

JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

FIRST REPORT



*Presented to Lok Sabha on 9 May, 2000
Laid in Rajya Sabha on 9 May, 2000*

**LOK SABHA SECRETARIAT
NEW DELHI**

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

COMPOSITION OF THE COMMITTEE

Shri Virendra Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Nand Kumar Singh Chauhan
3. Shri G. Putta Swamy Gowda
4. Shri Moinul Hassan
5. Shri Nawal Kishore Rai
6. Shri G. Ganga Reddy
7. Shri K.A. Sangtam
8. Shri Kunwar Sarvaraj Singh
9. Shri Kharabela Swain
10. Shri Braja Kishore Tripathy

Rajya Sabha

11. Vacant
12. Vacant
13. Shri E. Balanandan
14. Dr. M.N. Das
15. Shri Banarsi Das Gupta

SECRETARIAT

1. Shri P.D.T. Achary, — *Joint Secretary*
2. Shri Ram Autar Ram, — *Director*
3. Shri P.D. Malvalia, — *Under Secretary*

REPORT OF THE JOINT COMMITTEE

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 First Report of the Committee.

2. The motion for the Constitution of the Joint Committee on Offices of Profit (Thirteenth Lok Sabha) was moved in Lok Sabha by Shri Ram Jethmalani, Minister of Law, Justice and Company Affairs on 9 December, 1999 (Appendix I).

3. The Rajya Sabha concurred in the said motion on 17 December, 1999 (Appendix II). The message from Rajya Sabha communicating the names of members of Rajya Sabha elected to the Joint Committee was reported to Lok Sabha on 22 December, 1999 (Appendix III).

4. The names of members of Lok Sabha elected to the Joint Committee were published in the Lok Sabha Bulletin Part II dated 17 December, 1999 and the names of Members of Rajya Sabha elected to the Joint Committee were published in the Rajya Sabha Bulletin Part II dated 22 December, 1999.

5. The Joint Committee on Offices of Profit (12th Lok Sabha) which was constituted on a motion adopted by Lok Sabha on 3rd June, 1998 and concurred in Rajya Sabha on 7th July, 1998 could not consider and present their Report owing to sudden dissolution of 12th Lok Sabha on 26th April, 1999.

6. The matters covered by the Report were considered by the Joint Committee on Offices of Profit (12th Lok Sabha) at their sittings held on 9 December, 1998, 7 January, 4 February and 31 March, 1999. The Minutes of the sittings form part of the Report and are at Appendix IV.

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

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

(vi)

9. The Committee considered and adopted the Report at their sitting held on 4 May, 2000.

10. The observations/recommendations of the Committee in respect of the matters considered by them are given in the succeeding paragraphs.

NEW DELHI;
May, 2000
Vaisakha, 1922 (Saka)

VIRENDRA KUMAR,
Chairman,
Joint Committee on Offices of Profit.

I

NOMINATION OF MEMBERS OF PARLIAMENT TO STATE BODIES

Request of Dr. Yoginder K. Alagh, M.P. to rejoin the Sardar Patel Institute of Economics and Social Research, Ahmedabad as a Professor of Economics

1.1 The Committee considered the request of Dr. Yoginder K. Alagh, Member, Rajya Sabha for permission to rejoin the Sardar Patel Institute of Economics and Social Research, Ahmedabad as a Professor of Economics and to continue his research work and doctoral guidance simultaneously with his duties as a member of Rajya Sabha.

1.2 The Committee also perused following information received from the Ministry of Human Resource Development (Department of Education):—

- (i) Sardar Patel Institute of Economics and Social Research (SPIESR), Ahmedabad is an autonomous body which receives Plan/Non-Plan grant from the Indian Institute of Social Science Research, an autonomous body under the administrative purview of Ministry of HRD (Department of Education);
- (ii) In so far as the appointment of an Hon'ble Member of Rajya Sabha as a Professor in the Institute is concerned, the terms and conditions for appointment are to be fixed by the Institute and its Rules and Bye-laws as an appointing authority and the Central Government will not be concerned with the matters as they are not the appointing authority for Professor in the Institute;
- (iii) The status of Sardar Patel Institute of Economics and Social Research, Ahmedabad, is that of an autonomous body which does not receive any financial plan and non-plan assistance from the Government of India. It, however, receives financial assistance from ICSSR, an autonomous body mentioned by the Ministry of Human Resource Development (Department of Education);
- (iv) The Institution does not receive any grant-in-aid from Department of Education. The Institute is one of the 27 approved Research Institutes in the country for funding by the Indian Council of Social Science Research. The formula for funding the Social Science Research Institutions is on 50:50 basis between ICSSR and the State Government concerned. During 1995-96 and 1996-97 Sardar Patel Institute of Economics and Social Science Research received the following grants:—

	Plan (Rs. in lakhs)	Non-Plan
1995-96	4.60	23.45
1996-97	4.40	21.20

Under the funding formula corresponding amount is required to be provided by the State Government of Gujarat. However, neither the ICSSR nor the Department of Education has this information readily available; and

- (v) Salary, remuneration, TA/DA, during the term of the post of Professor for research work and Doctoral guidance would constitute part of detailed terms & conditions for appointment of Professor.

1.3 In this connection, the Committee also note that the Joint Committee on Offices of Profit in their 7th Report (8th Lok Sabha) had recommended that Prof. (Smt.) 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 dismiss lecturer and the Government has nothing to do with it by pursuing the following judgement of the Election Tribunal, Nagpur, delivered in the case of Krishnappa V. Narayan Singh and others:—

"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."

1.4 In another similar case, the Joint Committee on Offices of Profit (Seventh Lok Sabha) in their 6th Report had also 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."

1.5 The Committee further note that Sardar Patel Institute of Economics and Social Research, Ahmedabad is an autonomous body and does not receive any financial plan and non-plan assistance from the Government of India.

1.6 The Committee also note that so far as the appointment of an Hon'ble Member of Rajya Sabha as a Professor in this autonomous Institute of Economics and Social Research is concerned, terms and conditions are to be fixed by the Institute and its Rules and Bye-Laws as an appointing authority and the Central Government will not be concerned with the matters as they are not the appointing authority for Professor in the Institute.

1.7 In view of the above, the Committee recommend that Dr. Yoginder K. Alagh, M.P. in his capacity as a Professor of Economics in the Sardar Patel Institute of Economics and Social Research, Ahmedabad is not holding an "office

of profit under the Government' and hence does not incur disqualification for being a Member of Parliament.

Nashik Zila Krishi Audyogik Sahakari Sangh Ltd., Nashik—Appointment of Shri Madhavrao B. Patil, M.P. as a member thereof

1.8. The Committee note from the information furnished by the State Government of Maharashtra that the non-official members including Chairman of Nashik Zila Sahakari Sangh are entitled for Daily Allowance of Rs. 30/- per day and Travelling Allowance by Car @ Rs. 1.50 per Km. or 1/2 of S.T. fare. In addition, a sitting fee of Rs. 100/- per meeting is also paid. 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.

1.9 The Committee also note that the Sangh has been set up for the welfare of the people of the Society. Among other things, the functions and powers of the Sangh include to promote, the spirit of economy, self sufficiency and cooperation among the members, raising capital for conducting affairs of the society, undertaking sale/purchase of agricultural produce, arranging sale of vegetables and other agricultural produce, acquiring machinery for processing fruits and vegetables and other agricultural produce. On scrutiny of the functions and powers of the Sangh, the Committee observed that these powers are executive and financial in nature.

1.10 Keeping in view the above, the Committee recommend that the non-official members including Chairman of the Sangh may not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

II

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

Investigation Committee for the purpose of electrocution cases as well as other cases resulting in death of human beings connected with Generation, Transmission & Supply of Energy, Goa.

2.1 The Committee note from the information furnished by the State Government of Goa that the non-official members (including members of Parliament, if nominated) of Investigation Committee for the purpose of electrocution cases as well as other cases resulting in death of human beings connected with Generation, Transmission & Supply of energy, are not paid any remuneration.

2.2 The Committee also note that the main function of the Committee is to consider cases referred to it from time to time in accordance with the guidelines for determination of amount of cash compensation. The Committee find that the main function of the Investigation Committee is recommendatory 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, 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 Parliament (Prevention of Disqualification) Act, 1959 the Committee recommend to exempt non-official members (including Members of Parliament, if nominated) of the Investigation Committee from disqualification for being chosen as, or for being, Members of Parliament.

Goa Board of Secondary and Higher Secondary Education

2.4 The Committee note from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) of the Goa Board of Secondary and Higher Secondary Education are paid TA/DA 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 further note that the Board has the powers to regulate, supervise and control school education and demand and receive fee for examination, grant certificates to persons who have passed examinations and institute and award scholarships, stipends, medals, prizes and other rewards, prescribe conditions for getting the recognitions of school, to appoint personnel, officers and servants of the school and to publish reports, papers, journals etc. giving information of the

activities of the Board etc. The Committee find that these powers are of executive nature and Chairman and members of the Board may wield influence also.

2.6 Keeping in view the above the Committee recommend that the non-official members (including Members of Parliament, if nominated) of the said Board may not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

Flood Control Board, Goa

2.7 The Committee note from the information furnished by the State Government of Goa that the non-official Members (including Members of Parliament, if nominated) of the Flood Control Board, Goa are not paid any remuneration.

2.8 The Committee also note that the main function of the Flood Control Board, Goa is to implement the Master Plan and specific schemes for flood control measures. Thus, the function of the Board 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 Flood Control Board from disqualification for being chosen as, or for being, Members of Parliament.

State Level Committee for Areas affected due to mining activities, Goa

2.10 The Committee note from the information furnished by the State Government of Goa that the non-official members are not paid any remuneration.

2.11 The Committee further note that the main function of the State Level Committee, Goa is to visit the affected areas due to mining activities in North and South Goa and investigate the exact nature and cause of damage, to make recommendations with a view to protecting the agricultural fields damaged/likely to get damaged due to mining activities and to furnish draft outlines and suitable legislation to prevent such damage. Thus, the functions of the Committee are advisory in nature.

2.12 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 the 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, a Member of Parliament.

National Fertilizers Limited, New Delhi (Ministry of Chemicals and Fertilizers)

2.13 The Committee note from the information furnished by the Ministry of Chemicals and Fertilizers (Department of Fertilizers) that the non-official Directors of National Fertilizers Limited are entitled to actual Travelling Expenses by Rail or Air, DA between Rs. 180/- to Rs. 250/- per day and sitting fee of Rs. 200/- per day for attending Board meeting and Rs. 100/- per day for attending Executive Committee meeting. 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.

2.14 The Committee also note that the Director of the Board have the powers to acquire property, to sanction capital expenditure, works of capital nature, to pay for property in debentures, to secure contracts by mortgage, to appoint officers, to appoint trustees, to bring and defend action, to refer to arbitration, to invest money, to authorise acceptance, etc., to execute mortgages by way of indemnity to make bye-laws, to establish local Board and to delegate powers, etc. The Committee find that the Board/Executive Committee exercises executive and financial powers.

2.15 Keeping in view the above, the Committee recommend that the non-official members of the said Board/Executive Committee should not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

Hindustan Fertilizers Corporation Limited, New Delhi (Ministry of Chemicals and Fertilizers)

2.16 The Committee note from the information furnished by the Ministry of Chemicals and Fertilizers (Department of Fertilizers) that the non-official Director is entitled to a sitting fee of Rs. 1,000/- for attending each sitting of the Board. He is also entitled to TA/DA as per rules of the Corporation. 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.

2.17 The Committee further note that the Corporation perform executive functions and have financial powers.

2.18 Keeping in view the above, the Committee recommend that the non-official Director of the Corporation should not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

Krishak Bharati Co-operative Limited, Noida (U.P.) (Ministry of Chemicals and Fertilizers)

2.19 The Committee note from the information furnished by the Ministry of Chemicals and Fertilizers (Department of Fertilizers) that the non-official members of Krishak Bharati Cooperative Limited are paid on actual basis and DA Rs. 150/- for attending meeting of the Board. The sitting fee of Rs. 1,000/- will also be paid. 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.

2.20 The Committee also note that the functions of the Board are to approve annual and supplementary budgets, to appoint and suspend or remove officers other than Functional Directors in Grades 'A' and 'B', to raise funds for the business of KRIBHCO, to appoint trustees, to sanction contracts of all values; to sanction posts for the administration of the affairs of KRIBHCO. As such, the functions of the Board are both executive and financial in nature.

2.21 Keeping in view the above, the Committee recommend that the non-official, members of the Krishak Bharati Co-operative Limited should not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

*General Council of the International Institute of Population Sciences, Mumbai
(Ministry of Health & Family Welfare)*

2.22 The Committee note from the information furnished by the Ministry of Health and Family Welfare regarding General Council of the International Institute of Population Sciences, Mumbai that the non-official members (including Members of Parliament, if nominated) are paid TA/ DA at rates admissible to Grade-I officers of the Central Government. A member of Parliament shall, however, be paid only Compensatory Allowance provided under Parliament (Prevention of Disqualification) Act, 1959. The objectives, functions and powers of the Council are to undertake scientific research on population problems of India and other countries. For the purpose, the Council may create administrative, technical, ministerial and other posts and make appointments thereto; Council can also raise, accept money for all or any purpose of the Council consistent with its objectives. As such, the functions are both executive and financial in nature.

2.23 Keeping in view the above, the Committee recommend that the non-official members (including Members of Parliament, if nominated) of the General Council of the International Institute for Population Sciences may not be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

*The Committee for grant of Financial Assistance to victims
of Atrocities Rules, 1985, Goa*

2.24 The Committee note from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) of the Committee for grant of financial assistance to victims are getting only TA as admissible to Grade-I officers of the State Government which is covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.25 The Committee also note that the main function of the Committee is to estimate the grants of compensation/financial assistance to the victims of atrocities on SCs/STs in the State. The Committee find that the function of the Committee is advisory in nature.

2.26 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 that the non-official members (including Members of Parliament, if nominated) of the said Committee may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

The Committee under Prevention of Atrocities Act, 1989, Goa

2.27 The Committee note from the information furnished by the State Government of Goa that the non-official members (including members of Parliament, if nominated) of the Committee under Prevention of Atrocities Act, 1989 are paid only TA as admissible to Grade-I Officer 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.

2.28 The Committee also note that the main function of the Committee is to assist Government in formulation and implementation of the measures as may be necessary for effective implementation of the said Act as such, the function of the Committee is advisory in nature.

2.29 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 under Prevention of Atrocities Act, 1989, from disqualification for being chosen as, or for being, Members of Parliament.

NEW DELHI;
May, 2000

Vaisakha, 1922 (Saka)

VIRENDRA KUMAR
Chairman

Joint Committee on Offices of Profit.

APPENDIX I

(Vide para 2 of the Report)

MOTION IN LOK SABHA FOR THE CONSTITUTION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT ON 9 DECEMBER, 1999

"That a Joint Committee of the Houses to be called the Joint Committee on Offices of Profit be constituted consisting of fifteen members, ten from this House and five from the Rajya Sabha, who shall be elected from amongst the members of each House in accordance with the system of proportional representation by means of the single transferable vote:

That the functions of the Joint Committee shall be—

- (i) to examine the composition and character of all existing "committees" [other than those examined by the Joint Committee to which the Parliament (Prevention of Disqualification) Bill, 1957 was referred] and all "committees" that may hereafter be constituted, membership of which may disqualify a person for being chosen as, and for being, a member of either House of Parliament under article 102 of the Constitution;**
- (ii) to recommend in relation to the "committees" examined by it what offices should disqualify and what offices should not disqualify;**
- (iii) to scrutinise from time to time the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, and to recommend any amendments in the said Schedule, whether by way of addition, omission or otherwise.**

That the Joint Committee shall, from time to time, report to both Houses of Parliament in respect of all or any of the aforesaid matters;

That the members of the Joint Committee shall hold office for the duration of the present Lok Sabha;

That in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Committee;

That in other respects, the rules of procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

That this House recommends to the Rajya Sabha that the Rajya Sabha do join in the said Joint Committee and to communicate to this House the names of the members to be appointed by the Rajya Sabha to the Joint Committee"

APPENDIX II

(Vide para 3 of the Report)

MOTION IN RAJYA SABHA ON 17 DECEMBER, 1999

"That this House concurs in the recommendation of the Lok Sabha that a Joint Committee of the Houses to be called the Joint Committee on Offices of Profit be constituted for the purposes set out in the motion adopted by the Lok Sabha at its sitting held on the 9th December, 1999 and resolves that this House do join in the said Joint Committee and proceed to elect in accordance with the system of proportional representation by means of the single transferable vote, five members from among the members of the House to serve on the said Joint Committee".

APPENDIX III

(Vide Para 2 of the Report)

MESSAGE FROM RAJYA SABHA WHICH WAS REPORTED TO LOK SABHA ON THE 22 DECEMBER, 1999

I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Friday the 17th December, 1999 adopted the following motion in regard to the Joint Committee on Offices of Profit:—

"That this House concurs in the recommendation of the Lok Sabha that a Joint Committee of the Houses to be called the Joint Committee on Offices of Profit be constituted for the purposes set out in the motion adopted by the Lok Sabha at its sitting held on the 9th December, 1999 and resolves that this House do join in the said Joint Committee and proceed to elect in accordance with the system of proportional representation by means of the single transferable vote, five members from among the members of the House to serve on the said Joint Committee".

I am further to inform the Lok Sabha that in pursuance of the above motion, the following members of the Rajya Sabha have been duly elected to the said Committee:—

1. Shri Onkar Singh Lakhawat
2. Shri Sanjay Nirupam
3. Shri E. Balanandan
4. Dr. M.N. Das
5. Shri Banarsi Das Gupta

APPENDIX IV

(Vide para 6 of the Report)

III

MINUTES OF THE THIRD SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TWELFTH LOK SABHA)

The Committee sat on Wednesday, 9 December, 1998 from 1500 to 1600 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Shailendra Kumar—Chairman

MEMBERS

Lok Sabha

2. Shri Virendra Kumar
3. Shri Magunta Sreenivasulu Reddy
4. Dr. Bikram Sarkar
5. Dr. Sanjay Singh
6. Shri Mehboob Zahedi

Rajya Sabha

7. Shri E. Balanandan
8. Shri Kapil Sibal
9. Shri Onkar Singh Lakhawat

SECRETARIAT

Shri Ram Autar Ram — *Director*
Shri B.D. Swan — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri K. Raghunath — *Foreign Secretary*
2. Shri Francis Vaz — *Joint Secretary (CPV)*
3. Shri Debabrata Saha — *Joint Secretary (Coordination)*

2. At the outset, the Committee considered Memorandum No. 12 regarding the request of Dr. Yoginder K. Alagh, M.P. (Rajya Sabha) for permission to rejoin the Sardar Patel Institute of Economics and Social Research, Ahmedabad as a Professor of Economics and to continue his research work and doctoral guidance simultaneously with his duties as a Member of Rajya Sabha.

3. The Committee also pursued following information received from the Ministry of Human Resource Development (Department of Education):—

- (i) Sardar Patel Institute of Economics and Social Research (SPIESR). Ahmedabad is an autonomous body which receives Plan/Non-Plan grant from the Indian Institute of Social Science Research, an autonomous body under the administrative purview of Ministry of Human Resource Development (Department of Education).

- (ii) In so far as the appointment of an Hon'ble Member of the Rajya Sabha as a Professor in the Institute is concerned, the terms and conditions for appointment are to be fixed by the Institute and its Rules and Bye-laws as an appointing authority and the Central Government will not be concerned with the matters they are not the appointing authority for Professor in the Institute;
- (iii) The status of Sardar Patel Institute of Economics and Social Research, Ahmedabad, is that of an autonomous body which does not receive any financial plan and non-plan assistance from the Government of India. It, however, receives financial assistance from ICSSR, an autonomous body mentioned by the Ministry of Human Resource Development (Department of Education);
- (iv) The Institution does not receive any grant-in-aid from Department of Education. The Institute is one of the 27 approved Research Institutes in the country for funding by the Indian Council of Social Science Research. The formula for funding the Social Science Research Institutions is on 50:50 basis between ICSSR and the State Government concerned. During 1995-96 and 1996-97 Sardar Patel Institute of Economics and Social Science Research received the following grants:—

	Plan (Rs. in lakhs)	Non-Plan
1995-96	4.60	23.45
1996-97	4.40	21.20

Under the funding formula corresponding amount is required to be provided by the State Government of Gujarat. However, neither the ICSSR nor the Department of Education has this information readily available; and

- (v) Salary, remuneration, TA/DA, during the term of the post of Professor for research work and Doctoral guidance would constitute part of detailed terms & conditions for appointment of Professor.

4. In this connection, the Committee also noted that the Joint Committee on Offices of Profit in their 7th Report (8th Lok Sabha) had recommended that "Prof. (Smt.) 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 dismiss lecturer and the Government has nothing to do with it by pursuing the following judgement of the Election Tribunal, Nagpur, delivered in the case of Krishnappa V. Narayan Singh and others:—

"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."

5. The Committee also noted the another similar case, which the Joint Committee on Offices of Profit (Seventh Lok Sabha) had also considered and recommended in their Sixth Report 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."

6. The Committee further noted that Sardar Patel Institute of Economics and Social Research, Ahmedabad is an autonomous body and does not receive any financial (plan and non-plan) assistance from the Government of India.

7. The Committee also took note that so far as the appointment of an Hon'ble Member of Rajya Sabha as a Professor in this autonomous Institute of Economics and Social Research is concerned, terms and conditions are to be fixed by the Institute and its Rules and Bye-Laws as an appointing authority and the Central Government will not be concerned with the matters as they are not the appointing authority for Professor in the Institute.

8. In view of the above, the Committee recommended that Dr. Yoginder K. Alagh, M.P. in his capacity as a Professor of Economics in the Sardar Patel Institute of Economics and Social Research, Ahmedabad is not holding an "office of profit under the Government" and hence does not incur disqualification for being a Member of Parliament.

9. Thereafter, the Committee considered and adopted their Draft First Report and authorised the Chairman and, in his absence, Shri Mehboob Zahedi, M.P. to present on their behalf the Report to Lok Sabha. The Committee also authorised Shri E. Balanandan, M.P. and in his absence Shri Onkar Singh Lakhawat, M.P., both from Rajya Sabha to lay the Report on the Table of Rajya Sabha.

10. The Committee, thereafter, took oral evidence of the representatives of Ministry of External Affairs regarding nomination of two Members of Parliament to Central Passport Advisory Committee.

11. The Chairman welcomed the representatives of the Ministry of External Affairs and drew their attention to the provisions of Direction 58 of the Directions by the Speaker.

12. Thereafter, the Foreign Secretary introduced himself and his colleagues to the Committee.

13. When asked to explain whether a Member of Parliament who would be associated as non-official member in Central Passport Advisory Committee set up under the administrative powers of Ministry of External Affairs would have executive powers, the Secretary explained that the Central Passport Committee would be a non statutory body to be set up under the administrative powers of the Ministry of External Affairs under the Passports Act. The executive powers in the matter of issue of passports can only be exercised by a Passport Authority which the Passports Act defines as under:—

“An officer or authority empowered under the rules made under the Act to issue passports or travel documents and this includes the Central Government.”

14. The Ministry can set up non statutory committees under its administrative powers only provided the functions of such committees are consultative and recommendatory.

15. When asked whether MPs should be allowed to be associated with it keeping in view the existing guidelines of the Committee, the Foreign Secretary stated that the powers conferred on the Members of the proposed Advisory Committee would also be based on the fact that the Committee as whole is consultative and recommendatory. Therefore, the participation or association of Members of Parliament with the Committee would be in keeping with the guidelines and would be appropriate.

16. When asked to clarify whether these powers in any way contravene or violate the provision of Article 102(1)(a) and 191(1)(a) of the constitution, the representative states that the functions of the Advisory Committee are entirely advisory, consultative and recommendatory in nature. In particular, no financial remuneration of any Member is envisaged. The TA and DA of the Members appointed to serve a Passport Advisory Committee, and attending its meeting, shall be regulated by the rules of the Central Government for first grade officers for this purpose. In the case of Members of Parliament, it is by the current guidelines of Members of Parliament. Therefore the functioning of the Committee in terms of remuneration or profit would be in order because as such no remuneration is envisaged. Therefore, it would not, in our opinion contravene the provisions of article 102(1) (a) and 191(1) (a) of the Constitution.

17. When asked to explain the composition and functions of the proposed Committee, the Secretary stated as follows:—

- “(a) Chairman—External Affairs Minister/Minister of State for External Affairs in charge of CPV Division;
- (b) One Member of Lok Sabha who is also a Member of the Standing Committee of Parliament on Ministry of External Affairs;

23. The Secretary was directed by the Committee that he should come to the Committee with the exact number of M.Ps. they want to nominate.

24. The Committee also realized and pointed out to the Secretary about one of the functions that the Committee has power to recommend the issue of passport which will become primary function of the Committee setting aside other functions and M.Ps. would unnecessarily be involved if something goes wrong while issuing the passport.

25. The Committee directed the representative of the Ministry of External Affairs to rethink over this function and come before the Committee with full facts.

26. The representative of the Ministry gave assurance that they would rethink about it and come back with a clear picture and give due importance to it.

The Committee then adjourned to meet again on Friday, 8 January, 1999.

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The Committee then adjourned to meet again on Friday, 8 January, 1999.

IV

MINUTES OF THE FOURTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TWELFTH LOK SABHA)

The Committee met on Thursday, 7 January, 1999 from 1200 to 1245 hours in Committee Room "C", Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Shailendra Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Virendra Kumar
3. Shri M. Baga Reddy
4. Shri Magunta Sreenivasulu Reddy
5. Shri P.C. Thomas
6. Shri Mahboob Zahedi

Rajya Sabha

7. Shri E. Balanandan
8. Shri M. Rajashekhar Murthy
9. Shri Onkar Singh Lakhawat
10. Shri Satishchandra Sitaram Pradhan

SECRETARIAT

Shri B.D. Swan — *Under Secretary*

2. At the outset, the Chairman welcomed the members of the Committee. Thereafter, the Committee considered the following Memoranda:—

Investigation Committee for the purpose of electrocution cases as well as other cases resulting in death of human beings connected with Generation, Transmission & Supply of energy, Goa. (Memorandum No. 1)

3. The Committee noted from the information furnished by the State Government of Goa that the non-official members (including members of Parliament, if nominated) of Investigation Committee for the purpose of electrocution cases as well as other cases resulting in death of human beings connected with Generation, Transmission & Supply of energy, are not paid any remuneration.

4. The Committee also noted that the main function of the Committee is to consider cases referred to it from time to time in accordance with the guidelines for determination of amount of cash compensation. Thus, the main function of the Committee is recommendatory in nature.

5. 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 Investigation Committee from disqualification for being chosen as, or for being, Members of Parliament.

Goa Board of Secondary and Higher Secondary Education (Memorandum No. 2)

6. The Committee noted from the information furnished by the State Government of Goa, that the non-official members (including Members of Parliament, if nominated) of the Goa Board of Secondary and Higher Secondary Education are paid TA/DA 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.

7. The Committee further noted that the Board has the powers to regulate, supervise and control school education and demand and receive fee for examination, grant certificates to persons who have passed examinations and institute and award scholarships, stipends, medals, prizes and other rewards, prescribe conditions for recognitions of school, to appoint personnel, officers and servants of the school and to publish reports, papers, journals etc. giving information of the activities of the Board etc. The Committee found that these powers are of executive nature and Chairman and members of the Board may wield influence also.

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

Flood Control Board (Memorandum No. 3)

9. The Committee, thereafter, considered Memorandum No. 3 and noted from the information furnished by the State Government of Goa that the non-official Members (including Members of Parliament, if nominated) of the Flood Control Board, Goa are not paid any remuneration.

10. The Committee also noted that the main function of the Flood Control Board, Goa is to implement the Master Plan and specific schemes for flood control measures. Thus, the function of the Board is advisory in nature.

11. 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 Flood Control Board from disqualification for being chosen as, or for being Members of Parliament.

State Level Committee for Areas affected due to mining activities, Goa, (Memorandum No. 8)

12. The Committee then considered Memorandum No. 8 and noted from the information furnished by the State Government of Goa that the non-official members are not paid any remuneration.

13. The Committee further noted that the main function of the Flood Control Board, Goa is to visit the affected areas due to mining activities in North and South Goa and investigate the exact nature and cause of damage, to make recommendations with a view to protecting the agricultural fields damaged/likely to get damaged due to mining activities and to furnish draft outlines and suitable legislation to prevent such damage. As such, the functions of the Committee are advisory in nature.

14. 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 may be exempted from disqualification for being chosen as, or for being Members of Parliament.

The Committee then adjourned to meet again on Thursday, the 4th of February, 1999.

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

The Committee sat on Thursday, 4 February, 1999 from 1200 to 1240 hours in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Shailendra Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Abdul Ghafoor
3. Shri Virendra Kumar
4. Shri M. Baga Reddy
5. Shri Magunta Sreenivasulu Reddy
6. Dr. Bikram Sarkar
7. Shri Mahboob Zahedi

SECRETARIAT

Shri Ram Autar Ram — *Director*

2. At the outset, the Chairman welcomed the Members of the Committee. Thereafter, the Committee considered the following Memoranda:—

National Fertilizers Limited (Ministry of Chemicals and Fertilizers)
(Memorandum No. 13)

3. The Committee noted from the information furnished by the Ministry of Chemicals and Fertilizers (Department of Fertilizers) that the non-official Directors of National Fertilizers Limited are entitled actual Travelling expenses by Rail or Air, DA between Rs. 180/- to Rs. 250/- per day and sitting fee of Rs. 200/- per day for attending Board meetings and Rs. 100/- per day for attending Executive Committee meeting. 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.

4. The Committee also noted that the Directors of the Board have the powers to acquire property, to sanction capital expenditure, works of capital nature, to pay for property in debentures, to secure contracts by mortgage, to appoint officers, to appoint trustees, to bring and defend action etc., to refer to arbitration, to invest money, to authorise acceptance etc., to execute mortgages by way of indemnity, to make bye-laws to establish local board and to delegate powers etc.

The Committee found that the Board/Executive Committee exercises executive and financial powers.

5. In this connection, attention of the Committee was drawn to its own recommendation made in the Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984, 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.

6. Keeping in view the above facts, the Committee recommended that the non-official members of the said Board/Executive Committee may not be exempted from disqualification for being chosen as, or for being a Member of Parliament.

Hindustan Fertilizers Corporation Limited (Ministry of Chemicals and Fertilizers) (Memorandum No. 14)

7. The Committee, thereafter, considered Memorandum No. 14 and noted from the information furnished by the Ministry of Chemicals and Fertilizers that the non-official Director is entitled to a sitting fee of Rs. 1,000/- for attending each sitting of the Board. He is also entitled to TA/DA as per rules of the Corporation. 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.

8. The Committee also noted that the Corporation perform executive functions and have financial powers.

9. In this connection, attention of the Committee was drawn to its own recommendation made in Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984, 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.

10. Keeping in view the above, the Committee recommended that the non-official Director of the Corporation *may not be exempted* from disqualification for being chosen as, or for being a Member of Parliament.

Krishak Bharati Co-operative Limited (Ministry of Chemicals and Fertilizers) (Memorandum No. 15)

11. The Committee then considered Memorandum No. 15 and noted from the information furnished by the Ministry of Chemicals and Fertilizers that non-official members of Krishak Bharati Cooperative Limited are paid TA on actual basis and DA Rs. 150/- for attending meeting of the Board. The sitting fee of Rs. 1,000/- will also be paid. 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.

12. The Committee also noted that the functions of the Board are to approve annual and supplementary budgets, to appoint and suspend or remove officers other than Functional Directors in Grades "A" and "B" to raise funds for the business of KRIBHCO, to appoint trustees, to sanction contracts of all values; to sanction posts for the administration of the affairs of KRIBHCO. As such, the functions of the Board are both of executive and financial in nature.

13. In this connection, attention of the Committee was drawn to its own recommendation made in Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984, 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 office in question will entail disqualification.

14. Keeping in view the above, the Committee recommended that the non-official members of the Krishak Bharati Co-operative Limited may not be exempted from disqualification for being chosen as, or for being a Member of Parliament.

The Committee then adjourned.

VI

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

The Committee sat on Wednesday, 31 March, 1999 from 1200 to 1245 hours in Chairman's Room (No. 145), Third Floor, Parliament House, New Delhi.

PRESENT

Shri Satishchandra Sitaram Pradhan — *In the Chair*

MEMBERS

Lok Sabha

2. Shri Virendra Kumar
3. Shri M. Baga Reddy
4. Dr. Bikram Sarkar
5. Shri Mahboob Zahedi

Rajya Sabha

6. Shri E. Balanandan
7. Shri M. Rajashekhar Murthy
8. Shri Onkar Singh Lakhawat

SECRETARIAT

1. Shri Ram Autar Ram — *Director*
2. Shri B.D. Swan — *Under Secretary*

2. In the absence of the Hon'ble Chairman, Shri Satishchandra Sitaram Pradhan, member of the Committee was chosen by the Committee to act as a Chairman for the sitting in terms of the provisions of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee, thereafter, took up for consideration Memoranda Nos. 16 to 21 relating to the Boards/Committees etc. constituted by the Central Government and State Governments as follows:—

Nashik Zilla Krishi Audyogik Sahakari Sangh Ltd., Nashik (Memorandum No. 16)

4. The Committee noted from the information furnished by the State Government of Maharashtra that the non-official members including Chairman of Nashik Zilla Sahakari Sangh are entitled for Daily Allowance of Rs. 30/- per day and Travelling Allowance by Car Rs. 1.50 Per K.M. or 1/2 of S.T. fare. In addition, a sitting fee of Rs. 100/- per meeting is also paid. 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.

5. The Committee also noted that the Sangh has been set up for the welfare of the people of the Society. Among other affairs, the functions and powers of the Sangh include to promote the spirit of economy, self sufficiency and cooperation among the members, to raise capital for conducting affairs of the society, to undertake sale/purchase of agricultural produce, arranging sale of vegetables and other agricultural produce, acquiring machinery for processing fruits and vegetables and other agricultural produce. On scrutiny of the functions and powers of the Sangh, the Committee observed that these powers are executive and financial in nature.

6. In this connection, attention of the Committee was drawn to its earlier recommendation made in the Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984, 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.

7. Keeping in view the above, the Committee recommended that the non-official members including Chairman of the Sangh may not be exempted from disqualification for being chosen as, or for being Members of Parliament.

*National Institute of Agricultural Extension Management (MANAGE),
Hyderabad. Ministry of Agriculture (Department of Agriculture and
Cooperation)*

(Memorandum No. 17)

8. The Committee, thereafter, considered Memorandum No. 17 regarding National Institute of Agricultural Extension Management (MANAGE), Hyderabad, Ministry of Agriculture (Department of Agriculture and Cooperation) and decided that the matter may be discussed with the representatives of the Institute on the study visit of the Joint Committee on Offices of Profit at Hyderabad tentatively to be undertaken in May/June, 1999.

*District Manpower Planning and Employment Generation Council Proposal to
nominate one sitting Member of Parliament from Tamil Nadu as a Member
thereof (Memorandum No. 18)*

9. The Committee, thereafter, considered Memorandum No. 18 regarding proposal to nominate one sitting Member of Parliament from Tamil Nadu as a Member of District Manpower Planning and Employment Generation Council and noted from the information furnished by the State Government of Tamil Nadu that the non-official members of the Council are eligible to draw Travelling Allowance and Daily Allowance as admissible to the Members of the *First Class Committees*.

10. The Committee found that while furnishing the information to the Joint Committee on Offices of Profit the State Government had not clarified the meaning

of *First Class Committees* and rate of TA/DA admissible to Members of the Council. The Committee decided that the State Government of Tamil Nadu might be requested to furnish the aforesaid clarifications/information to enable them to consider the matter accordingly and, therefore deferred consideration of the Memorandum till receipt of clarification/complete information from the State Government of Tamil Nadu.

*General Council of the International Institute of Population Sciences,
Mumbai (Ministry of Health & Family Welfare) (Memorandum No. 19)*

11. The Committee, thereafter, considered Memorandum No. 19 regarding General Council of the International Institute of Population Sciences, Mumbai and noted from the information furnished by the Ministry of Health & Family Welfare that the non-official members (including Members of Parliament, if nominated) on the General Council of International Institute of Population Sciences are paid TA/DA at rates comparable to Grade I Officer of the Central Government. A Member of Parliament shall, however, be paid only compensatory allowance as provided under the Parliament (Prevention of Disqualification) Act, 1959. The objectives, functions and powers of the Council are to undertake scientific research on population problems of India and other countries. For the purpose, the Council may create administrative, technical, ministerial and other posts and make appointments thereto; Council can also raise, accept money for all or any purpose of the Council consistent with its objectives. As such, the functions are both executive and financial in nature.

12. In this connection, attention of the Committee was also drawn to its earlier recommendation made in the Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984, 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.

13. In view of the above facts, the Committee recommended that the non-official members (including Members of Parliament, if nominated) on the General Council of the International Institute of Population Sciences *may not be exempted from disqualification* for being chosen as, or for being, Members of Parliament.

*The Committee for grant of Financial Assistance to Victims of Atrocities Rules,
1985, Goa, (Memorandum No. 20).*

14. The Committee, then, considered Memorandum No. 20 on the Committee for grant of Financial Assistance to Victims of Atrocities Rules, 1985, Goa and noted from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) on the Committee for grant of financial assistance to victims are getting only TA as admissible to Grade-I officers of the State Government which is covered by the

'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

15. The Committee also noted that the main function of the Committee is to estimate the grants of compensation/financial assistance to the victims of atrocities on SCs/STs. The Committee found that the function of the Committee is advisory in nature.

16. In view of 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 that the non-official members (including Members of Parliament, if nominated) of the said Committee *may be exempted* from disqualification for being chosen as, or for being a Member of Parliament.

The Committee under Prevention of Atrocities Act, 1989, Goa (Memorandum No. 21).

17. The Committee, thereafter, considered Memorandum No. 21 regarding the Committee under Prevention of Atrocities Act, 1989, Goa and noted from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) on the Committee under Prevention of Atrocities Act, 1989 are paid only TAs as are admissible to Grade-I 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.

18. The Committee also noted that the main function of the Committee is to assist Government in formulation and implementation of the measures as may be necessary for effective implementation of the said Act. As such, the function of the Committee is advisory in nature.

19. In view of 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 Committee from disqualification for being chosen as, or for being, Members of Parliament.

The Committee then adjourned.

**MINUTES OF THE FOURTH SITTING OF THE JOINT COMMITTEE
ON OFFICES OF PROFIT (THIRTEENTH LOK SABHA)**

The Committee sat on Thursday, 4 May, 2000 from 1500 to 1540 hrs. in Committee Room No. 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Virendra Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri G. Putta Swamy Gowda
3. Shri Moinul Hassan
4. Shri Nawal Kishore Rai
5. Shri G. Ganga Reddy
6. Shri K.A. Sangtam
7. Shri Kunwar Sarvaraj Singh
8. Shri Kharabela Swain
9. Shri Braja Kishore Tripathy

Rajya Sabha

10. Shri Banarsi Das Gupta

SECRETARIAT

1. Shri Ram Autar Ram — *Director*

2. Shri P. D. Malvalia — *Under Secretary*

2. The Committee considered and adopted their Draft first Report.

3. The Committee authorised the Chairman and, in his absence, Shri Kharabela Swain, MP to present the Report to Lok Sabha on their behalf.

4. The Committee also authorised Shri Banarsi Das Gupta and in his absence Shri E. Balanandan, MP to lay the Report on the Table of Rajya Sabha.

The Committee then adjourned.