a copy thereof laid on the Table of Rajya Sabha on the same day.

4. The Committee authorised the Chairmen, and in his absence, Shri Jamilur Rahman, M.P. to present the Report to Lok Sabha on their behalf.

5. The Committee also authorised Shri Syed Rahmat Ali, M.P. and in his absence, Shri Ram Bhagat Paswan, M P to lay the Report on the Table of Rajya Sabha.

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8. *The Committee then adjourned.*

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

Printed at : Sunlight Printers, Delhi-6,