

JOINT COMMITTEE ON OFFICES OF PROFIT

TENTH REPORT

(TENTH LOK SABHA)



*Presented to Lok Sabha on 22-12-95
Laid in Rajya Sabha on 22-12-95*

**LOK SABHA SECRETARIAT
NEW DELHI**

*December, 1995 / Agrahayana, 1917 (Saka)
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CONTENTS

	PAGE
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT.....	(iii)
INTRODUCTION.....	(v)
CHAPTER I Nomination of Members of Parliament on State Bodies:	1
1. Himachal Pradesh Environment Protection Council	1
2. Board of Control of Orphanages and other Charitable Homes, Himachal Pradesh	1
3. Committees for Implementation and Coordination of 20-Point Economic Programme at District Level, Udaipur, Rajasthan	2
CHAPTER II Incurring of Disqualification by Non-Official Members of Central Body.....	4
Sports Authority of India—Ministry of Human Resource Development—Department of Youth Affairs and Sports	4
APPENDIX	
Minutes of the Sittings of the Committee.....	15

**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. Vacant
14. Vacant
- \$\$15. Shri Digvijay Singh

SECRETARIAT

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

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

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

§ Re-elected by Rajya Sabha on 15.12.1994.

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

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

INTRODUCTION

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

2. The matters covered by the Report were considered by the Committee at their Sittings held on 23 June and 20 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 / Central Government and the emoluments and allowances payable of 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 Ministries / Departments of the Central and the State Governments. The Committee wish to express their thanks to those Ministries / Departments for furnishing the information desired by the Committee.

5. The Committee considered and adopted the Report at their Sitting held on 19-12-95.

New Delhi;
19 December, 1995

28 Agashayana, 1917 (Saka)

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

CHAPTER I

NOMINATION OF MEMBERS OF PARLIAMENT ON STATE BODIES

(1) *Himachal Pradesh Environment Protection Council—Proposal to nominate Sarvashri K.D. Sultanpuri and D.D. Khanoria, Members, Lok Sabha as non-official members thereof.*

1.1 The Committee considered the request from the Government of Himachal Pradesh, seeking approval of the Hon'ble Speaker, Lok Sabha for nomination of Sarvashri K.D. Sultanpuri and D.D. Khanoria, Members, Lok Sabha as non-official members of Himachal Pradesh Environment Protection Council.

1.2 The Committee note from the information furnished by the Government of Himachal Pradesh that non-official members of the Himachal Pradesh Environment Protection Council will be entitled to draw their TA/DA in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954.

1.3 The Committee further note that functions of the Council are to review environmental work in the state and to advise the Government in this regard. The Committee find that functions performed by the said Council 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 the Committee recommend that non-official members (including Members of Parliament) of the said Council may be exempted from disqualification for being chosen as, or for being, a Member of Parliament provided the amount of TA/DA does not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

(2) *Board of Control of Orphanages and other Charitable Homes, Himachal Pradesh—Proposal to nominate Shri K.D. Sultanpuri, Member, Lok Sabha as non-official member thereof.*

1.5 The Committee considered the request of the Government of Himachal Pradesh seeking approval of the Hon'ble Speaker, Lok Sabha for nomination of Shri K.D. Sultanpuri, Member, Lok Sabha, as non-official member of the Board of Control of Orphanages and other charitable homes, Himachal Pradesh.

1.6 The Committee note from the information furnished by the Government of Himachal Pradesh that non-official members (including Member of Parliament) of the Board of Control of Orphanages and other Charitable Homes will be paid TA/DA as admissible under the Rules.

1.7 The Committee also note that the main functions of the Board are to provide necessary guidance and instructions to the officers and officials of the Board with a view to supervise and control generally all matters relating to the management of Orphanages etc. Thus, the functions performed by the said Board are advisory in nature.

1.8 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, recommend that non-official member (including Member of Parliament) of the said Board may be exempted from disqualification for being chosen as, or for being, a Member of Parliament provided the amount of TA/DA does not exceed 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of disqualification) Act, 1959.

(3) *Committees for Implementation and Coordination of 20-Point Economic Programme for the districts of Udaipur and Pali in Rajasthan—Proposal to nominate Sarvashri Bheru Lal Meena and Guman Lal Lodha, Members, Lok Sabha, as members thereof.*

1.9 The Committee considered the request from the Government of Rajasthan seeking approval of the Hon'ble Speaker for nomination of Sarvashri Bheru Lal Meena and Guman Lal Lodha, Members, Lok Sabha, as non-official members of the District Level Committees for Implementation and Coordination of 20-Point Economic Programme for the districts of Udaipur and Pali in Rajasthan.

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

1.11 The Committee also note that main functions of the said Committee 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.

1.12 In this connection, attention of the Committee was drawn to 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.

1.13 In view of the above, the Committee recommend that non-official members (including Members of Parliament) of the said Committees may be exempted from disqualification for being chosen as, or for being, Members of Parliament.

CHAPTER II

INCURRING OF DISQUALIFICATION BY NON-OFFICIAL MEMBERS OF CENTRAL BODY

Sports Authority of India (Ministry of Human Resource Development—Department of Youth Affairs and Sports)

2.1 The Committee note from the information furnished by the Ministry of Human Resource Development (Department of Youth Affairs and Sports) that non-official members of the General Body of the Sports Authority of India are entitled to travel by Air (Economy Class)/Rail (1st Class)/2nd AC Sleeper fare for to and fro journey and DA Rs. 150/- per day if staying in a hotel or Rs. 100/- per day if not staying in a hotel.

2.2 The Committee further note that the functions of the said Authority are to review the progress and performance of the Society (Authority) and give such directions as it may deem fit to the Governing Body of the Authority. As such, functions of said Authority are advisory in nature.

2.3 Keeping in view the provisions of Clause (h) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices 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 Members of Parliament who are non-official members of the General Body of the said Authority should be exempted from disqualification for being chosen as, or for being, Member of Parliament.

NEW DELHI;
19 December, 1995

28 Agrahayana, 1917 (S)

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

APPENDIX

(Vide Para 2 of the Report)

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. Delkar
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	— <i>Joint Secretary</i>
2. Shri Ram Autar Ram	— <i>Deputy Secretary</i>
3. Shri J.P. Jain	— <i>Under Secretary</i>

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.

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 functions.

Thus the Committee found that the functions performed by the said Committee are *advisory in nature*.

Keeping in view, Clause (h) of Section 3 of the Parliament (Prevent 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 TA/DA if any, does not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

Himachal Pradesh Environment Protection Council—Proposal to nominate Sarvashri K.D. Sultanpuri and D.D. Khanoria, Members, Lok Sabha as non-official members thereof. (Memorandum No. 117)

3. The Committee then considered Memorandum No. 117 and noted from the information furnished by the State Government of Himachal Pradesh that non-official members of the Himachal Pradesh Environment Protection Council would be entitled to draw TA/DA in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954.

The Committee further noted that main functions of the Council are to review environment work in the State and to advise the Government in this regard. The Committee found that functions performed by the said Council are *advisory in nature*.

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 Council *may be exempted* from disqualification for being chosen as, or for being, a Member of Parliament provided the amount of TA/DA does not exceed the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

Board of Control of Orphanages and other Charitable Homes, Himachal Pradesh. (Memorandum No. 118)

4. The Committee, thereafter, considered Memorandum No. 118 and noted from the information furnished by the State Government of Himachal Pradesh that non-official members (including Member of Parliament) of the Board of Control of Orphanages and other Charitable Homes would be paid TA/DA as admissible under the rules.

The Committee also noted that the main functions of the Board are to provide necessary guidance and instructions to the officers and

officials of the Board with a view to supervise and control generally all matters relating to the management of Orphanages, etc. The Committee found that the functions performed by the said Board are *advisory in nature*.

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 member (including Member of Parliament) of the said Board *may be exempted* from disqualification for being chosen as, or for being, a Member of Parliament provided the amount of TA/DA does not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

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

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

The Committee met on Thursday, 20 July, 1995 from 1130 hours to 1220 hours in Chairman's Room No. 145, Third Floor, Parliament House, New Delhi.

PRESENT

Shri Chiranjeevi Lal Sharma

— *Chairman*

MEMBERS

2. Shri Harisinh Pratapsinh Chavda
3. Shri Dau Dayal Joshi
4. Shri Ram Chandra Rath
5. Shri S.B. Thorat
6. Shri E. Balanandan
7. Shri Makhan Lal Fotedar
8. Shri Sarada Mohanty
9. Shri S.K.T. Ramachandran
10. Shri Digvijay Singh

SECRETARIAT

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

2. The Committee took up for consideration following Memoranda Nos. 123 to 124 regarding nomination of Members of Parliament on certain Committees constituted by State Government of Rajasthan:

1. Committee for Implementation and Coordination of 20-Point Economic Programme at District Level, Udaipur, Rajasthan — Proposal to nominate Shri Bheru Lal Meena, MP as Member thereof.
2. Committee for Implementation and Coordination of 20-Point Economic Programme at District Level, Pali, Rajasthan — Proposal to nominate Shri Guman Mal Lodha, 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 Economic 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 Committees *may be exempted* from disqualification for being chosen as, or for being, Members of Parliament.

Sports Authority of India (Ministry of Human Resource Development— Department of Youth Affairs and Sports) (Memorandum No. 125).

6. The Committee then took up for consideration Memorandum No. 125 regarding membership of the General Body of Sports Authority of India (SAI). The Committee noted from the information furnished by the Ministry of Human Resource Development (Department of Youth Affairs and Sports) that non-official members of the General Body of the Sports Authority of India are entitled to travel by Air (Economy Class)/Rail (1st Class) /2nd AC Sleeper fare, for to and fro journey and DA Rs. 150/- per day if staying in a hotel or Rs.100/- per day if not staying in hotel.

7. The Committee further noted that the functions of the said Authority are to review the progress and performance of the Society (Authority) and give such directions as it may deem fit to the Governing Body of the Authority. As such, functions of said Authority are advisory in nature.

8. Keeping in view the provisions of 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 General Body of the said Authority *may be exempted* from disqualification for being chosen as, or for being, Members of Parliament.

9. In the end, the Chairman made a mention about the retirement of Shri S.K.T. Ramachandran, a member of the Committee, from the membership of Rajya Sabha on that day i.e. 24 July, 1995. He thanked Shri Ramachandran for his taking keen interest in the work of the Committee.

10. The Committee then adjourned.

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

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

PRESENT

Shri Chiranjit Lal Sharma — *Chairman*.

MEMBERS

2. Prof. Susanta Chakraborty
3. Shri Harisinh Pratapsinh Chavda
4. Shri Dau Dayal Joshi
5. Shri Roshan Lal
6. Shri Makhan Lal Fotedar

SECRETARIAT

1. Shri Ram Autar Ram — *Deputy Secretary*

2. Shri J.P. Jain — *Under Secretary*

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

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

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

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

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

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