

JOINT COMMITTEE ON OFFICES OF PROFIT

NINTH REPORT

(TENTH LOK SABHA)



*Presented to Lok Sabha on 23 August, 1995
Laid in Rajya Sabha on 23 August, 1995*

**LOK SABHA SECRETARIAT
NEW DELHI**

August, 1995/Sravana, 1917 (Saka)

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

COMPOSITION OF THE COMMITTEE

Shri Chiranjit Lal Sharma—Chairman

MEMBERS

Lok Sabha

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

Rajya Sabha

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

SECRETARIAT

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

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

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

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

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

§ Re-elected by Rajya Sabha on 15.12.1994.

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

INTRODUCTION

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 Ninth Report.

2. The matters covered by the Report were considered by the Committee at their sittings held on 15 and 23 June and 6 July, 1995. Minutes of the sittings, which form part of the Report, are appended to it.

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

4. The detailed information regarding the composition, character, functions, emoluments and allowances payable to the members of these bodies was furnished by the concerned State Governments. The Committee wish to express their thanks to those State Governments for furnishing the information desired by the Committee.

5. The Committee considered and adopted the Report at their sitting held on 16 August, 1995.

NEW DELHI;
16 August, 1995

25 Sravana, 1917 (Saka)

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

REPORT

NOMINATION OF MEMBERS OF PARLIAMENT ON STATE BODIES

1. District Level Committees for Planning, Implementation and Coordination of 20-Point Economic Programme for the Districts of Banswara, Jhunjunu, Bikaner, Jodhpur, Sawai Madhopur, Jhalawar, Alwar, Churu and Dholepur in Rajasthan—Proposal to nominate Sarvashri Prabhu Lal Rawat, Ayub Khan, Manphool Singh, Ashok Gehlot, Kunji Lal Meena and Dau Dayal Joshi, Smt. Vasundhara Raje, Maharani Mahendra Kumari, Sarvashri Ram Singh Kashwan and Ganga Ram Koli, Members of Lok Sabha as members thereof

1.1 The Committee considered the request of State Government of Rajasthan seeking approval of the Hon'ble Speaker, Lok Sabha in regard to nomination of Members of Parliament as non-official members to the District Level Committees for Planning, Implementation and Coordination of 20-Point Economic Programme for various districts in Rajasthan.

1.2 The Committee note from the information furnished by the Government of Rajasthan that non-official Members (including Members of Parliament) of the aforesaid Committees, at District Level are not paid any remuneration.

1.3 The Committee also note that main functions of the said Committees are to review the progress of Planning and Implementation of 20-Point Programme at District Level and these Committees do not exercise executive, legislative or judicial powers. Thus, the Committee find that the functions of the said Committees are advisory in nature.

1.4 Keeping in view, Clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance as defined in Section 2(a) of the said Act, the Committee recommend that non-official members (including Members of Parliament) of the aforesaid Committees may be exempted from disqualification for being chosen as, or for being, Members of Parliament.

II. Himachal Pradesh District Welfare Committees—Proposal to nominate Sarvashri D.D. Khanoria, P.K. Dhumal and K.D. Sultanpuri, Members, Lok Sabha and Sarvashri Maheshwar Singh and Sushil Barongpa, Members, Rajya Sabha as members thereof

2.1 The Committee considered the request of the Government of Himachal Pradesh seeking approval of the Hon'ble Speaker, Lok Sabha for nomination of Sarvashri D.D. Khanoria, P.K. Dhumal and K.D. Sultanpuri and the approval of the Hon'ble Chairman, Rajya Sabha for nomination of Sarvashri Maheshwar Singh and Sushil Barongpa, Members, Rajya Sabha as non-official members of Himachal Pradesh District Welfare Committees for the districts of Kangra, Hamirpur, Solan, Kullu and Lahaul Spiti, respectively.

2.2 On the basis of the information furnished by the Government of Himachal Pradesh, the Committee note that the functions of these District Welfare Committees are to discuss and evaluate the execution and finalisation of various welfare schemes of the Department of Welfare. The Committee further note that Welfare Committees do not enjoy executive, legislative or judicial powers and they also do not have powers for disbursement of funds, allotment of lands, issue of licences, appointment and grant of scholarships etc. Thus the functions of the Committees are advisory in nature.

2.3 The Committee also note that members of these Committees, including Members of Parliament would be provided only TA/DA as admissible to them under the Rules.

2.4 In this connection, attention of the Committee was drawn to the relevant clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which was declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament.

2.5 Keeping the above position in view, the Committee recommend that non-official members (including Members of Parliament, if nominated) of the District Welfare Committees may be exempted from disqualification for being chosen as, or for being, Members of Parliament.

III. Sahariya Vikas Samiti for an all round development of Sahariya tribes, Rajasthan—Proposal to nominate Shri Dau Dayal Joshi, MP, Lok Sabha as member thereof

3.1 The Committee considered the request of the State Government of Rajasthan seeking approval of the Speaker, Lok Sabha for nomination of Shri Dau Dayal Joshi, Member, Lok Sabha as non-official member of the Sahariya Vikas Samiti for an all round development of Sahariya tribes in Rajasthan.

3.2 The Committee note from the information furnished by Government of Rajasthan that non-official members of the Samiti would be paid salary and allowances according to the Government Rules.

3.3 The Committee further note that the Sahariya Vikas Samiti has been set up for an all round development of Sahariya tribes. For this purpose the Samiti might identify the beneficiaries, prepare annual budget, conduct survey for perfect planning and implementation, prepare credit plans and regulate, monitor and evaluate the amount spent and the benefit earned from the programme etc.

3.4 The Samiti would also have full powers to utilise the funds provided in the budget approved by the State Government. In the matters of implementation, the Samiti has full administrative control over the District Level Officers. The funds received from the Government of India and the State Government would be given to the Samiti. As such, the functions performed by the Samiti are executive and financial in nature.

3.5 In this connection, attention of the Committee was drawn to their own recommendations made in Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984 that if the Body, in which 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 scholarship etc. then the office in question will entail disqualification.

3.6 Keeping in view the aforesaid, the Committee recommend that non-official members (including Members of Parliament, if nominated) of the said Samiti *may not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.*

NEW DELHI;
16 August, 1995

25 Sravana, 1917(S)

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

APPENDIX

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

The Committee met on Thursday, 15 June, 1995 from 1130 hours to 1210 hours in Committee Room D, Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Chiranjit Lal Sharma — *Chairman*

MEMBERS

2. Prof. Susanta Chakraborty
3. Shri Dau Dayal Joshi
4. Shri Ram Chandra Rath
5. Shri Roshan Lal
6. Shri E. Balanandan
7. Shri Makhan Lal Fotedar
8. Shri Sarada Mohanty
9. Shri S.K.T. Ramachandran

SECRETARIAT

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

- (1) *District Level Committee for Planning, Implementation and Coordination of 20-Point Programme for Banswara District Rajasthan—Proposal to nominate Shri Prabhu Lal Rawat as member thereof. (Memorandum No. 112)*

The Committee took up for consideration Memorandum No. 112 and noted from the information furnished by the State Government of Rajasthan that non-official member of the District Level Committee for Planning, Implementation and Coordination of 20-Point Programme for District Banswara, Rajasthan are not paid any remuneration and do not enjoy executive, legislative, financial or judicial powers. Since the said Committee were advisory in nature, the Committee kept in view, clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament and held that the non-official member (Member of Parliament) of the said Committee may be exempted from disqualification for being chosen as, for being, a Member of Parliament.

(2) *Proposal to nominate S/Shri D.D. Khanoria, P.K. Dhumal and K.D. Sultanpuri, MPs, Lok Sabha and S/Shri Maheshwar Singh and Sushil Barongpa, MPs, Rajya Sabha as non-official members of Himachal Pradesh District Welfare Committees for Kangra, Hamirpur, Solan, Kullu and Lahaul Spiti Districts, respectively. (Memorandum No. 113)*

The Committee resumed consideration in regard to nomination of S/Shri D.D. Khanoria, P.K. Dhumal and K.D. Sultanpuri, Members, Lok Sabha and S/Shri Maheshwar Singh and Sushil Barongpa, Members, Rajya Sabha as non-official Members of Himachal Pradesh District Welfare Committees. The Committee while considering the matter at their sitting held on 3 January, 1995 had decided that further information might be called from the Government of Himachal Pradesh regarding TADA to non-official members and the functions of the Committee before taking a decision on the matter.

The Committee noted from the information furnished by the Government of Himachal Pradesh that the functions of these District Welfare Committees are to discuss and evaluate the execution and finalisation of various Welfare schemes of the Department of Welfare. The Committee further noted that Welfare Committees do not enjoy executive, legislative or judicial powers and they also do not have powers for disbursement of funds, allotment of lands, issue of licences, appointments and grant of scholarships etc. Thus the functions of the Committee are advisory in nature.

The Committee also noted that Members of Committee including M.Ps. would be provided only TADA as admissible to them under the Rules.

In this connection, attention of the Committee was drawn to the relevant clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament. The Committee accordingly, held that the non-official members (including Member of Parliament, if nominated) of the District Welfare Committees might be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

(3) *Sahariya Vikas Samiti for an all round development of Sahariya tribes, Rajasthan—Proposal to nominate Shri Dau Dayal Joshi, MP, Lok Sabha as member thereof. (Memorandum No. 114)*

The Committee then considered Memorandum No. 114 and noted from the information furnished by Government of Rajasthan that non-official

members (including Members of Parliament) of Sahariya Vikas Samiti would be paid Salary and Allowances according to the Government Rules.

The Committee further noted that the Sahariya Vikas Samiti has been set up for an all round development of Sahariya tribes. For this purpose, the Samiti might identify the beneficiaries, prepare annual budget, conduct survey for perfect planning and implementation to prepare credit plans and regulate, monitor and evaluate the amount spent and the benefit earned from the programme etc.

The Samiti would also have full powers to utilise the funds provided in the budget approved by the State Government. In the matters of implementation, the Samiti has full administrative control over the District Level Officers. The funds received from the Government of India and the State Government would be given to the Samiti. As such, the functions performed by the Samiti are executive and financial in nature.

In this connection, attention of the Committee was drawn to their own recommendations made in Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984 that if the body, in which 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 scholarship etc. then the office in question will entail disqualification.

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

(4) Committees for Planning, Implementation and Co-ordination of 20-Point Programme at District Level, Rajasthan—Proposal to nominate Shri Ayub Khan (Jhunjunu), Shri Manphool Singh (Bikaner) Shri Ashok Gehlot (Jodhpur) Members, Lok Sabha, as members thereof. (Memorandum No. 115)

The Committee thereafter considered Memorandum No. 115 and noted from the information furnished by the State Government of Rajasthan that non-official members of the Committee for Planning, Implementation and Co-ordination of 20-Point Programme at District Level, Rajasthan are not paid any remuneration. The Committee further noted that functions of the said Committees are to review the progress of the 20-Point Programme every month and these Committees do not exercise executive, legislative or judicial powers. Thus the Committee found that functions of the said Committees are advisory in nature.

The Committee kept in view, clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify

the holder thereof for being chosen as, or for being, a Member of Parliament and held that the non-official members (Members of Parliament) of the said Committees may be exempted from disqualification for being chosen as, or for being, Members of Parliament.

The Committee then decided to hold their next meeting on 23 June, 1995 to consider certain memoranda.

The Committee then adjourned

MINUTES OF THE FORTY—NINTH SITTING OF THE JOINT
COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

The Committee met on Friday, 23 June, 1995 from 1130 hours to 1230 hours in Committee Room 'B', Ground Floor, Parliament House Annex, New Delhi.

PRESENT

Shri Chiranjit Lal Sharma — *Chairman*

MEMBERS

Lok Sabha

2. Shri Harisinh Pratapsinh Chavda
3. Shri Mohan S. Deolkar
4. Shri Dau Dayal Joshi
5. Shri Roshan Lal

Rajya Sabha

6. Shri E. Balanandan
7. Shri S.K.T. Ramachandran

SECRETARIAT

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

Committee for Planning, Implementation and Co-ordination of 20-Point Economic Programme at District Level, Sawai Madhopur, Rajasthan—Proposal to nominate Shri Kunji Lal Meena, Member, Lok Sabha as member thereof. (Memorandum No. 116)

2. The Committee took up for consideration Memorandum No. 116 and noted from the information furnished by the State Government of Rajasthan that non-official members of the Committee for Planning, Implementation and Co-ordination of 20-Point Economic Programme at District level, Sawai Madhopur are not paid any remuneration.

3. The Committee further noted that the main functions of the said Committee are to review the progress of the 20-Point Programme every month and it does not exercise executive, legislative and judicial powers. Thus the Committee found that the functions performed by the said Committee are *advisory in nature*.

4. Keeping in view, Clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain

offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, the Committee recommended that non-official members (including Members of Parliament) of the said Committee *may be exempted* from disqualification for being chosen as, or for being, a Member of Parliament, provided the amount of TADA if any, does not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

* * *

The Committee then adjourned to meet again on 6 July, 1995.

MINUTES OF THE FIFTIETH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

The Committee met on Thursday, 6 July, 1995 from 1130 hours to 1230 hours in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Chiranjit Lal Sharma — *Chairman*

MEMBERS

2. Shri Harisinh Pratapsinh Chavda
3. Shri Dau Dayal Joshi
4. Shri Thota Subba Rao
5. Shri E. Balanandan
6. Shri Makhan Lal Fotedar
7. Shri S.K.T. Ramachandran

SECRETARIAT

Shri J.P. Jain, — *Under Secretary*

2. The Committee took up for consideration following Memoranda Nos. 119 to 122 regarding nomination of Members of Parliament on certain Bodies/Committees constituted by State Government of Rajasthan:—

1. Committee for Implementation and Coordination of 20-Point Economic Programme at District Level, Jhalawar, Rajasthan—Proposal to nominate Shri Dau Dayal Joshi and Smt. Vasundhara Raje, MPs as Members thereof.
2. Committee for Implementation and Coordination of 20-Point Economic Programme at District Level, Alwar, Rajasthan—Proposal to nominate Maharani Mahendra Kumari, MP as Member thereof.
3. Committee for Implementation and Coordination of 20-Point Economic Programme at District Level, Churu, Rajasthan—Proposal to nominate Shri Ram Singh Kashwan, MP, as Member thereof.
4. Committee for Implementation and Coordination of 20-Point Economic Programme at District Level, Dholpur, Rajasthan—Proposal to nominate Shri Ganga Ram Koli, MP, as Member thereof.

3. The Committee noted from the information furnished by the State Government of Rajasthan that non-official Members (including Members of Parliament) of the aforesaid Committees, at District Level, would not be paid any remuneration.

4. The Committee also noted that main functions of the said Committees are to review the progress of Planning and Implementation of 20-Point Programme at District Level and these Committees do not exercise executive, legislative or judicial powers. Thus the Committee found that the functions of the said Committees are advisory in nature.

5. Keeping in view, clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit, functions of which are advisory in nature, not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament if the holder of such office is not entitled to any remuneration other than compensatory allowance as defined in Section 2(a) of the said Act, the Committee recommended that non-official members (including Members of Parliament) of the said Committee *may be exempted* from disqualification for being chosen as, or for being, Members of Parliament.

*The Committee then adjourned to hold their next meeting
on 20 July, 1995.*

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

The Committee met on Wednesday, 16 August, 1995 from 1530 hours to 1630 hours in Chairman's Room No. 145, Third Floor, Parliament House Annex, New Delhi.

PRESENT

Shri Chiranjit Lal Sharma — *Chairman*

MEMBERS

2. Prof. Susanta Chakraborty

3. Shri Roshan Lal

4. Shri E. Balanandan

5. Shri Makhan Lal Fotedar

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*

2. Shri Ram Autar Ram — *Deputy Secretary*

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

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

The Committee then adjourned

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