

COMMITTEE ON OFFICES OF PROFIT

SEVENTH REPORT

(EIGHTH LOK SABHA)



Presented to Lok Sabha on 6th December, 1988

Laid in Rajya Sabha on 6th December, 1988

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1988/Agrahayana, 1910 (S)

Price : Rs. 7.00

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

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
(iii)	-	2 (from bottom)	on their retirement Shri K. Gopalan ceased last	Shri K. Gopalan ceasing from Rajya Sabha on their retirement from Rajya Sabha
1	1	2	present	present
5	Heading of 2.10	3 (from bottom)	Advance	Advanced
24	Heading of 4	18	Advance	Advanced
24	4	14 (from bottom)	Indvance	Advanced
12	Heading of 2.23	19	proposed	proposal
35	4	14	properly	property
35	4	9 (from bottom)	be	to

CONTENTS

	PAGE
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT	(iii)
1. Introduction	1
II. Report	
Committees/Boards/Corporations/Commission etc. constituted by the Central and State Governments	2

APPENDIX

Minutes of the sittings of the Committee	17
---	----

JOINT COMMITTEE ON OFFICES OF PROFIT
(EIGHTH LOK SABHA)

COMPOSITION OF COMMITTEE

Kumari Kamla Kumari—*Chairman*

MEMBERS

Lok Sabha

2. Shri Ajoy Biswas
3. Shri Ajitsinh Dabhi
4. Shri Sharad Dighe
5. Shri Appayya Dora Hanumantu
6. Shri Mahendra Singh
7. Shri Sriballav Panigrahi
8. Shri P. M. Sayeed
9. Shri S. B. Sidnal
10. Shri Balram Singh Yadav

Rajya Sabha

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

SECRETARIAT

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

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

**Elected by Rajya Sabha on the 9th November, 1988 vice Dr. H.P. Sharma and on their retirement Shri K. Gopalan ceased to be members of the Joint Committee from Rajya Sabha on the 2nd April and 1st July, 1988 respectively.

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

I

INTRODUCTION

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

1.2 The matters covered by the Report were considered by the Committee at their sittings held on 21st September, 9th, 26th and 27th October, 1987 and 4th and 25th January, 1988. Minutes of these sittings form part of the Report and are at Appendix.

1.3 The Committee examined the composition, character, functions etc. of 28 Committees/Boards etc. constituted by the Central and State Governments and the emoluments and allowances payable to their members, non-official Directors, Chairmen etc. with a view to consider whether holders of offices on these bodies would incur disqualification under article 102 of the Constitution of India.

1.4 The detailed information regarding the composition, character, functions, emoluments and allowances payable to the members of these bodies was furnished by the concerned Ministries/Departments of the Central Government and the State Governments.

1.5 The Committee considered and adopted the Report at their sitting held on 1st December, 1988.

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

NEW DELHI;

1st December, 1988

KUMARI KAMLA KUMARI

Chairman.

10th Agrahayana, 1910 (S)

Joint Committee on Offices of Profit.

**COMMITTEES/BOARDS ETC. CONSTITUTED BY THE
CENTRAL AND STATE GOVERNMENTS**

**Export Credit Guarantee Corporation of India Limited
(Ministry of Commerce)**

2.1 The Committee note that the non-official Directors of the Export Credit Guarantee Corporation of India Limited are paid 'sitting fee' at the rate of Rs. 100 per sitting, besides DA at the rate of Rs. 200 and local conveyance allowance at the rate of Rs. 40 per day which are not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation being to encourage, facilitate and develop trade between India and other countries by providing insurance to exporters in respect of risk of non-payment and to provide financial help besides employing persons are executive and financial in nature. The Committee therefore recommend that the non-official Directors of the said Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Industrial Reconstruction Bank of India (Ministry of Finance)

2.2 The Committee note that the non-official Directors of the Industrial Reconstruction Bank of India are paid besides T.A., Sitting fee at the rate of Rs. 150 per Board meeting and Rs. 75 per Committee meeting. They are also paid halting expenses upto Rs. 125 per day. The payment of sitting fee is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the Board of Directors exercises both executive and financial powers as the general superintendence, direction and management of the affairs and business of the Bank are vested in the Board of Directors. Hence the Committee recommend that the non-official Directors of Industrial Reconstruction Bank of India *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

National Bank for Agriculture and Rural Development (Ministry of Finance)

2.3 The Committee note that the non-official Directors of the National Bank for Agriculture and Rural Development are paid besides T.A., sitting fee at the rate of Rs. 150/- per board meeting and Rs. 75/- per Committee meeting. They are also paid halting expenses upto Rs. 125/- per day to cover their food and incidentals. The payment of sitting fee is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

Moreover, the Board of Directors exercises both executive and financial powers as the general superintendence, direction and management of the affairs and business of the Bank are vested in them. Hence the Committee recommend that the non-official Directors of NABARD *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Central Board of Reserve Bank of India (Ministry of Finance)

2.4 The Committee note that the non-official Directors of the Central Board of Reserve Bank of India are paid sitting fee of Rs. 150/- per board meeting and Rs. 75/- per committee meeting besides halting expenses upto Rs. 125/- per day in addition to actual room rent, reimbursement of Air-journey etc. The payment of sitting fee is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the general superintendence of the affairs and management of business of the Bank are entrusted to the Board of Directors of the Bank thus exercising both executive and financial powers. Hence the Committee are of the opinion that the non-official Directors of the said Bank *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Central Board of State Bank of India (Ministry of Finance)

2.5 The Committee note that the non-official Directors of the State Bank of India are paid sitting fee at the rate of Rs. 150/- per board meeting and Rs. 75/- per committee meeting besides halting expenses upto Rs. 125/- in cash in addition to actual room charges, reimbursement of Air-journey etc. The sitting fee is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. More-

over the non-official Directors exercise both executive and financial powers as the management, general superintendence and direction of the affairs and business of the Bank are vested in the Board. Hence the Committee feel that the non-official Directors of the said Bank should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

The above recommendation is also in line with the recommendations of the Joint Committee on Offices of Profit (Seventh Lok Sabha) made in their Tenth Report paras 4.3 and 4.4 which read as follows:—

“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.

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.”

Export-Import Bank of India (Ministry of Finance)

2.6 The Committee note that the non-official Directors of the Export-Import Bank of India are paid actual air fare, room rent besides sitting fee at the rate of Rs. 150/- per board meeting and Rs. 75/- per Committee meeting and halting expenses upto Rs. 125/- per day. The payment of ‘sitting fee’ is not covered by the ‘compensatory allowance’ as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the Board of Directors exercises both executive and financial powers as the general superintendence of the affairs and management of the business of the Bank are vested in the Board of Directors. Hence the Committee feel that the non-official Directors of the Exim Bank should not be exempted from the disqualification for being chosen as, or for being a member of Parliament.

Deposit Insurance and Credit Guarantee Corporation (Ministry of Finance)

2.7 The Committee note that the non-official Directors of the Deposit Insurance and Credit Guarantee Corporation are paid actual

air fare, room rent besides sitting fee at the rate of Rs. 150/- per board meeting and halting expenses upto Rs. 125/- per day. The payment of sitting fee is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the Board of Directors exercises both executive and financial powers as the general superintendence of the affairs and management of the business of the Deposit Insurance and Credit Guarantee Corporation are vested in the Board of Directors. Hence the Committee feel that the non-official Directors of the said Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Taraqui Urdu Board (Ministry of Human Resource Development—Department of Education)

2.8 The Committee note that the non-official members of the Taraqui Urdu Board are paid TA & DA at the maximum rate of Rs. 75/- which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The function of the Board being to advise the Government for the development of Urdu Language is advisory in nature. Hence the Committee feel that the non-official members of the said Urdu Board *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Standing Committee on Educational Statistics (Ministry of Human Resource Development—Department of Education)

2.9 The Committee note that the non-official members of the Standing Committee on Educational Statistics were paid TA & DA at the maximum rate of Rs. 75/- per day which is covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee are to review the progress of collection of Educational Statistics and to make suggestions for improving the organisational arrangements for collection and dis-semination of educational date. As such, the functions of the Committee are advisory in nature. Hence the Committee recommend that the non-official members of the said Standing Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Indian Institute of Advance Study, Shimla (Ministry of Human Resource Development—Department of Education)

2.10 The Committee note that the non-official members of the

Indian Institute of Advance Study, Shimla are paid TA/DA at the Government of India rates (maximum DA Rs. 75/-) which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Indian Institute of Advanced Study is an institution set up for the promotion of creative thought in areas having human significance and providing an environment suitable for economic research especially in the field of Humanities, Indian Culture, Comparative Religion, Social and Natural Sciences etc. The Institute is responsible for the management, functioning, administration etc. of the institution. As such, the Institute exercises both executive and financial powers. Hence the Committee feel that the non-official members of the said Institute should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Indian Council of Philosophical Research, New Delhi, (Ministry of Human Resource Development—Department of Education)

2.11 The Committee note that the non-official members of the Indian Council of Philosophical Research, New Delhi are paid TA & DA at the maximum rate of Rs. 75/- which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Council being proper administration of and management of the affairs of the Indian Council of Philosophy, are executive and financial in nature. Hence the Committee recommend that the non-official members of the said Indian Council should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

**Standing Committee on Socio-Economic indicators for Monitoring and Evaluation of Agrarian Reforms and Rural Development
(Ministry of Planning, Department of Statistics)**

2.12 The Committee note that the non-official members of the Standing Committee on Socio-Economic Indicators for Monitoring and Evaluation of Agrarian Reforms and Rural Development are paid TA & DA at the Government of India rates (maximum DA Rs. 75/-) which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee being to suggest and develop appropriate set of Socio-economic Indicators for Agrarian Reforms and Rural Development are advisory in nature. Hence the Committee feel that the non-official members of the said Standing Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Steering Committee to implement the Plan Scheme on Standardisation of Classification (Ministry of Planning)

2.13 The Committee note that the non-official members of the Steering Committee to implement the Plan Scheme on Standardisation of Classification are paid TA & DA as are admissible to grade 'A' officers of the Government of India (maximum D.A. Rs. 75/-) and these are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee are to consider and examine the proposals on harmonisation/revision of world level classification received from the United Nations Statistical Office and other International Organisations and Study their relevance to national classifications covered under the plan schemes such as common project nomenclature, National classification of occupation and National industrial classification besides deciding about the work programme under the Plan Schemes on standardisation of classification. All these functions are purely advisory in nature. Hence the Committee recommend that the non-official members of the said Steering Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Advisory Committee on National Accounts Statistics (Ministry of Planning—Department of Statistics)

2.14 The Committee note that the non-official members of the Advisory Committee on National Accounts Statistics are paid TA & DA as admissible to grade I officers of the Government of India (Maximum DA Rs. 75/-) and these are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee are to review the data base and advise on data collection through Sample Surveys for national accounts statistics and to examine the methods and procedure adopted by the United Nations Statistical Office and the World Bank and suggest for possible improvements in the methods and procedures adopted by United Nations Statistical Office and the World Bank. As such the functions are advisory in nature. Hence the Committee feel that the non-official members of the said Advisory Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

**Steering Committee for the Island Development Authority
(Planning Commission)**

2.15 The Committee note that the non-official members of the

Steering Committee for the Island Development Authority are paid TA and DA as admissible to Grade I Officers of the Government of India (Maximum DA Rs. 75/-) which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Steering Committee are to identify programme and to advise on working out the implementation strategy for development of the Islands. As such, the functions are advisory in nature. Hence, the Committee feel that non-official members of the said Steering Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Island Development Authority (Planning Commission)

2.16 The Committee note that the non-official members of the Island Development Authority are paid TA and DA as admissible to Grade I Officers of the Government of India (maximum DA Rs. 75/-) which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Island Development Authority are to decide on policies and programmes for an integrated development of Islands keeping in view all aspects of environmental protection as well as the special technical and scientific requirements of the islands and to review progress of development. The functions are thus basically advisory in nature. The Committee, therefore, recommend that the non-official members of the Island Development authority should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Panel of Industrial Economists (Planning Commission)

2.17 The Committee note that the non-official members of the Panel of Industrial Economists are paid TA and DA as admissible to Grade I Officers of the Government of India (Maximum DA Rs. 75/-) which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Panel being to review the state of the industrial economy is advisory in nature. Hence the Committee feel that the non-official members of the said Panel should be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Advisory Committee on Hill Areas for the Seventh Plan 1985-90
(Planning Commission)*

2.18 The Committee note that the non-official members of the

Advisory Committee on Hill Areas for the Seventh Plan are paid TA and DA as admissible to Grade I Officers of the Government of India (Maximum DA Rs. 75/-) which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee being to advise on matters relating to planning for socio-economic development of the hill areas are advisory in nature. Hence the Committee are of the view that the non-official members of the said Advisory Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Whether holding of the post of Lecturer in the Co-operative Evening College Begusarai, Bihar constitutes an office of profit under Government—query from Prof. (Smt.) Chandra Bhanu Devi, M.P.

2.19 The Committee considered the request of Prof. (Smt.) Chandra Bhanu Devi, M.P. enquiring whether holding of the post of lecturer in the Co-operative Evening College, Begusarai, Bihar constituted an office of profit under Government. In that connection, the Committee perused the following judgement of the Election Tribunal, Nagpur, delivered in the case of Krishnappa, V. Narayan Singh and others, where it has been held as follows.—

"A person serving as a teacher in a grant-in-aid school does not hold an "office of profit under the Government" merely because the school receives grants from the Government for payment of a portion of the dearness allowance and the pay of the teacher.

The most important test for determining whether an office is held under the Government is whether the power of appointment and dismissal vests in the Government." [1953 E.L.R. Vol. VII, p. 294]

The Committee noted that the Principal of the Co-operative College Begusarai where Prof. Chandra Bhanu Devi, M.P. had been working as a lecturer even after her election as a member of Parliament and drawing salary both from the College and Parliament, has clarified the following points:—

- "(i) Co-operative Evening College, Begusarai is a college directly under L. N. Mithila University, Darbhanga and it is registered under the Societies Registration Act, 1860.
- (ii) The lecturers are appointed by the Vice-Chancellor on recommendation of University Service Commission.

- (iii) Powers of appointment and removal of a lecturer rest with the Vice-Chancellor and the Syndicate. The Government has nothing to do with it.
- (iv) Prof. Chandra Bhanu Devi, M.P. has been drawing a salary of Rs. 2454.90 per month. The salary is paid from the University Fund.
- (v) The University Grants Commission and the State Government give building grants to the college and the college does not get any financial aid from any other source.
- (vi) The L. N. Mithila University is an autonomous Body.'

In this connection the Committee also noted that the Joint Committee on Offices of Profit (Seventh Lok Sabha) had examined a similar case and recommended as follows:—

* * *

The Committee conclude that in his capacity as the Professor of the Panjab University, Shri V. N. Tiwari, M.P. is not holding an 'office of profit under the Government' as according to the Panjab University, the Senate of the Panjab University is the competent authority to appoint and remove a Professor and the power of appointment and removal does not rest with the Government. Moreover, the University rules permit a member of the Faculty to be elected etc. as a member of a legislative body.

* * *

[JCOP—6R (7LS), p. 11]

The Committee also took note of another earlier case of employment of Shri M. L. Sondhi, as a teacher in the Indian School of International Studies, which was a private body and so the Committee at that time had recommended that Shri Sondhi did not hold an 'office of profit under the government' and he did not, therefore incur any disqualification by continuing simultaneously as a member of Parliament and drawing the usual salary & allowances as an M.P. in addition to his salary as a teacher. [JCOP—First Report (4LS), para 12].

In view of above, the Committee recommend that Prof. Chandra Bhanu Devi, M.P., in her capacity as the lecturer of a non-Government college, is not holding an 'office of profit under the Government' as according to the Principal of the college, the Vice-Chancellor is the competent authority to appoint and remove a lecturer and the Government has nothing to do with it.

The Committee however note that under Article 103 of the Constitution, it is provided that "if any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of Article 102, the question shall be referred to the decision of the President and his decision shall be final and that before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion" and consequently the opinion of the Election Commission is effective and crucial in such matter.

Kerala State Coconut Development Corporation (Kerala)

2.20 The Committee note that only the Chairman of the Kerala State Development Corporation is paid an honorarium of Rs. 750/- per month besides provision of a car and other facilities. The payment of honorarium is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation are to develop Coconut Industry by providing technical, financial and ancillary facilities through term loans, share participation or by furnishing of guarantees and also to appoint staff for that purpose. As such the Corporation exercises both executive and financial powers. Hence the Committee feel that the non-official Directors of the said Corporation including the Chairman should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Kerala Agro Machinery Corporation Limited (Kerala)

2.21 The Committee note that the non-official Directors of the Kerala Agro Machinery Corporation Limited are paid sitting fee of Rs. 75/- per sitting besides TA and Hotel expenses and Chairman is also paid honorarium of Rs. 750/- p.m. The payment of sitting fee and honorarium are not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Kerala Agro Machinery Corporation are to promote, establish, administer, own and run industries and facilities for the manufacture of Agriculture implements, Agriculture machinery and other material and equipments which will hold the growth and modernisation of agriculture, animal husbandry, poultry, dairying and fisheries. As such the Corporation exercises both executive and financial powers. Hence the Committee are of the view that the non-official members of the said Corporation including the Chairman should not be exempted

from disqualification for being chosen as, or for being a member of Parliament.

*Board of Meghalaya Industrial Development Corporation Ltd.
(Meghalaya)*

2.22 The Committee note that the non-official Directors of the Board of Meghalaya Industrial Development Corporation Ltd. are paid sitting fee and TA and Chairman is also paid an honorarium of Rs. 750/- p.m. The payment of "sitting fee" and "honorarium" are not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The business of the Company is managed by the Board. The functions of the Board are also to promote, establish and execute industries which are likely to promote or advance the Industrial Development of Meghalaya. As such, the Corporation exercises both executive and financial powers. Hence, the Committee feel that the non-official Directors of the said Board (including Chairman) should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Rajasthan State Haj Committee—proposed to nominate Shri Mohd. Ayub Khan, M.P. as a member thereof

2.23 At their sitting held on 30-6-87, the Joint Committee on Offices of Profit (Eighth Lok Sabha) while examining the proposal of the Government of Rajasthan to nominate Mohd. Ayub Khan, M.P. as Member of the Rajasthan State Haj Committee had desired that further information on the following points might be called for from the State Government for their consideration.

- “(i) What are the facilities provided to Haj Pilgrims?
- (ii) Detailed functions of the Haj Committee in regard to execution and proper utilisation of the fund.
- (iii) Whether the State Haj Committee gives cash relief to the pilgrims and if so, the quantum thereof?
- (iv) Whether any guidelines have been issued by the State Government for the members of the Haj Committee for ensuring effective applicability and uniform approach to all the pilgrims; and
- (v) Whether the State Government have the discretionary powers to approve or reject the recommendations of the Haj Committee or whether their recommendations are binding on the Government.”

The Government of Rajasthan in their reply dated 21-8-87 stated as follows:—

“There is a proposal to nominate Shri Mohd. Ayub Khan, M.P., as a non-official member of the Rajasthan State Haj Committee. This membership is honorary. Only travelling and daily allowance, as per rules of the State Government, is payable to the members coming from outside Jaipur to participate in the meeting of the State Haj Committee.

The fund of the Rajasthan State Haj Committee is authorised to incur expenses from this fund. Money can be utilised for the welfare of Haj Pilgrims from his fund. The items of expenditure at present are:—

- (i) Expenditure over 'Kurra' ceremony/arrangement, etc. for selection of Haj Pilgrims.
- (ii) Expenditure to be incurred by Haj Volunteers (Khu-dam-ul-Huzzaz) to be nominated in Saudi Arab on behalf of the Rajasthan State Haj Committee for catering to the needs of pilgrims.
- (iii) Publication of Haj Guide.
- (iv) Remuneration paid to Haj Assistant for performing Haj duties.

No cash assistance is provided to pilgrims proceeding on Haj by the State Haj Committee.

The difficulties faced by Haj pilgrims of the Rajasthan State Haj Committee on being pointed out by the members are discussed in the meetings of the Committee held from time to time and decisions are taken to remove those difficulties. All members of the Committee are invited to participate in the 'kurra' organised for selection of Haj pilgrims according to the prescribed quota. Important directions/press notes, orders etc. received from the Central Haj Committee, Bombay from time to time are circulated among all the members of the Committee.

The recommendations of the Rajasthan State Haj Committee are only a sort of advise to the Central Haj Committee, Bombay; Ministry of External Affairs, Government of India and to the State Government. The State Government takes decision on the recommendations of the State

Haj Committee keeping in view the merits of each case and the funds available with the Committee in the interest of the pilgrims proceeding on Haj from the State."

2.24 The Committee noted that the functions of the Rajasthan State Haj Committee are to assist the pilgrims and to advise on matters relating to Haj Pilgrimage. The functions are thus advisory in nature.

2.25 In view of the position stated above by the State Government of Rajasthan, the Committee feel that the non-official members of the Rajasthan Haj Committee who are paid TA & DA which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959 and the functions of the Committee being advisory in nature, the non-official Members (including the proposed nomination of Mohd. Ayub Khan, M.P. as a non-official member) of the said Authority should be exempted from disqualification for being chosen as, or for being a member of Parliament.

2.26 In this connection, the Committee also note that in a similar case of the Haj Committee, Bombay, the Joint Committee on Offices of Profit (Seventh Lok Sabha) recommended that their membership ought to be exempt from disqualification *vide* Second Report (Seventh Lok Sabha), para 5.10.

Tripura Industrial Development Corporation Limited

2.27 The Committee note that the non-official Directors of the Tripura Industrial Development Corporation Ltd. are paid a fee of Rs. 50/- per board meeting which is not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation are to promote, establish and execute industries, projects or enterprises for manufacture and production of plants, machinery etc. for industrial development of Tripura. As such the Corporation exercises both executive and financial powers. Hence the Committee feel that the non-official Directors of the said Corporation should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Tripura Jute Mills Limited

2.28 The Committee note that the non-official members of the Tripura Jute Mills Limited are paid sitting fee of Rs. 50/- per day besides actual travelling allowance. The payment of sitting fee is not covered by the 'compensatory allowance' as defined in section

2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Tripura Jute Mills Limited are to manage the business of the Company and to carry on the business of spinners, weavers, manufacturers, balers and pressers of jute, jute cuttings, etc. As such, the Company exercises both executive and financial powers. Hence the Committee feel that the non-official members of the said Company *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Press Advisory Committee (Tripura)

2.29 The Committee note that the non-official Members of the Press Advisory Committee, Tripura are not paid any remuneration for attending meetings. The main functions of the Advisory Committee are to advise the Government in framing the advertisement policy and other matters pertaining to newspapers and as such the functions are advisory in nature. Hence the Committee recommend that the non-official members of the said Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

The Tripura Small Industries Corporation Limited, Agartala (Tripura)

2.30 The Committee note that the non-official Directors of the Tripura Small Industries Corporation Ltd. are paid Rs. 50/- per Board meeting besides travelling allowance which is covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation are to advise, assist, finance, protect, and promote the interest of small industries in Tripura. The business of the Corporation is managed by the Board which is thus exercising both executive and financial powers. Hence the Committee feel that the non-official Directors of the said Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Tripura Board of Wakfs (Tripura)

2.31 The Committee note that the non-official members of the Tripura Board of Wakfs are paid only reimbursement of TA equal to double the actual Bus fare and DA @ Rs. 32/- which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Board are to administer the Wakfs institutions and

to maintain the Wakfs property besides granting loans, raising funds and executing schemes for development of Wakfs and trusts. As such, the Board exercises both executive and financial powers. Hence the Committee recommend that the non-official members of the said Board should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

NEW DELHI;

1st December, 1988

10 Agrahayana, 1910 (Saka)

KUMARI KAMLA KUMARI

Chairman,

Joint Committee on Offices of Profit.

APPENDIX

(Vide para 1.2 of the Report)

MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

(EIGHTH LOK SABHA)

XXII

Thirty-eighth Sitting

The Committee met on Monday, the 21st September, 1987 from 15.00 to 15.45 hours.

PRESENT

Kumari Kamla Kumari—Chairman

MEMBERS

Lok Sabha

2. Shri Ajoy Biswas
3. Shri Ajitsinh Dabhi
4. Shri Sharad Dighe
5. Shri Appayya Dora Hanumantu
6. Shri Sriballav Panigrahi
7. Shri P. M. Sayeed
8. Shri S. B. Sidnal
9. Shri Balram Singh Yadav

Rajya Sabha

10. Shri Sohan Lal Dhusiya
11. Shrimati Sudha Vijay Joshi
12. Shri Puttapaga Radhakrishna
13. Dr. H. P. Sharma

SECRETARIAT

Shri S. P. Gaind—Senior Legislative Committee Officer

The Committee took up for consideration Memoranda Nos. 151 and 154 to 157 relating to the following bodies constituted by the Central Government and State Government.

Whether holding of the post of Lecturer in the Co-operative Evening College, Begusarai, Bihar constitutes an office of profit under Government—query from Prof. (Smt.) Chandra Bhanu Devi, M.P. (Memorandum No. 151)

2. The Committee resumed consideration of memorandum containing request of Prof. (Smt.) Chandra Bhanu Devi, M.P. enquiring whether holding of the post of lecturer in the Co-operative Evening College, Begusarai, Bihar constituted an office of profit under Government. After some discussion, the Committee perused the following judgement of the Election Tribunal, Nagpur, in the case of Krisnappa V. Narayan Singh and others, where it has been held as follows:—

“A person serving as a teacher in a grant-in-aid school does not hold an “office of profit under the Government” merely because the school receives grants from the Government for payment of a portion of the dearness allowance and the pay of the teachers.

The most important test for determining whether an office is held under the Government is whether the power of appointment and dismissal vests in the Government.

[1953 E.L.R. Vol. VII, p. 294]

3. The Committee noted that the Principal of the Co-operative Evening College, Begusarai where Prof. Chandra Bhanu Devi, M.P. had been working as a lecturer even after her election as a member of Parliament and drawing salary both from the College and Parliament, has clarified the following points:—

“(i) Co-operative Evening College, Begusarai is a college directly under L. N. Mithila University, Darbhanga and it is registered under the Societies Registration Act, 1860.

(ii) The lecturers are appointed by the Vice-Chancellor on recommendation of University Service Commission.

(iii) Powers of appointment and removal of a lecturer rest with the Vice-Chancellor and the Syndicate. The Government has nothing to do with it.

- (iv) Prof. Chandra Bhanu Devi, M.P. has been drawing a salary of Rs. 2454.90 per month. The salary is paid from the University Fund.
- (v) The University Grants Commission and the State Government give building grants to the college and the college does not get any financial aid from any other source.
- (vi) The L. N. Mithila University is an autonomous Body."

4. In this connection the Committee also learnt that the Joint Committee on Offices of Profit (Seventh Lok Sabha) had examined a similar case and recommended as follows:—

xx

xx

xx

"The Committee conclude that in his capacity as the Professor of the Panjab University, Shri V. N. Tiwari, M.P. is not holding an 'office of profit under the Government' as according to the Panjab University, the Senate of the Panjab University is the competent authority to appoint and remove a Professor and the power of appointment and removal does not rest with the Government. Moreover, the University rules permit a member of the Faculty to be elected etc. as a member of a legislative body.

xx

xx

xx'

[JCOP—8R(7 LS), p. 11].

5. The Committee also took note of another earlier case of employment of Shri M. L. Sondhi, as a teacher in the Indian School of International Studies, which was a private body and so the Committee at that time had recommended that Shri Sondhi did not hold an 'office of profit under the government' and he did not, therefore incur any disqualification by continuing simultaneously as a Member of Parliament and drawing the usual salary and allowances as an M.P. in addition to his salary as a teacher.

[JCOP—First Report (4 LS), para 12].

6. In view of above, the Committee recommended that Prof. Chandra Bhanu Devi, M.P., in her capacity as the lecturer of a non-Government college, was not holding an 'office of profit under the Government' as according to the principal of the college, the Vice-Chancellor was the competent authority to appoint and remove a lecturer and the Government had nothing to do with it.

7. The Committee however, noted that under Article 103 of the Constitution, it was provided that "if any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of Article 102, the question shall be referred to the decision of the President and his decision shall be final and that before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion" and consequently the opinion of the Election Commission is effective and crucial in such matters.

*Industrial Reconstruction Bank of India (Ministry of Finance)—
Memorandum No. 154*

8. The Committee noted that the non-official Directors of the Industrial Reconstruction Bank of India were paid besides T.A., Sitting fee @Rs. 150/- per board meeting and Rs. 75/- per Committee meetings. They were also paid halting expenses upto Rs. 125/- per day. The payment of sitting fee was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover the Board of Directors exercised both executive and financial powers as the general superintendence, direction and management of the affairs and business of the Bank were vested in the Board of Directors. Hence the Committee felt that the non-official Directors should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Central Board of Reserve Bank of India (Ministry of Finance)—
Memorandum No. 155*

9. The Committee noted that the non-official Director of the Central Board of Reserve Bank of India were paid sitting fee of Rs. 150/- per board meeting and Rs. 75/- per committee meeting besides halting expenses upto Rs. 125/- per day in addition to actual room rent, reimbursement of Air-journey etc. The payment of sitting fee was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the general superintendence of the affairs and management of business of the Bank were entrusted to the Board of Directors of the Bank thus exercising both executive and financial powers. Hence the Committee felt that the non-official Directors of the Bank should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Central Board of State Bank of India (Ministry of Finance)—Memorandum No. 156

10. The Committee noted that the non-official Directors of the State Bank of India were paid sitting fee @ Rs. 150/- per board meeting and Rs. 75/- for committee meeting besides halting expenses upto Rs. 125 in cash in addition to actual room charges, reimbursement of Air Journey etc. The sitting fee was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover the non-official Directors exercised both executive and financial powers as the management, general superintendence and direction of the affairs and business of the Bank were vested in the Board. Hence the Committee felt that the non-official Directors *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

..

The above recommendation was also in line with the recommendations of the Joint Committee on Offices of Profit (Seventh Lok Sabha) made in their Tenth Report para 4.3 and 4.4 which read as follows:—

"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.

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."

4. National Bank for Agriculture and Rural Development (Ministry of Finance)—Memorandum No. 157

11. The Committee noted that the non-official Directors of the National Bank for Agriculture and Rural Development were paid besides T.A., sitting fee @ Rs. 150/- per board meeting and Rs. 75/- per Committee sitting. They were also paid halting expenses upto Rs. 125/- per day to cover their food and incidentals. The payment of sitting fee was not covered by the 'compensatory allowance' as

defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the Board of Directors exercised both executive and financial powers as the general superintendence, direction and management of the affairs and business of the Bank were vested in them. Hence the Committee recommended that the non-official Directors of NABARD should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

The Committee then adjourned to meet again at 16.00 hours on Friday, the 9th October, 1987.

XXXIX

THIRTY-NINTH SITTING

The Committee met on Friday, the 9th October, 1987 from 16.00 to 16.30 hours.

PRESENT

Kumari Kamlा Kumari—Chairman

MEMBERS

(

Lok Sabha

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

Rajya Sabha

7. Shri Sohan Lal Dhusiya
8. Shrimati Sudha Vijay Joshi
9. Shri K. Gopalan
10. Shri Puttapaga Radhakrishna
11. Dr. H. P. Sharma

SECRETARIAT

1. Shri O. P. Chopra—*Senior Legislative Committee Officer.*

The Committee took up for consideration Memoranda Nos. 158 to 162 relating to the following Committees/Boards etc. constituted by the Central Government and State Governments.

Taraqqi Urdu Board (Ministry of Human Resources Development—Department of Education)—(Memorandum No. 158)

2. The Committee noted that the non-official members of the Taraqqi Urdu Board were paid TA & DA at the maximum rate of Rs. 75/- which was covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The function of the Board being to advise the Government for the development of Urdu Language was advisory in

nature. Hence the Committee felt that the non-official members of the said Urdu Board *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Standing Committee on Educational Statistics (Ministry of Human Resource Development—Department of Education) (Memorandum No. 159)

3. The Committee noted that the non-official members of the Standing Committee on Educational Statistics were paid TA & DA at the maximum rate of Rs. 75/- per day which was covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee were to review the progress of collection of Educational Statistics and to make suggestions for improving the organisational arrangements for collection and dis-semination of educational data. As such the functions of the Committee were advisory in nature. Hence the Committee recommended that the non-official members of the said Standing Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

Indian Institute of Advance Study, Shimla (Ministry of Human Resource Development—Development of Education)—(Memorandum No. 160)

4. The Committee noted that the non-official members of the Indian Institute of Advance Study, Shimla were paid TA/DA at the Government of India rates (maximum DA Rs. 75/-) which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Indian Institute of Advanced Study was an institution set up for the promotion of creative thought in areas having human significance and providing an environment suitable for economic research especially in the field of Humanities, Indian Culture, Comparative Religion, Social and Natural Sciences, etc. The Institute was responsible for the management, functioning, administration etc. of the institution. As such, the Institute exercised both executive and financial powers. Hence the Committee felt that the non-official members of the Institute *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Indian Council of Philosophical Research, New Delhi, (Ministry of Human Resource Development—Department of Education)—
(Memorandum No. 161)*

5. The Committee noted that the non-official members of the Indian Council of Philosophical Research, New Delhi were paid TA & DA at the maximum rate of Rs. 75/- which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Council being proper administration of and management of the affairs of the Indian Council of Philosophy, were executive and financial in nature. Hence the Committee recommended that the non-official members of the Council should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Rajasthan State Haj Committee—Proposal to nominate Shri Mohd. Ayub Khan, M.P. as a member thereof—(Memorandum No. 162)

6. At their sitting held on 30.6.87, the Joint Committee on Offices of Profit (Eighth Lok Sabha) while examining the proposal of the Government of Rajasthan to nominate Mohd. Ayub Khan, M.P. as Member of the Rajasthan State Haj Committee had desired that further information on the following points might be called for from the State Government for their consideration.

- "(i) What are the facilities provided to Haj Pilgrims?
- (ii) Detailed functions of the Haj Committee in regard to execution and proper utilisation of the fund.
- (iii) Whether the State Haj Committee gives cash relief to the pilgrims and if so, the quantum thereof?
- (iv) Whether any guidelines have been issued by the State Government for the members of the Haj Committee for ensuring effective applicability and uniform approach to all the pilgrims; and
- (v) Whether the State Government have the discretionary powers to approve or reject the recommendations of the Haj Committee or whether their recommendations are binding on the Government."

7. The Government of Rajasthan in their reply dated 21-8-87 stated as follows:—

“There is a proposal to nominate Shri Mohd. Ayub Khan, M.P., as a non-official member of the Rajasthan State Haj Committee. This membership is honorary. Only travelling and daily allowance, as per rules of the State Government, is payable to the members coming from outside Jaipur to participate in the meeting of the State Haj Committee.

The fund of the Rajasthan State Haj Committee is kept in bank saving account. The Committee is authorised to incur expenses from this fund. Money can be utilised for the welfare of Haj Pilgrims from this fund. The items of expenditure at present are:—

- (i) Expenditure over 'Kurra' ceremony/arrangement, etc. for selection of Haj Pilgrims.
- (ii) Expenditure to be incurred by Haj Volunteers (Khudam-ul-Huzzaz) to be nominated in Saudi Arab on behalf of the Rajasthan State Haj Committee for catering to the needs of pilgrims.
- (iii) Publication of Haj Guide.
- (iv) Remuneration paid to Haj Assistant for performing Haj duties.

No cash assistance is provided to pilgrims proceeding on Haj by the State Haj Committee.

The difficulties faced by Haj pilgrims of the Rajasthan State Haj Committee on being pointed out by the members are discussed in the meetings of the Committee held from time to time and decisions are taken to remove those difficulties. All members of the Committee are invited to participate in the 'kurra' organised for selection of Haj pilgrims according to the prescribed quota. Important directions/press notes, orders etc. received from the Central Haj Committee, Bombay from time to time are circulated among all the members of the Committee.

The recommendations of the Rajasthan State Haj Committee are only a sort of advice to the Central Haj Committee, Bombay; Ministry of External Affairs, Government of

India and to the State Government. The State Government takes decision on the recommendations of the State Haj Committee keeping in view the merits of each case and the funds available with the Committee in the interest of the pilgrims proceeding on Haj from the State."

8. The functions of the Rajasthan State Haj Committee were to assist the pilgrims and to advise on matters relating to Haj Pilgrimage. The functions were thus advisory in nature.

9. In view of the position stated above by the State Government of Rajasthan, the Committee felt that the non-official members of the Rajasthan Haj Committee who were paid TA and DA which were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959 and the functions of the Committee being advisory in nature, the non-official Members (including the proposed nomination of Mohd. Ayub Khan, M.P. as a non-official member) of the said Authority should be exempted from disqualification for being chosen as, or for being a member of Parliament.

10. In this connection, the Committee also noted that in a similar case of the Haj Committee, Bombay, the Joint Committee on Offices of Profit (Seventh Lok Sabha) recommended that their membership ought to be exempt from disqualification *vide* Second Report (Seventh Lok Sabha), para 5.10.

The Committee then adjourned to meet again at 16.00 hours on Monday, the 26th October, and at 12.00 hours on Tuesday, the 27th October, 1987, respectively.

XXXX

FORTIETH SITTING

The Committee met on Monday, the 26th October, 1987 from 16.00 . to 16.45 hours.

PRESENT

Kumari Kamla Kumari—Chairman

MEMBERS

Lok Sabha

2. Shri Sharad Dighe
3. Shri Sriballav Panigrahi
4. Shri S. B. Sidnal

Rajya Sabha

5. Shri Sohan Lal Dhusiya
6. Shrimati Sudha Vijay Joshi
7. Dr. H. P. Sharma

SECRETARIAT

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer*

The Committee took up for consideration Memoranda Nos. 163 to 167 relating to the following Board/Committees constituted by the Central Government and State Governments:—

Maharashtra State Land Use Board
(Memorandum No. 163)

2. The Committee perused the background note and functions of the Maharashtra Land Use Board and desired that further information on the following points in respect of the Board might be called for from the State Government for their consideration:—

(i) Detailed functions and powers of the Land Use Board in regard to execution and management of land and soil resources, i.e. whether the Board only gives suggestions and

makes recommendations or actually undertakes implementation of the jobs recommended for proper utilisation of land.

- (ii) Whether the State Government has the discretionary powers to approve or reject the recommendations of the Board and whether the recommendations of the Board are binding on the Government.

Standing Committee on Socio-Economic indicators for Monitoring and Evaluation of Agrarian Reforms and Rural Development (Ministry of Planning, Department of Statistics)—(Memorandum No. 164)

2. The Committee noted that the non-official members of the Standing Committee on Socio-Economic Indicators for Monitoring and Evaluation of Agrarian Reforms and Rural Development were paid TA & DA @ Rs. 75/- (maximum) per day which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee are to suggest and develop appropriate set of Socio-Economic Indicators for Agrarian Reforms and Rural Development and are advisory in nature. Hence the Committee felt that the non-official members of the said Standing Committee should be exempted from disqualification for being chosen, as or for being a member of Parliament.

Steering Committee to implement the Plan Scheme on Standardisation of Classification (Ministry of Planning)—(Memorandum No. 165)

3. The Committee noted that the non-official members of the Steering Committee to implement the Plan Scheme on Standardisation of Classification were paid TA & DA as are admissible to grade 'A' officers of the Government of India (DA @ Rs. 75/- maximum) and these were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee were to consider and examine the proposals on harmonisation/revision of world level classification received from the United Nations Statistical Office and other International Organisations and study their relevance to national classifications covered under the plan schemes such as common product nomenclature, National classification of occupation and National industrial classification besides deciding about the work programme under the Plan Schemes on standardisation of classification. All these functions were purely advisory in nature. Hence the Committee

recommended that the non-official members of the said Steering Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

Advisory Committee on National Accounts, Statistics, (Ministry of Planning—Department of Statistics)—(Memorandum No. 166)

4. The Committee noted that the non-official members of the Advisory Committee on National Accounts Statistics were paid TA & DA as were admissible to grade 'A' officers of the Government of India (Maximum DA is Rs. 75/- per day) and these were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee were to review the data base and advise on data collection through Sample Surveys for national accounts statistics and to examine the methods and procedure adopted by the United Nations Statistical Office and the World Bank and suggest for possible improvements in the methods and procedures adopted by United Nations Statistical Office and the World Bank. As such, the functions were advisory in nature. Hence the Committee felt that the non-official members of the Advisory Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Press Advisory Committee (Tripura)
(Memorandum No. 167)*

5. The Committee noted that the non-official Members of the Press Advisory Committee, Tripura were not paid any remuneration for attending meetings. The main functions of the Advisory Committee were to advise the Government in framing the advertisement policy and other matters pertaining to newspapers and as such the functions were advisory in nature. Hence the Committee recommended that the non-official members of the said Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

The Committee then adjourned to meet again at 12.00 hours on Tuesday, the 27th October, 1987.

XXXXI

FORTY-FIRST SITTING

The Committee met on Tuesday, the 27th October, 1987 from 12.00 to 12.45 hours.

PRESENT

Kumari Kamla Kumari—Chairman

MEMBERS

Lok Sabha

2. Shri Ajoy Biswas
3. Shri Ajitsinh Dabhi
4. Shri Sharad Dighe
5. Shri Mahendra Singh
6. Shri Sriballav Panigrahi
7. Shri P. M. Sayeed
8. Shri S. B. Sidnal

Rajya Sabha

9. Shrimati Sudha Vijay Joshi
10. Shri K. Gopalan
11. Dr. H. P. Sharma

SECRETARIAT

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*

The Committee took up for consideration Memoranda Nos. 168 to 172 relating to the following Corporations/Company etc. constituted by the Central Government and the State Government.

The Tripura Small Industries Corporation Ltd. Agartala—

Memorandum No. 168

2. The Committee noted that the non-official Directors of the Tripura Small Industries Corporation Ltd. were paid Rs. 50/- per

Board meeting besides travelling allowance which was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation were to advise, assist, finance, protect, and promote the interest of small industries in Tripura. The business of the Corporation was managed by the Board which was thus exercising both executive and financial powers. Hence the Committee felt that the non-official Directors of the said Corporation **should not be exempted** from disqualification for being chosen as, or for being a member of Parliament.

*Tripura Industrial Development Corporation Limited—
(Memorandum No. 169)*

3. The Committee noted that the non-official Directors of the Tripura Industrial Development Corporation Ltd. were paid a fee of Rs. 50/- per board Meeting which was not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation were to promote, establish and execute industries, projects or enterprises for manufacture and production of plants, machinery etc. for industrial development of Tripura. As such the Corporation exercised both executive and financial powers. Hence the Committee felt that the non-official Directors of the said Corporation **should not be exempted** from disqualification for being chosen as, or for being a member of Parliament.

Tripura Jute Mills Limited—(Memorandum No. 170)

4. The Committee noted that the non-official members of the Tripura Jute Mills Limited were paid sitting fee of Rs. 50/- per day besides actual travelling allowance. The payment of sitting fee was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Tripura Jute Mills Limited were to **manage the business of the Company and to carry on the business of Spinners, weavers, manufacturers, balers and passers of Jute, jute cuttings, etc.** As such, the Company exercised both executive and financial powers. Hence the Committee felt that the non-official members of the said Company **should not be exempted** from disqualification for being chosen as, or for being a member of Parliament.

*Export-Import Bank of India (Ministry of Finance)—
(Memorandum No. 171)*

5. The Committee noted that the non-official Directors of the Export-Import Bank of India were paid actual air fare, room rent besides sitting fee @ Rs. 150/- per board meeting and Rs. 75/- per Committee meeting and halting expenses upto Rs. 125/- per day. The payment of 'sitting fee' was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the Board of Directors exercised both executive and financial powers as the general superintendence of the affairs and management of the business of the Bank were vested on the Board of Directors. Hence the Committee felt that the non-official Directors of the Exim Bank should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Deposit Insurance and Credit Guarantee Corporation

(Ministry of Finance)—

(Memorandum No. 172)

6. The Committee noted that the non-official Directors of the Deposit Insurance and Credit Guarantee Corporation were paid actual air fare, room rent besides sitting fee @ Rs. 150/- per board meeting and halting expenses upto Rs. 125/- per day. The payment of sitting fee was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the Board of Directors exercised both executive and financial powers as the general superintendence of the affairs and management of the business of the Deposit Insurance and Credit Guarantee Corporation were vested in the Board of Directors. Hence the Committee felt that the non-official Directors of the said Corporation should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

The Committee then adjourned.

FORTY-THIRD SITTING

The Committee met on Monday, the 4th January, 1988 from 15.00 to 16.00 hours.

PRESENT

Kumari Kamla Kumari—Chairman

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Mahendra Singh
4. Shri Sriballav Panigrahi
5. Shri Balram Singh Yadav

Rajya Sabha

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

SECRETARIAT

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer*
2. Shri O. P. Chopra—*Senior Legislative Committee Officer*.
2. The Committee took up for consideration 5 memoranda (Nos. 173 to 177) relating to the following Boards/Corporations etc. constituted by the Central and State Governments:—

The Tripura Press Accreditation Committee (Tripura)—
Memorandum No. 173

3. The Committee considered the particulars of the Tripura Press Accreditation Committee and desired that further information on the following points might be called for from the State Government for their consideration:—

(i) Actual rates of T.A., D.A., Sitting fee, Conveyance allowance etc. admissible to the non-official members of Tripura Accreditation Committee (including that admissible to non-official members residing out of Station).

(ii) Other facilities given to the members of the Committee.

*Tripura Board of Wakfs (Tripura)—
(Memorandum No. 174)*

4. The Committee noted that the non-official members of the Tripura Board of Wakfs were paid only reimbursement of TA equal to double the actual Bus fare and DA @ Rs. 32/- which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Board were to administer the Wakfs institutions and to maintain the Wakfs propedly besides granting loans, raising funds and executing schemes for development of Wakfs and trusts. As such the Board exercised both executive and financial powers. Hence the non-official members of the Board *should not be exempted from disqualification for being chosen as, or for being a member of Parliament.*

*Kerala State Coconut Development Corporation (Kerala)—
(Memorandum No. 175)*

4. The Committee noted that only the Chairman of the Kerala State Development Corporation was paid an honorarium of Rs. 750/- per month besides provision of car and other facilities. The payment of honorarium was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation were to develop Coconut Industry by providing technical, financial and ancillary facilities through terms loans, share participation or furnishing of guarantees and also be appoint staff for that purpose. As such the Corporation exercised both executive and financial powers. Hence the non-official Directors of the Corporation including the Chairman *should not be exempted from disqualification for being chosen as, or for being a member of Parliament.*

*Kerala Agro Machinery Corporation Limited (Kerala)—
(Memorandum No. 176)*

5. The Committee noted that the non-official Directors of the Kerala Agro Machinery Corporation Limited were paid sitting fee

of Rs. 75/- per sitting besides TA and Hotel expenses and Chairman was also paid honorarium of Rs. 750/- p.m. The payment of sitting fee and honorarium were not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation were to promote, establish, administer, own and run industries and facilities for the manufacture of Agriculture implements, Agriculture machinery and other material and equipments which would hold the growth and modernisation of agriculture, animal husbandry, poultry, dairying and fisheries. As such the Corporation exercised both executive and financial powers. Hence the non-official members of the said Corporation including the Chairman should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

Export Credit Guarantee Corporation of India Limited

(Ministry of Commerce)—(Memorandum No. 177)

6. The Committee noted that the non-official Directors of the Export Credit Guarantee Corporation of India Limited were paid 'sitting fee' @Rs. 100/- per sitting, besides DA @Rs. 200/- and local conveyance allowance @ Rs. 40/- per day which were not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation being to encourage, facilitate and develop trade between India and other countries by providing insurance to exporters in respect of risk of non-payment and to provide financial help besides employing persons were executive and financial in nature. Hence the non-official Directors of the said Corporation should not be exempted from disqualification for being chosen as or for being a member of Parliament.

The Committee then discussed their future programme and decided to meet again at 16.00 hours on Friday, the 22nd January, 1988.

The Committee then adjourned.

FORTY-FOURTH SITTING

The Committee met on Monday, the 25th January, 1988 from 15.00 to 15.40 hours.

PRESENT

Kumari Kamla Kumari—Chairman

MEMBERS

Lok Sabha

2. Shri Mahendra Singh
3. Shri Sriballav Panigrahi
4. Shri Balram Singh Yadav

Rajya Sabha

5. Shri Sohan Lal Dhusiya
6. Shri K. Gopalan
7. Shri Puttapaga Radhakrishna
8. Dr. H. P. Sharma

SECRETARIAT

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

The Committee took up for consideration 5 memoranda (Nos. 178 to 182) relating to the following Committees/Board etc. constituted by the Central and State Governments:—

*Board of Meghalaya Industrial Development Corporation Ltd.
(Meghalaya)—(Memorandum No. 178)*

3. The Committee noted that the non-official Directors of the Board of Meghalaya Industrial Development Corporation Ltd. were paid sitting fee and TA and Chairman was also paid an honorarium of Rs. 750/- p.m. The payment of “sitting fee” and “honorarium” were

not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The business of the Company was managed by the Board. The functions of the Board were also to promote, establish and execute industries which were likely to promote or advance the Industrial Development of Meghalaya. As such the Corporation exercised both executive and financial powers. Hence, the non-official Directors of the Board (including Chairman) should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Steering Committee for the Island Development Authority
(Planning Commission) — (Memorandum No. 179)*

4. The Committee noted that the non-official Members of the Steering Committee were paid TA and DA as admissible to Grade I Officers of the Government of India (Maximum DA Rs. 75/-) which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Steering Committee were to identify programmes and to advise on working out the implementation strategy for development of the Islands. As such, the functions were advisory in nature. Hence, the non-official members of the Steering Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Island Development Authority (Planning Commission) —
(Memorandum No. 180)*

5. The Committee noted that the non-official members of the Island Development Authority were paid TA/DA as admissible to Grade I Officers of the Government of India (maximum DA Rs. 75/-) which were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Island Development Authority were to decide on policies and programmes for an integrated development of Islands keeping in view all aspects of environmental protection as well as the special technical and scientific requirements of the Islands and to review progress of implementation and impact of the programmes of development. The functions were thus basically advisory in nature and hence the non-official members of the authority should be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Panel of Industrial Economists (Planning Commission)
(Memorandum No. 181)*

6. The Committee noted that the non-official members of the Panel of Industrial Economists were paid TA and DA as admissible to Grade I Officers of the Government of India (Maximum DA Rs. 75/-) which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Panel being to review the state of the industrial economy was advisory in nature. Hence the non-official members of the said Panel should be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Advisory Committee on Hill Area for the Seventh Plan 1988-90
(Planning Commission)—(Memorandum No. 182)*

7. The Committee noted that the non-official members of the Advisory Committee on Hill Areas for the Seventh Plan were paid TA and DA at the rate admissible to Grade I Officers of the Government of India (Maximum DA Rs. 75/-) which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee being to advise on matters relating to planning for socio-economic development of the hill areas were advisory in nature. Hence the non-official members of the said Advisory Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

The Committee then discussed their future programme and decided to meet again as 15.00 hours on Monday, the 15th February, 1988.

The Committee then adjourned.

FIFTY-FOURTH SITTING

The Committee met on Thursday, the 1st December, 1988 from 15.00 to 15.30 hours.

PRESENT

Kumari Kamla Kumari—Chairman

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Sharad Dighe
4. Shri Sriballav Panigrahi
5. Shri Balram Singh Yadav

Rajya Sabha

6. Shrimati Sudha Vijay Joshi
7. Shri Puttapaga Radhakrishna

SECRETARIAT

1. Shri Swarn Singh—Officer on Special Duty

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

2. The Committee decided that the Report might be presented to Lok Sabha on 6th December, 1988 and also laid on the Table of Rajya Sabha on the same day.

3. The Committee authorised Shri Sharad Dighe, M.P. and in his absence Sri Sriballav Panigrahi, M.P. to present the Report to Lok Sabha on their behalf.

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

5. The Committee then discussed their future programme and decided to meet again on 21st December, 1988.

The Committee then adjourned.