

# **JOINT COMMITTEE ON OFFICES OF PROFIT**

## **SECOND REPORT (ELEVENTH LOK SABHA)**



सत्यमेव जयते

*Presented to Lok Sabha on 31.7.1997  
Laid in Rajya Sabha on 31.7.1997*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*July, 1997/Sravāna, 1919 (Saka)*

*Price Rs. 10/-*

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

**COMPOSITION OF THE COMMITTEE**

**Smt. Geeta Mukherjee — Chairperson**

**MEMBERS**

***Lok Sabha***

2. Shri Bhimrao Vishnuji Badade
3. Shri Pankaj Chaudhary
4. Shri P. Namgyal
5. Shri Prahlad Singh Patel
6. Shri A. Raja
7. Shri I.G. Sanadi
8. Rajkumari Ratna Singh
9. Shri Lal Babu Yadav
10. Shri Mahaboob Zahedi

***Rajya Sabha***

11. Shri Gaya Singh
12. Shri Bhagaban Majhi
13. Shri Sitaram Kesari
14. Dr. Naunihal Singh
15. Shri Virendra Kataria

**SECRETARIAT**

- |                       |   |                             |
|-----------------------|---|-----------------------------|
| 1. Dr A.K. Pandey     | — | <i>Additional Secretary</i> |
| 2. Shri G.C. Malhotra | — | <i>Additional Secretary</i> |
| 3. Shri Ram Autar Ram | — | <i>Director</i>             |
| 4. Shri P.L. Chawla   | — | <i>Assistant Director</i>   |

# **REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT**

## **INTRODUCTION**

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

2. The matters covered by the Report were considered by the Committee at their 3 sittings held on 3 April, 6 May and 6 June, 1997.

3. The Committee examined the composition, character, functions etc. of 10 Committees/Bodies etc. constituted by the State Governments/Central Governments and the emoluments and allowances payable to their members, non-official Director, 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.

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/Central Governments. The Committee wish to express their thanks to the Ministries/Departments of State/Central Governments for furnishing the information desired by the Committee.

5. The Committee considered and adopted the Report at their sitting held on 28 July, 1997.

**NEW DELHI;**  
**25 July, 1997**

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**3 Sravana, 1919 (Saka)**

**GEETA MUKHERJEE,**  
*Chairperson,*  
*Joint Committee on Offices*  
*of Profit.*

## NOMINATION OF MEMBERS OF PARLIAMENT TO STATE BODIES

*State Level Committee for the Commemoration of 400th Death Anniversary of Maharana Pratap, Himachal Pradesh — Proposal to nominate Maj. General (Retd.) Bikram Singh, Member, Lok Sabha as member thereof*

1.1 The Committee considered the request of the Government of Himachal Pradesh seeking approval of the Hon'ble Speaker, Lok Sabha in regard to nomination of Maj. General (Retd.) Bikram Singh, Member, Lok Sabha as non-official member to the State Level Committee for the commemoration of 400th Death Anniversary of Maharana Pratap, Himachal Pradesh.

1.2 The Committee note from the information furnished by the Government of Himachal Pradesh that the non-official members of State Level Committee shall be paid TA/DA as admissible under Rules of the State Government which are covered by the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.3 The Committee also note that the main function of the Committee is to commemorate the 400th Death Anniversary of Maharana Pratap.

1.4 Keeping in view Section 3 (h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2 (a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the commemorate the 400th Death Anniversary of Maharana Pratap from disqualification for being chosen as, or for being, Members of Parliament.

*Committee to Celebrate the Birth Centenary of Netaji Subhash Chandra Bose—Proposal to nominate Shri Maheshwar Singh and Smt. Chandresh Kumari, Members, Rajya Sabha as Members thereof.*

1.5 The Committee considered the request of the State Government of Himachal Pradesh seeking approval of Chairman, Rajya Sabha for nomination of Shri Maheshwar Singh and Smt. Chandresh Kumari, Members, Rajya Sabha as non-official members of Committee to celebrate the Birth Centenary of Netaji Subhash Chandra Bose, Himachal Pradesh.

1.6 The Committee note from the information furnished by the State Government of Himachal Pradesh that the non-official members (including Members of Parliament) of the aforesaid Committee shall be entitled TA/DA as admissible to them under Salaries and Allowances of Members of Parliament Act, 1954 which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.7 The Committee also note that the main function of the aforesaid Committee is to educate the youth of the State regarding sacrifices of Netaji for the nation. The Committee find that the function of the Committee is advisory in nature.

1.8 Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the Committee to celebrate the Birth Centenary of Netaji Subhash Chandra Bose from disqualification for being chosen as, or for being, Members of Parliament.

*Rajasthan State Environment Protection Council—Proposal to nominate Sarvashri Rasa Singh Rawat, Shiv Charan Singh and Dr. Girija Vyas, Members of Parliament as members thereof.*

1.9 The Committee considered the request of the State Government of Rajasthan seeking approval of the Hon'ble Speaker, Lok Sabha/Chairman, Rajya Sabha for nomination of Sarvashri Rasa Singh Rawat, Shiv Charan Singh and Dr. Girija Vyas, Members, Lok Sabha/Rajya Sabha as non-official members of Rajasthan State Environment Protection Council.

1.10 The Committee note from the information furnished by the Government of Rajasthan that the non-official members (Members of Parliament) shall be entitled to Travelling Allowance and Halting Allowance, as permissible to the Officers of the State Government which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.11 The Committee also note that the main function of the Council is to advise the State Government to review environment work and also to identify areas requiring investigation, research and restoration in the field of environment. The Committee find that the functions performed by the Council are advisory in nature.

1.12 Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a

member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament) of the said Council from disqualification for being chosen as, or for being, Members of Parliament.

## II

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

#### *State Advisory Contract Labour Board, Punjab*

2.1 The Committee note from the information furnished by the State Government of Punjab that the non-official members (including Members of Parliament, if nominated) are paid TA/DA for attending meeting as permissible to Government employees which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.2 The Committee also note that the main function of the State Advisory Contract Labour Board is to advise the Government in regard to regulation and abolition of contract labour. The Committee find that the function of the Board is advisory in nature.

2.3 Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, members of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the State Advisory Contract Labour Board from disqualification for being chosen as, or for being, Members of Parliament.

#### *State Advisory Committee on Child Labour, Punjab*

2.4 The Committee note from the information furnished by the State Government of Punjab that the non-official members (including Members of Parliament, if nominated) are paid only TA/DA for attending meeting as per Government Rules which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.5 The Committee also note that the main function of the Committee is to advise the Government regarding problem of the working children. The Committee feel that the function of the Committee is advisory in nature.

2.6 Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a



member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the State Advisory Committee on Child Labour Board from disqualification for being chosen as, or for being, Members of Parliament.

*Advisory Committee under Equal Remuneration Act, 1976, Punjab*

2.7 The Committee note from the information furnished by the State Government of Punjab that the non-official members (Members of Parliament, if nominated) of the Advisory Committee under Equal Remuneration Act, 1976 are paid only TA/DA as permissible to the Government employees for attending the meeting which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.8 The Committee also note that the main function of the Committee is to advise the Government with regard to provide employment opportunities to women which is advisory in nature.

2.9 Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the Advisory Committee from disqualification for being chosen as, or for being, Members of Parliament.

*West Bengal State Minor Irrigation Corporation Limited*

2.10 The Committee note from the information furnished by the State Government of West Bengal that the non-official members (including Members of Parliament) of the West Bengal Minor Irrigation Corporation Limited are paid sitting fee of Rs. 25/- per sitting and actual travelling expenses for attending meeting of the Board of Directors. The Chairman is paid an honorarium of Rs. 1000/- per month plus travelling allowance. 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.

2.11 The Committee further note that the main object of the Corporation is to undertake minor irrigation schemes and supplying there by irrigation water to the farmers for cultivation. To achieve this object, it exercises powers to acquire and dispose of property rights, to authorise works of a capital nature, to appoint officers, trustees, attorney to invest moneys to make byelaws, to establish Local Bodies and to sub delegate powers etc. The Committee feel that the Corporation exercises both executive and financial powers.

2.12 In this connection, attention of the Committee were drawn to its own recommendations made in its Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984, recommended that if the Body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc. or gives powers of appointment, grant of scholarship, etc. then the office in question will entail disqualification.

2.13 The Committee, keeping in view of the above, recommend that the non-official members of the said Corporation should not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

*National Coordination Committee—Ministry of Environment and Forests*

2.14 The Committee note from the information furnished by the Ministry of Environment and Forests that the non-official members (Members of Parliament, if nominated) of the National Coordination Committee shall be paid TA/DA as admissible to Grade-I officers of the Government of India which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.15 The Committee also note that the main functions of the Committee are to promote effective inter-departmental coordination for the control of illegal trade in wildlife and wildlife products in the country. Thus, the Committee find that the functions of the Committee are advisory in nature.

2.16 Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

***Award Selection Committee for Dr. Salim Ali and Shri Kailash Sankhla wildlife Fellowship Award—Ministry of Environment and Forests***

2.17 The Committee note from the information furnished by the Ministry of Environment and Forests that the non-official Members (Members of Parliament, if nominated) of the Award Selection Committee for Dr. Salim Ali and Shri Kailash Sankhla Wildlife Fellowship Awards shall be paid TA/DA for attending meeting as per Govt. Rules which are covered by the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.18 The committee further note that the main function of the Committee is to recommend candidates for the award of the fellowship. It seems to be an advisory body.

2.19 Keeping in view Section 3 (h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2 (a) of the said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

***Task Force to prepare a status paper on Great Indian Bustard—Ministry of Environment and Forests***

2.20 The Committee note from the information furnished by the Ministry of Environment and Forests that the non-official members (including Members of Parliament, if nominated) are paid only TA/DA for attending meeting as per Government Rules which are covered by the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.21 The Committee also note that the main function of the Committee is to advise the Government regarding problem of the working children. The Committee are of the view that the function of the Committee is advisory in nature.

2.22 Keeping in view section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the

said Act. The Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

NEW DELHI;  
25 July, 1997

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3 Sravana, 1919 (S)

GEETA MUKHERJEE,  
*Chairperson*  
*Joint Committee on Offices of Profit.*

## APPENDIX

(Vide Para 2 of the Report)

### V

#### MINUTES OF THE FIFTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (ELEVENTH LOK SABHA)

The Committee met on Thursday 3 April, 1997 from 1500 to 1600 hours in Chairperson's Room No. 145, Third Floor, Parliament House.

#### PRESENT

Smt. Geeta Mukherjee — *Chairperson*

#### MEMBERS

##### *Lok Sabha*

2. Shri Bhimrao Vishnuji Badade
3. Shri P. Namgyal
4. Shri Prahlad Singh Patel
5. Shri A. Raja
6. Shri I.G. Sanadi
7. Shri Mahaboob Zahedi

##### *Rajya Sabha*

8. Shri Gaya Singh
9. Shri Virendra Kataria

#### SECRETARIAT

1. Shri Ram Autar Ram — *Director*
2. Shri P.L. Chawla — *Assistant Director*

*State Advisory Contract Labour Board, Punjab*  
(Memorandum No. 10)

2. The Committee took up for consideration Memorandum No. 10 and noted from the information furnished by the State Government of Punjab that the non-official members (including Members of Parliament, if nominated) were paid TA/DA for attending meeting as permissible to Government employees which are covered by the 'Compensatory Allowance' as defined in section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the main functions of the State Advisory Contract Labour Board is to advise the Government in regard to regulation and abolition of Contract Labour. Thus, the Committee found that the function of the Board is advisory in nature.

Keeping in view Section 3 (h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2 (a) of the said Act. The Committee recommended to exempt non-official Members (including Members of Parliament, if nominated) of the State Advisory Contract Labour Board from disqualification for being chosen as, or for being, Members of Parliament.

*State Advisory Committee on Child Labour, Punjab*

(Memorandum No. 11)

3. The Committee then considered Memorandum No. 11 and noted from the information furnished by the State Government of Punjab that the non-official members (including Members of Parliament, if nominated) are paid only TA/DA for attending meeting as per Govt. Rules which are covered by the 'Compensatory Allowance' as defined in section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee further noted that the main function of the Committee is to advise the Government regarding problem of the working children. The Committee felt that the function of the Committee is advisory in nature.

Keeping in view section 3 (h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official Members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2 (a) of the said Act. The Committee recommended to exempt non-official Members (including Members of Parliament, if nominated) of the State Advisory Committee on Child Labour from disqualification for being chosen as, or for being, Members of Parliament.

*Advisory Committee under Equal Remuneration Act, 1976, Punjab*  
(Memorandum No.12)

4. The Committee thereafter considered Memorandum No. 12 and noted from the information furnished by the State Government of Punjab that the non-official members (including Members of Parliament, if nominated) of the Advisory Committee under Equal Remuneration Act, 1976 are paid only TA/DA as permissible to the Government employees

for attending the meetings which are covered by the 'Compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the main function of the Committee is to advise the Government with regard to provide employment opportunities to women which is advisory in nature.

Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'compensatory allowance' as defined in Section 2(a) of the said Act. The Committee recommended to exempt non-official members (including Members of Parliament, if nominated) of the Advisory Committee from disqualification for being chosen as, or for being, Members of Parliament.

*West Bengal State Minor Irrigation Corporation Limited*

(Memorandum No. 13)

5. The Committee then considered Memorandum No. 13 and noted from the information furnished by the State Government of West Bengal that the non-official members (including Members of Parliament) of the West Bengal Minor Irrigation Corporation Limited are paid sitting fee of Rs. 25/- per sitting and actual travelling expenses for attending meeting of the Board of Directors. The Chairman is paid an honorarium of Rs. 1000/- per month plus travelling allowance. 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 Committee further noted that the main object of the Corporation is to undertake minor irrigation schemes and supplying thereby irrigation water to the farmers for cultivation. To achieve this object, it exercised powers to acquire and dispose of property rights, to authorise works of a capital nature, to appoint officers, trustees, attorney, to invest moneys, to make byelaws, to establish local Boards and to sub-delegate powers etc. The Committee felt that the Corporation exercised both executive and financial powers.

In this connection, attention of the Committee were drawn to its own recommendations made in Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7th May, 1984, recommended that if the Body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc. or gives powers of appointment, grant of scholarship, etc. then the office in question will entail disqualification.

The Committee, keeping in view of the above, recommended that the non-official members (including Members of Parliament, if nominated) of the said Corporation should not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

*The Committee then adjourned.*



## VI

### MINUTES OF THE SIXTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (ELEVENTH LOK SABHA)

The Committee met on Tuesday, 6th May, 1997 from 1630 to 1730 hours in Chairperson's Room No. 145, Third Floor, Parliament House, New Delhi.

#### PRESENT

Smt. Geeta Mukherjee—*Chairperson*

#### MEMBERS

2. Shri Bhimrao Vishnuji Badade
3. Shri P. Namgyal
4. Shri Prahlad Singh Patel
5. Shri A. Raja
6. Shri Mahaboob Zahedi
7. Shri Gaya Singh

#### SECRETARIAT

Shri Ram Autar Ram—*Director*

2. The Committee considered and adopted the Draft First Report of the Committee.

3. The Committee authorised the Chairperson and, in her absence, Shri Mahaboob Zahedi, M.P. to present the Report to Lok Sabha on their behalf.

4. The Committee also authorised Dr. Naunihal Singh, M.P. and in his absence Shri Gaya Singh, M.P. to lay the Report on the Table of Rajya Sabha.

*National Coordination Committee—Ministry of Environment & Forests*

(Memorandum No. 14)

The Committee then took up for consideration Memorandum No. 14 and noted from the information furnished by the Ministry of Environment and Forests that the non-official members (Members of Parliament, if nominated) of the National Coordination Committee shall be paid TA/DA as admissible to Grade I officers of the Government of India which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the main functions of the Committee are to promote effective inter-departmental Coordination for the control of

illegal trade in wildlife and wildlife products in the country. Thus, the Committee found that the functions of the Committee were advisory in nature.

Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'compensatory allowance' as defined in Section 2(a) of the said Act, the Committee recommended to exempt non-official members (including Members of Parliament, if nominated) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

*Award Selection Committee for Dr. Salim Ali and Shri Kailash Sankhla  
Wildlife Fellowship Awards Ministry of Environment and Forests*

(Memorandum No. 15)

The Committee then considered Memorandum No. 15 and noted from the information furnished by the Ministry of Environment and Forests that the non-official members (Members of Parliament, if nominated) of the Award Selection Committee for Dr. Salim Ali and Shri Kailash Sankhla Wildlife Fellowship Awards shall be paid TA/DA as admissible to Grade I officers of the Government of India which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee further noted that the main function of the Committee are to recommend candidates for the award of the fellowship. It seem to be an advisory body.

Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'compensatory allowance' as defined in Section 2(a) of the said Act, the Committee recommended to exempt non-official members (including Members of Parliament, if nominated) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

*Task Force to prepare a Board, Council, etc. Status Paper on Great Indian  
Bustard-Ministry of Environment and Forests*

(Memorandum No. 16)

The Committee, thereafter, considered Memorandum No. 16 and noted from the information furnished by the Ministry of Environment and Forests that the non-official members (Members of Parliament, if

nominated) of the Task Force shall be paid TA/DA as admissible to Grade I officers of the Government of India which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the main function of the Task Force is to prepare a status paper on the State of Conservation of the Great Indian Bustard and make suggestions for future strategy. Thus the functions of the Task Force is advisory in nature.

Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'compensatory allowance' as defined in Section 2(a) of the said Act, the Committee recommended to exempt non-official members (including Members of Parliament, if nominated) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

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*The Committee then adjourned.*

## VII

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

The Committee met on Friday, 6 June, 1997 from 1500 to 1600 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

#### PRESENT

Smt. Geeta Mukherjee — *Chairperson*

#### MEMBERS

##### *Lok Sabha*

2. Shri P. Namgyal
3. Shri I.G. Sanadi

##### *Rajya Sabha*

4. Shri Gaya Singh
5. Shri Virendra Kataria

#### SECRETARIAT

- |                       |   |                           |
|-----------------------|---|---------------------------|
| 1. Shri G.C. Malhotra | — | <i>Joint Secretary</i>    |
| 2. Shri Ram Autar Ram | — | <i>Director</i>           |
| 3. Shri P.L. Chawla   | — | <i>Assistant Director</i> |

*State Level Committee for the commemoration of 400th Death Anniversary of Maharana Pratap, Himachal Pradesh—Proposal to nominate Major General (Retd.) Bikram Singh, M.P. as member thereof*

(Memorandum No. 17)

2. The Committee took up for consideration Memorandum No. 17 and noted from the information furnished by the State Government of Himachal Pradesh that the non-official members (including Members of Parliament) of State Level Committee for the commemoration of 400th Death Anniversary of Maharana Pratap shall be paid TADA as admissible under the Rules of the State Government which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the main function of the Committee is to commemorate the 400th Death Anniversary of Maharana Pratap. As such, the function of the Committee is advisory in nature.

Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommended to exempt non-official Members (including Members of Parliament) of the State Level Committee for the commemoration of 400th Death Anniversary of Maharana Pratap from disqualification for being chosen as, or for being, Members of Parliament.

*Committee to celebrate the Birth Centenary of Netaji Subhash Chandra Bose — Proposal to nominate Shri Maheshwar Singh and Smt. Chandresh Kumari, Members, Rajya Sabha as Members thereof*

(Memorandum No. 18)

3. The Committee then considered Memorandum No. 18 and noted from the information furnished by the State Government of Himachal Pradesh that the non-official members (including Members of Parliament) of State Level Committee to celebrate the Birth Centenary of Netaji Subhash Chandra Bose shall be entitled TA/DA as admissible to them under Salaries and Allowances of Members of Parliament Act, 1954 which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee further noted that the main function of the Committee is to educate the youth of the State regarding sacrifices of the Netaji for the nation. The Committee found that the function of the Committee is advisory in nature.

Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official Members of the Committee should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommended to exempt non-official Members (including Members of Parliament) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

***Rajasthan State Environment Protection Council — Proposal to nominate S/Shri Rasa Singh Rawat, Shiv Charan Singh and Dr. Girija Vyas, Members of Parliament as members thereof***

**(Memorandum No. 19)**

4. The Committee thereafter considered Memorandum No. 19 and noted from the information furnished by the State Government of Rajasthan that the non-official members (including Members of Parliament) shall be entitled to Travelling Allowance and Halting Allowance, as permissible to the officers of the State Government which are covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee further noted that the main function of the Council are to advise the State Government to review environment work and also to identify areas requiring investigation, research and restoration in the field of environment. Thus, the functions of the Council are advisory in nature.

Keeping in view Section 3(h) of the Parliament (Prevention of Disqualification) Act, 1959 which has declared certain offices of profit not to disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, subject to the condition that the amount of TA/DA provided to the non-official Members of the Council should not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the said Act. The Committee recommended to exempt non-official Members (including Members of Parliament) of the said Committee from disqualification for being chosen as, or for being, Members of Parliament.

The Committee decided to consider Memorandum No. 2 regarding General Council of the International Institute for Population Sciences during the study tour of the Committee at Mumbai.

***The Committee then adjourned.***