

LOK SABHA

REPORT OF THE
COMMITTEE ON OFFICES OF
PROFIT

PART II-A



LOK SABHA SECRETARIAT
NEW DELHI

December, 1955

C O R R I G E N D A

to

Report of the Committee on Offices of Profit (Part II-A)

1. Page 4, last line, *for 'a' read 'at'.*
2. Page 10, last line, *for 'membership' read 'memberships'.*
3. Page 26, line 12 from below, *for 'Coffe' read 'Coffee'.*
4. Page 32, line 18, *for 'ments' read 'ment'.*
5. Page 34, line 2, *for '28TH JULY' read '29TH JULY'.*
6. Page 51, line 5 from below, *for 'Appendi ' read 'Appendix'.*
7. Page 53, line 11 from below, *for 'suitable' read 'suitably'.*
8. Page 58, line 19 from below, *for '(ii)' read '(i)'.*
9. Page 65, line 2, *for 'para 5' read 'para 8'.*
10. Page 69, line 2 from below, *for 'Enquiring' read 'Enquiry'.*
11. Page 70, line 4, *for 'by' read 'be'.*

P.T.O.

12. Page 77
- (i) column 1, line 11, for 'HADNLOOM' read 'HANDLOOM'.
 - (ii) column 2, line 22, for 'RELIGIO' read 'RELIGI'
13. Page 78, column 1, line 6, for 'REDUCTION' read 'EDUCATION'
14. Page 79, column 2
- (i) line 31, for 'COUNCILS(S)' read 'COUNCIL(S)'
 - (ii) line 2 from below, for 'DRIVE' read 'DRIVEN'.
15. Page 81, column 2 last line, for 'p. 5' read 'p. 58'.
16. Page 83, column 1, line 18, for 'LEGISLATUTRES' read 'LEGISLATURES'
17. Page 85, column 1
- (i) line 16, for 'ee' read 'See'.
 - (ii) line 21, for 'B.' read 'T.B.'
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PREFACE

The material considered by the Committee on Offices of Profit in framing their report has been gathered together to constitute Part II of the report. This Part has been further sub-divided into two, viz., :

Part II-A containing minutes of the sittings of the Committee;

Part II-B containing notes on the constitution, functions, powers, membership and remuneration of members of the various Committees and Bodies.

In the present volume (Part II-A) the minutes of the informal sittings of the Committee on Offices of Profit held on the 29th September, 1954 and 1st October, 1954 have also been included in order to provide information regarding the purpose and scope of investigations entrusted to the Committee.

An index has been added to this volume to facilitate reference.

NEW DELHI;
17th December, 1955

M. N. KAUL
Secretary



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MINUTES OF THE INFORMAL SITTING OF THE COMMITTEE ON
OFFICES OF PROFIT HELD ON THE 29TH SEPTEMBER, 1954
AT 6-10 P.M. IN COMMITTEE ROOM NO. 62, PARLIAMENT
HOUSE

The Committee met from 6-10 P.M. to 6-35 P.M.

PRESENT

1. Shri V. B. Gandhi
2. Shri K. Raghuramaiah
3. Shri R. V. Dhulekar
4. Shri Anirudha Sinha.

SECRETARIAT

Shri M. N. Kaul—*Secretary*.

Shri S. L. Shakhder—*Joint Secretary*.

2. In the absence of the Chairman Pandit Thakur Das Bhargava, the Committee met informally.

3. The Secretary at the outset gave the genesis of the provision of the Constitution disqualifying members of Parliament holding offices of profit under the Government. He explained that Article 102(1)(a) of the Constitution provided for disqualification of members but there was no suitable machinery to determine what the offices of profit were, the holding of which should disqualify a member within the meaning of the said Article.

4. When the Constitution came into force Government had from time to time offered various positions to members in the public interest. On examination, it was found that some of the Offices which the members held, came within the definition of 'offices of profit', and from time to time Government had to save members from disqualification by introducing legislation in Parliament. This position was unsatisfactory as there were no guiding principles to determine whether a certain office of profit incurred disqualification or not. The Speaker considered that the whole thing was proceeding on an *ad hoc* and piecemeal basis. He, therefore, called an informal meeting of representatives of the various Parties in Parliament on the 30th April, 1954. It was suggested at the meeting that a Parliamentary Committee might be constituted to examine these cases and to lay down principles on the basis of which legislation could be brought before the House. The Government might also, in the first instance, place before the Committee

for its opinion, any such legislation which they intended to bring before the House, so that Government would have the advantage of the considered opinion of a Committee in which all sections of the House were represented.

5. The Secretary expressed the view that members should not be completely excluded from holding certain positions which Parliament in its judgement felt they should hold, without detriment to the public interest. The Committee might, therefore, lay down guiding principles and also recommend particular cases which should not come within the purview of the office of profit.

6. The Secretary informed the members that this Secretariat would study all the literature available on this subject and circulate it to the members of the Committee for facilitating the discussion in the Committee. It was intended to compile and make available to the Committee, the entire information in respect of various Committees on which members of Parliament were represented. Some material had already been collected in response to a circular issued to all members of Parliament by the Department of Parliamentary Affairs on the 6th May, 1954 but it could be amplified and the correct position ascertained.

7. The Committee desired that the question of laying down general principles and of making recommendations to the House might be discussed after the relevant material was made available to the Committee.

8. The meeting then adjourned at 6-35 P.M.

MINUTES OF THE INFORMAL SITTING OF THE COMMITTEE
ON OFFICES OF PROFIT HELD ON THE 1ST OCTOBER,
1954 AT 4 P.M. IN COMMITTEE ROOM NO. 53, PARLIAMENT
HOUSE

The Committee met informally from 4 P.M. to 4-45 P.M.

PRESENT

1. Pandit Thakurdas Bhargava—*Chairman*.
2. Shri R. V. Dhulekar.

SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary*.
Shri N. N. Mallya—*Deputy Secretary*.

2. The Chairman at the outset gave the genesis of the provision of the Constitution disqualifying members of Parliament holding offices of profit under the Government. He pointed out that for maintaining the independence of Parliament, it was essential that members should not be under the influence of the executive Government. If a large number of members held various offices under the Government, it might affect the legislative business of the House and thus undermine the independence of Parliament. Moreover, Parliamentary work required a lot of time and strenuous work and members could not justifiably be expected to cope with this work while holding other positions.

3. The Chairman then drew attention to the position of members of Parliament whom the Government had offered membership of the various Committees and Bodies in the public interest. The membership of some of these Committees carried with it large emoluments and other amenities and in some cases these offices were regarded as positions of power and influence. The result was that members occasionally tried to get into these Committees for securing these benefits. This was detrimental to the public interest and was wrong in principle.

4. The Chairman also observed that Parliament represented the cream of the population and consisted of eminent men who could hold positions without detriment to the public interest. It was in

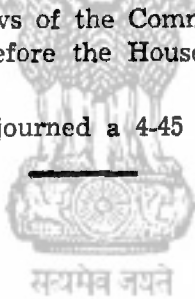
the interest of the country that Government should not be deprived of the services of such able men.

5. The Chairman explained that it was necessary therefore to distinguish between the offices which the members could hold without incurring disqualification and the offices which would entail such disqualification. The Committee on Offices of Profit would, therefore, examine all such cases and lay down principles which would determine whether a certain office of profit incurred disqualification or not.

6. The Chairman desired that the details regarding emoluments, other amenities and conditions of appointment to various Committees on which members of Parliament are serving, might be compiled and made available to the Committee to enable it to evolve certain principles which it might recommend to the House.

7. The Chairman also desired that the Committee might meet and conclude its deliberations, if possible, a few days before the commencement of the Eighth Session, so that the House might be in a position to know the views of the Committee before the Government brought legislation before the House during the forthcoming session.

8. The meeting then adjourned at 4-45 P.M. *sine die*.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 25TH NOVEMBER, 1954 AT
5-5 P.M. IN COMMITTEE ROOM NO. 53, PARLIAMENT
HOUSE

The Committee met from 5.5 P.M. to 5.45 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi.
3. Shri Kotha Raghuramaiah.
4. Shri R. V. Dhulekar.
5. Shri Anirudha Sinha.
6. Shri S. S. More.
7. Dr. Lanka Sundaram.

Rajya Sabha

8. Shri M. Govinda Reddy.
9. Shri Amolakh Chand.
10. Prof. G. Ranga.
11. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri M. N. Kaul—*Secretary.*

Shri S. L. Shakhder—*Joint Secretary.*

2. The Committee considered the draft of the Parliament and Part C States Legislatures (Prevention of Disqualification) Bill, 1954, which the Government proposed to bring before the House during the current Session.

3. The Committee discussed the draft Bill with all its implications and felt that the Bill was in one respect inadequate as its Schedule was limited to only a few Committees or bodies in which disqualification for membership of Parliament was sought to be exempted while there were a number of other Committees whose inclusion was essential to the existence of a welfare State. At the same time according to the wording of clause 3 unlimited powers

have been given to the Central and State Governments to appoint members to various offices as long as payment of daily allowance etc., to them was kept within the prescribed limits laid down therein.

4. The Committee also considered that the permanent prevention of disqualification from holding offices of profit as envisaged in the Bill was not based on sound principles. The subject required full consideration and a detailed study before such an important provision was placed on the statute book.

5. The Committee, therefore, felt that pending the consideration of the question by the Committee in greater detail, the life of the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1954, may be extended as it stands for six months or one year for the time being.

6. The Committee authorised the Chairman of the Committee to submit the recommendation of the Committee to Speaker after consulting the Minister of Parliamentary Affairs.

7. In the meantime, the Committee decided to go into the details of the question and evolve general principles besides specifying Committees or Bodies membership of which should be exempted from disqualification.

8. The Committee also decided that the members should in the first instance submit their suggestions in regard to the following:—

- (1) The general principles regarding disqualification of members for holding offices of profit;
- (2) Enumeration of Committees, membership of which should not be treated as an office of profit and which should be incorporated in the Schedule of a Bill which might be brought before the House later on; and
- (3) any other suggestions relevant to the matter.

9. The Committee agreed that after the receipt of the suggestions from the members the following may be incorporated in their report:—

- (i) A resolution laying down the principles which would determine whether an office of profit incurred disqualification or not and recommend to the House to adopt such a resolution; and
- (ii) an exhaustive list of Committees or Bodies membership of which should be exempted from disqualification.

10. The Committee then adjourned.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 16TH FEBRUARY, 1955 IN COM-
MITTEE ROOM NO. 62, PARLIAMENT HOUSE

The Committee met from 11 A.M. to 1 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri R. V. Dhulekar
4. Shri Anirudha Sinha
5. Shri S. S. More
6. Shri Kamal Kumar Basu.

Rajya Sabha

7. Shri M. Govinda Reddy
8. Shri Amolakh Chand
9. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary.*

Shri A. L. Rai—*Under Secretary.*

The Committee took up consideration of Memorandum No. 2 circulated by this Secretariat relating to examination of the question of appointments being declared as offices of profit on the basis of quantum of emoluments received when holding such offices.

2. The following points came up for discussion before the Committee:

- (i) The question of fixing a maximum rate of daily allowance payable to a member of Parliament for his work on a Committee.
- (ii) The question of exemption from disqualification of members appointed by Government to Committees of an advisory character.
- (iii) The position of members holding offices as Directors, Managing Agents etc., in Corporations in which Government have any share or financial interest.

3. As regards the point at part 2(i) above, the Committee felt that the maximum rate of daily allowance payable to a member of Parliament for his work on a Committee set up by Government, might be fixed at Rs. 21 per day, i.e., the amount which is payable to a member of Parliament under the Salaries and Allowances of Members of Parliament Act, 1954. The Committee, however, postponed a final decision on this point.

4. As regards the point at para 2(ii) above, the Committee discussed the question of exemption from disqualification of members appointed to Committees of an advisory character and felt that the classification of Committees as 'advisory committees' was a broad one and it would be necessary to distinguish membership of purely advisory committees as distinct from other Committees, where patronage, position of influence or prestige might be held to be involved.

5. As regards the point at para 2(iii) above, the Committee discussed the position of members of Parliament holding offices as Directors, Managing Agents etc. in Corporations in which Government had any share or financial interest. The Committee felt that the expression 'financial interest' appearing in section 7(e) of the Representation of the People Act, 1951 (No. XLIII of 1951) was a broad one and it would be necessary to examine which of the offices referred to in this sub-section might be declared as offices of profit which should disqualify a member under sub-sections (1) (e) and (f) of section 8 of the aforesaid Act.

6. The Committee postponed further discussion.

7. The Committee then adjourned to meet again on the 17th February, 1955 at 10-30 A.M.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 17TH FEBRUARY, 1955 IN COM-
MITTEE ROOM NO. 62, PARLIAMENT HOUSE

The Committee met from 10-30 A.M. to 1 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri R. V. Dhulekar
4. Shri Anirudha Sinha
5. Shri S. S. More
6. Shri Kamal Kumar Basu.

Rajya Sabha

7. Shri M. Govinda Reddy
8. Shri Amolakh Chand
9. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary.*

Shri A. L. Rai—*Under Secretary.*

2. The Committee took up further consideration of Memorandum No. 2 regarding examination of the question of appointments being declared as Offices of Profit on the basis of the quantum of emoluments drawn in respect of such appointments.

3. The Committee noted that a large number of members of Parliament were appointed by Government to various Committees and were paid travelling, daily and other allowances under rules framed by Government to compensate them for the expenditure incurred by them for the purpose of attending meetings. The Committee also noted that there was no uniformity in regard to the amount of daily allowance to which the members were entitled and felt that in some cases this amount might reasonably be treated as 'profit'.

4. The Committee therefore decided that a ceiling of the rate of daily allowance payable to a member of Parliament for attending meetings of Committees ought to be fixed. The Committee felt that this sum should be such as to be sufficient to meet the out-of-pocket expenses of the member.

5. In this connection the Committee considered the provisions of section 3(a) of the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1954 (Act I of 1954) which provided for exemption from disqualification of members appointed to Committees set up for the purpose of advising Government or any other authority on any matter of public importance, or for the purpose of making an enquiry into, or for collecting statistics in respect of any such matter. The Committee noted that under Section 2(b) of the aforesaid Act, members were entitled to a daily allowance during session period to the extent of Rs. 40 per day for attending meetings of various Committees of an advisory character. Since under the Salaries and Allowances of Members of Parliament Act, 1954, members are paid a fixed salary of Rs. 400 per month and are entitled to a daily allowance of Rs. 21 per day while attending the sittings of Parliament or a Parliamentary Committee, the Committee were of the opinion that payment of a daily allowance not exceeding Rs. 21 per day to a member of Parliament for attending meetings of a Committee of an advisory character referred to in Section 3(a) of the Act would be sufficient to cover the out-of-pocket expenditure.

6. The Committee came to the following conclusions also:—

- (i) That payment of travelling allowance, conveyance allowance or house rent allowance under specific rules framed by Government was a reasonable payment to cover out-of-pocket expenditure and should not be treated as 'profit'.
- (ii) That payment of 'sitting fee' when it purports to cover any actual expenses should not be treated as 'profit', provided it did not exceed the sum of Rs. 21 per day.
- (iii) That where rules of a Committee provide for payment of daily allowance of Rs. 21 per day to a member of Parliament, it would be immaterial whether other non-official members of that Committee were entitled to a higher rate of daily allowance or not.

7. As regards the question of examination of various offices membership of which was likely to be treated as offices of profit

on the basis of quantum of emoluments, the Committee decided that they should examine each such office separately on the basis of the principles enunciated above and make suitable recommendations thereon.

8. The Committee then took up consideration of Memorandum No. 3 regarding examination of the question of appointments being treated as offices of profit on the basis of the nature of the office and felt that this question required detailed consideration inasmuch as the functions and powers of these Committees varied considerably.

9. The Committee considered the following two propositions which could be treated as guiding principles for determining disqualification:

- (i) Membership of Committees likely to place a member in a position of influence, authority or prestige or enabling him to distribute favours or patronage.
- (ii) Membership of Committees possessing executive, judicial or legislative powers or powers of disbursement of funds etc.

10. As regards the point at para 9 (i) above the Committee noted that section 3(a) of the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1954 (Act I of 1954) provided for exemption from disqualification of a member appointed to a Committee of an advisory character. The Committee thought that exemption from disqualification of members appointed to Committees of an advisory character was a principle which could not be accepted without some qualification. In this connection it was considered that membership of some Committees which were of an advisory character incidentally wielded great influence and involved powers by way of patronage. The advisory character of a Committee should not therefore be the only criterion for exempting its membership from being treated as an office of profit.

11. The Committee therefore decided to examine the constitution, etc. of each Committee which was of an advisory nature but whose membership should be a disqualification on account of prestige, or influence which it carried, and decide the question on the merits of each individual case.

12. As regards the point at para 9(ii) above the Committee thought that the constitution of the various Committees should be examined to see:

- (i) Whether the membership of Committees carries executive, legislative or judicial powers.

(ii) Whether the membership of Committees confers powers of disbursement of funds, lands, licenses, telephones etc.

(iii) Whether the membership of Committees gives powers of appointments, grant of scholarships etc.

13. The Committee desired that detailed information regarding constitution, functions etc., of these Committees should be obtained and classified suitably.

14. The Committee also noted that there were certain categories of offices which were occasional or contractual in nature, of which the following are some examples:

- (i) Legal adviser who drafts Bills or conducts cases on behalf of Government;
- (ii) Technical adviser to Government;
- (iii) Examiner in a University;
- (iv) Announcer, Reviewer etc., participating in broadcasts of All India Radio;
- (v) Author of a book, article or review for Government; and
- (vi) Owner of a printing press or paper receiving Government advertisements.

15. The Committee were of the view that the offices referred to in the preceding para stood on a different footing from offices such as membership of Committees, Councils, Boards, Commissions etc., and desired that detailed information in respect of such offices only should be collected and made available to them.

16. The Committee also noted that there were some Committees such as Project Advisory Committees, Block Advisory Committees, Development Boards etc. of which members of Parliament were *ex-officio* members within their constituencies. The Committee were of opinion that the purpose of Article 102(1)(a) of the Constitution was to limit the power of Government to select and appoint members to Committees. The Committee were therefore of the view that in such cases there should be exemption from disqualification.

17. The Committee concurred with the following views expressed by the Select Committee on Offices or Places of Profit of the United Kingdom (which submitted its report in the year 1941):

- (i) That a position the duties of which entail prolonged absence abroad, or even at home, is incompatible with the duties of a member, and therefore with a seat in the House; and

- (ii) That there is a need to limit the control or influence of the executive Government over the House by means of an undue proportion of office-holders being members of the House.

18. In this connection the Committee noted the absence of a provision in the Constitution limiting the number of Ministers, and decided to examine further the feasibility of making a recommendation that the creation of new Ministries should always be by an Act of Parliament.

19. The Committee also decided that they should examine whether recommendations should be made by them that whenever a member of Parliament is appointed to any office under Government, the House should be informed when such appointment was made and, also that a member should not be appointed to more than 2 or 3 Committees.

20. The Committee then adjourned *sine die*.



**MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 15TH JULY, 1955, IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE.**

The Committee met from 9-30 A.M. to 9-40 A.M.

PRESENT

1. Prof. G. Ranga (*in the Chair*).

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri Kotha Raghuramaiah
4. Shri Vishwambhar Dayal Tripathi
5. Shri Anirudha Sirha
6. Shri S. S. More
7. Shri Kamal Kumar Basu.

Rajya Sabha

8. Kazi. Karimuddin
9. Shri Amolakh Chand
10. Shri Rajendra Pratap Sinha
11. Shri M. Govinda Reddy.

SECRETARIAT

Shri S. L. Shukdher—*Joint Secretary*.

Shri A. L. Rai—*Under Secretary*.

In the absence of Pandit Thakur Das Bhargava, Prof. G. Ranga was proposed to the Chair.

2. The Committee stood in silence for a minute as a mark of respect to the memory of late Shri Patiram Roy, member of the Lok Sabha, who expired on the 14th July, 1955, and decided not to undertake any formal business for the day.

3. The Committee then adjourned to meet again on Saturday, the 16th July, 1955 at 11 A.M. in Committee Room No. 62, Parliament House, New Delhi.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 16TH JULY, 1955 IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE.

The Committee met from 11 A.M. to 1-15 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri Kotha Raghuramaiah
4. Shri Vishwambhar Dayal Tripathi
5. Shri R. V. Dhulekar
6. Shri Anirudha Sinha
7. Shri S. S. More
8. Shri Kamal Kumar Basu
9. Shri N. Ramaseshaiah.

Rajya Sabha

10. Shri M. Govinda Reddy
11. Kazi Karimuddin
12. Shri Amolakh Chand
13. Prof. G. Ranga
14. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri S. L. Shukdher—*Joint Secretary.*

Shri A. L. Rai—*Under Secretary.*

2. The Committee decided to consider Memorandum No. 157 containing conclusions which the Committee had arrived at, at their sittings held on the 16th and 17th February, 1955.

3. The Committee took up consideration of para 1(i) of Memorandum No. 151. The Committee after some discussion decided that a ceiling of Rs. 21 per day payable as daily allowance to a member of Parliament for his work on a Committee of an advisory character

set up by the Government of India or the Government of any State should be fixed.

4. The Committee affirmed their earlier decision referred to in para 6 of the minutes of the sitting of the Committee held on the 17th February, 1955 that the payment of travelling allowance, conveyance allowance, house rent allowance should not be treated as 'profit'.

5. As regards members of Parliament sent on deputation abroad, the Committee decided that payment of allowances under rules framed by Government from time to time should not be treated as 'profit' for the purpose of disqualification of members. The Committee, however, desired that such rules should be laid on the Tables of the Houses.

6. The Committee noted that there were certain Corporations, Undertakings, etc. which were partially or wholly financed by Government and on which members of Parliament were represented. The members of Parliament to such bodies might be appointed either by Government or by various private interests entitled to send their representatives. The question arose whether exemption in regard to ceilings of payment of allowances for purposes of disqualification of members referred to in paras 3 and 4 above should be made in the case of latter category of members or all members should be treated alike irrespective of the authority who appointed them. As the source of payment of allowances to members was an important consideration for deciding the question of disqualification, the Committee decided to go into this question at the time of discussing individual Committees of this nature.

7. The Committee then took up consideration of sub-paras (ii) and (iii) of para 1 of Memorandum No. 157. In the course of discussion, some of the suggestions made by members were as follows:—

- (i) Membership of Committees under the Government should be treated as an office of profit only where it brought material 'profit' to the holder.
- (ii) All appointments to Committees of a non-advisory character might be made by the House itself.
- (iii) Another suggestion made was that the information with regard to such appointments should be placed on the Table of the House at the earliest possible time.
- (iv) Since the functions of Government had vastly increased and members of Parliament were the chosen representatives of the people, it was not advisable to put undue restrictions on the holding of membership of Committees

and public interest might suffer by imposition of unnecessary restrictions.

- (v) As the independence of members of Parliament was a matter of great importance, undue liberality in the waiver of due restrictions would not be in the public interest.

8. The discussion on item (ii) of Memorandum No. 157 and the suggestions made above had not concluded when the Committee adjourned to meet again on Monday, the 18th July, 1955 at 9-30 A.M. in Committee Room No. 62, Parliament House, New Delhi.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 18TH JULY, 1955, IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE.

The Committee met from 9-45 A.M. to 11-30 A.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri Vishwambhar Dayal Tripathi
4. Shri R. V. Dhulekar
5. Shri S. S. More
6. Shri Anirudha Sinha
7. Shri Kamal Kumar Basu
8. Shri N. Ramaseshaiah.

Rajya Sabha

- 9 Shri M. Govinda Reddy
10. Kazi Karimuddin
11. Shri Amolekh Chand
12. Prof. G. Ranga
13. Shri Rajendra Pratap Sirha.

SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary.*

Shri A. L. Rai—*Under Secretary.*

2. The Committee continued discussion on sub-paras (ii) and (iii) of Memorandum No. 157 which was partly discussed at their last sitting held on the 16th July, 1955.

3. The Committee decided that a member should not be liable to disqualification where he was elected to a Committee by the House or nominated by the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha.

4. The Committee noted that there were various provisions under which members were appointed by Government, e.g.—

- (i) Members nominated by a Minister;
- (ii) Members appointed by Government on the recommendations of Organisations, Associations, etc. representing various interests under the provisions of Acts or specific rules framed for the purpose and formally appointed by Government.

5. The Committee felt that in future the Acts should provide for election or nomination of members by the House or by the Speaker or the Chairman as the case may be instead of leaving their appointments to Government.

6. The Committee was of the opinion that mere appointment of a member to a Committee of non-Advisory character should not disqualify him. The character of the Committee and the position of the member in that Committee would also be relevant considerations to decide if exemption from disqualification should be granted.

7. The Committee then decided to divide itself into three sub-committees each consisting of the following members to classify the various committees, commissions etc. in the light of the discussion which the Committee had held during the last two days:

Sub-Committee—A

- (1) Pandit Thakur Das Bhargava
- (2) Shri Vishwambhar Dayal Tripathi.
- (3) Shri R. V. Dhulekar.
- (4) Kazi Karimuddin.
- (5) Shri S. V. Ramaswamy.

Sub-Committee—B

- (1) Shri V. B. Gandhi.
- (2) Shri Kamal Kumar Basu.
- (3) Shri N. Ramaseshaiah.
- (4) Shri M. Govinda Reddy.
- (5) Prof. G. Ranga.

Sub-Committee—C

- (1) Shri Anirudha Sinha.
- (2) Shri S. S. More.
- (3) Shri Amolakh Chand.
- (4) Shri Rajendra Pratap Sinha.
- (5) Shri Kotha Raghuramaiah.

8. The sub-committees were directed to examine the various Memoranda (a list of Memoranda to be considered by each sub-committee is enclosed at Appendix—I) and submit their reports by the 22nd July, 1955. The sub-committees were also directed to prepare a list of—

(i) offices the holding of which should disqualify a member;
and

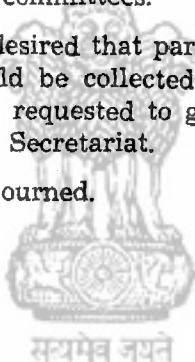
(ii) offices the holding of which should not disqualify a member.

9. The Committee desired that the reports of the sub-committees should be circulated to the members by the 22nd July, 1955.

10. The Committee also decided to meet on the 26th July 1955 at 5-5 P.M. or five minutes after the House rose for the day to consider the reports of the sub-committees.

11. The Committee also desired that particulars of Offices such as Patel, Lambardar etc. should be collected from the State Governments. Members were also requested to give the names and particulars of such offices to the Secretariat.

The Committee then adjourned.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 26TH JULY, 1955, IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE

The Committee met from 5-45 P.M. to 7 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri Kotha Raghuramaiah
4. Shri R. V. Dhulekar
5. Shri Anirudha Sinha
6. Shri S. S. More.

Rajya Sabha

7. Shri M. Govinda Reddy
8. Shri Amolakh Chand
9. Prof. G. Ranga
10. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary.*

Shri A. L. Rai—*Under Secretary.*

2. The Committee took up consideration of the Report of Sub-Committee 'A' of the Committee on Offices of Profit copies of which had been circulated to members earlier.

(i) *Membership of Commodity Committees.*

3. The Committee examined the constitution and functions of the Central Silk Board (Memorandum No. 5) and felt that its membership should be treated on the same footing as those of Commodity Committees, such as, Indian Central Sugarcane Committee, Indian Central Oilseeds Committee etc.

4. The Committee noted that in the case of certain Commodity Committees, such as, Indian Rubber Board, Indian Coffee Board, Tea Board, provision had been made in the relevant Acts for exemption from disqualification of members of Parliament. The Committee felt that a uniform policy ought to be followed in the case of all Commodity Committees.

5. The Committee decided that recommendation might be made to the effect that in the case of membership of all statutory Commodity Committees a saving clause should be added in the relevant Acts providing for exemption from disqualification. In the case of non-statutory Commodity Committees constituted under resolutions of Government or under other provisions, the Committee was of the view that the names of such Committees should be included in the Schedule of a Bill providing for exemption for members thereof from disqualification.

(ii) *Chairmanship and Vice-Chairmanship of Commodity Committees.*

6. As regards Chairmanship of Commodity Committees, it was felt that the duties of a Chairman would entail regular long hours of work and the powers of a Chairman of such a Committee were of such a nature that they would result in exercise of executive and judicial functions.

7. The Committee felt that it was not essential that a member of Parliament alone should hold office of a Chairman of a Commodity Committee. A point was urged that a distinction should be made in the case of a Chairman who was nominated by Government and the one who was elected by the Committee, Board etc. The Committee, however, felt that the method of appointment of Chairman was not as relevant as the question of powers to be exercised by him. After some discussion the Committee decided by a majority vote that the office of Chairman of a Commodity Committee should not be exempted from disqualification.

8. As regards Vice-Chairmanship of a Commodity Committee, the Committee felt that the provisions applicable to the Chairman should also apply to the Vice-Chairman.

9. It was brought to the notice of the Committee that several Commodity Committees had standing committees, sub-committees etc. on which members held offices by virtue of their being members of the main Committees such standing or sub-committees having in some cases the power of discharging executive, financial or judicial functions.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 27TH JULY, 1955 IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE.

The Committee met from 9 A.M. to 11 A.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaiah
3. Shri R. V. Dhulekar
4. Shri Anirudha Sinha
5. Shri N. Ramaseshaiah

Rajya Sabha

6. Shri M. Govinda Reddy
7. Shri Amolakh Chand
8. Shri Rajendra Pratap Sinha
9. Prof. G. Ranga.

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

2. The Committee resumed consideration of Report of sub-committee 'A' of the Committee on Offices of Profit which had been partly considered on the 26th July, 1955. The Committee after recording their decisions on the various memoranda mentioned therein took up consideration of the Report of the sub-committee 'C'.

3. The Committee came to the under-mentioned conclusions:

Memorandum No. 8—Hindi Shiksha Samiti.

*Memorandum No. 45—Central Board of Secondary Education,
Ajmer*

Memorandum No. 48—General Council of the Sahitya Akademi.

Memorandum No. 52.—Board of Administration of the Lady Hardinge Medical College for Women and Hospital for Women and Children.

Memorandum No. 54.—Family Planning Grants Committee.

The Committee felt that the Committees referred to above exercised varied types of non-advisory functions. On these Committees, the members of Parliament, besides being nominated by Central Government, were also nominated by the State Governments, Associations, Organisations etc. The Committee felt that nomination of members by Government on such committees ought to be restricted as they were liable to be construed as offices of profit. It was further felt that membership of these committees as nominee of Parliament could not be construed as holding of offices of profit.

4. The Committee therefore was of the view that the power of appointment of members of Parliament on these committees should instead of being vested in Government, be left to Parliament. Parliament may place the members on these committees either by election by the House or nomination by the Speaker of the Lok Sabha or Chairman of the Rajya Sabha. The Committee therefore desired that the constitutions of these committees ought to be accordingly amended. The Committee further decided that the membership of these committees might be exempted from disqualification.

5. The Committee also decided that nomination of members of Parliament by sectional or other interests was permissible.

Memorandum No. 14.—Mining Board for Coal Mines (Bihar).

Memorandum No. 17.—Central Board of Film Censors and Advisory Panels at Calcutta, Bombay and Madras.

Memorandum No. 66.—Panel of Assessors for Railway Rates Tribunal.

Memorandum No. 127.—Excise appellate Board (Ajmer).

Memorandum No. 136.—Bihar Subai Majlis—Awqaf.

6. The Committee came to the conclusion that the Committees referred to above exercised judicial or executive powers or wielded influence or carried powers of patronage. The Committee was of the view that membership of these Committees ought not to be exempted from disqualification

Memorandum No. 31.—Central Advisory Committee for Women's Savings Campaign.

Memorandum No. 67.—Board of Directors of the United States Educational Foundation in India.

7. The Committee observed that in the case of Central Advisory Committee for Women's Savings Campaign, members were paid an allowance of Rs. 100 per month apart from the usual travelling and daily allowances admissible while on tour in connection with the work of the Committee. The Committee was of the opinion that the fixed allowance of Rs. 100 per month paid to a member of the Committee was in the nature of a salary, and consequently, liable to be treated as 'profit'.

8. However, the functions of the Committee were of an advisory character. The Committee therefore felt that the rules should be suitably altered so that a member of Parliament appointed to the Central Advisory Committee is not paid any remuneration other than travelling and daily allowances (daily allowance not exceeding Rs. 21 per day) purporting to cover the actual out-of-pocket expenses.

9. In the case of Board of Directors of the United States Educational Foundation in India, the Committee was of the same view that the rule providing for payment of a daily allowance of Rs. 38 per day should be suitably altered so that the member of Parliament appointed to the Board of Directors did not get a daily allowance above Rs. 21 per day.

10. The functions and powers of the Board, though of a non-advisory character, were not considered as objectionable.

Memorandum No. 7.—Indian Central Sugarcane Committee.

Memorandum No. 42.—Indian Central Arecanut Committee.

Memorandum No. 57.—Development Council for Sugar Industry.

Memorandum No. 61.—Indian Coffee Board

11. These Committees being of the type of the Central Silk Board, the Committee decided that their decision with regard to the latter should apply to them (see paras 4 to 9 of the minutes of the sitting held on the 26th July, 1955).

Memorandum No. 4.—Employees' State Insurance Corporation.

12. The members of Parliament were elected as well as nominated to the Employees' State Insurance Corporation and since there should be no discrimination between nominated and elected members for the purpose of exemption from disqualification, the Committee thought that a saving clause should be added in the relevant Act providing for exemption from disqualification of members of Parlia-

ment. However, in the case of nomination of Members, the Speaker or the Chairman, as the case may be, ought to be consulted and his approval obtained.

Memorandum No. 37.—States Reorganisation Commission.

13. The Committee observed that the membership of the States Reorganisation Commission was a position of influence and gave great power to the member which was likely to be construed as an office of profit. The Committee, however, felt that the office was of an exceptional nature and its functions were in national interest. Since the work involved required decision on questions of high policy naturally persons of high eminence were required to serve on the Commission. Therefore, the Committee concluded that the membership of the Commission should be exempted from disqualification.

Memorandum No. 55.—All India Women's Central Food Council.

14. The Committee decided that the functions of the Council, though of a non-advisory character, were not objectionable. The Committee, therefore, desired that the membership of the Council might be exempted from disqualification.

Memorandum No. 64.—Board of Directors of the Rehabilitation Finance Administration.

15. The Committee observed that the Rehabilitation, Finance Administration exercised vast powers of disbursement of loans to displaced persons. The Committee, therefore, thought that the membership of the Administration should not be exempted from disqualification.

Memorandum No. 142.—Anti-Corruption Committee, Karimganj (Assam).

16. The Committee decided that the functions of the Committee were not objectionable. Exemption from disqualification might be provided.

(i) *Memorandum No. 65.—Board of Directors of the Industrial Finance Corporation.*

(ii) *Memorandum No. 69.—Board of Directors of the Hindustan Shipyard Ltd.*

(iii) *Memorandum No. 70.—Board of Directors of the Sindri Fertilizers and Chemicals Ltd.*

17. The Committee observed that the Board of Directors of the Industrial Finance Corporation, exercised, besides other powers

powers of granting loans and advances to industrial concerns. The Corporation was a partially-owned Government concern and members of Parliament besides being nominated by Government could also be elected or nominated by other interests. The Committee was of opinion that it was not desirable that a member of Parliament should be a director of the Corporation. The Committee therefore felt that the directorship of the Corporation should not be exempted from disqualification.

18. The Committee noticed that the powers of the Board of Directors of the Sindri Fertilizers and Chemicals Ltd. were very extensive. The entire capital of this Company was owned by Government. The power of appointment and removal of a Director of the Company was also vested in the President. The Committee therefore decided that directorship of the Sindri Fertilizers and Chemicals Ltd., should not be exempted from disqualification.

19. The Committee noticed that under an agreement entered into between the Government of India and the Scindia Steam Navigation Co. Ltd., it had been mutually agreed that out of the total strength of 12 Directors eight (including the Chairman and the Managing Director) would be Government nominees and the rest viz. four would be Scindia's nominees. The Hindustan Shipyard Ltd. was a partially-owned Government concern. A member of Parliament on the Board of Directors was a nominee of the Scindia Steam Navigation Co. Ltd.

20. In this connection the Committee observed that under sub-section (e) of Section 7 read with sub-section (e) of section 8 of the Representation of the People Act, 1951 (XLIII of 1951), a member of Parliament who was a director of any Corporation in which Government had any share or financial interest, was not disqualified unless the office of such director was declared by Parliament by law to so disqualify its holder.

21. The Committee, therefore, recommended that suitable legislation should be enacted providing for disqualification of a member of Parliament by reason of holding or accepting directorship of the Industrial Finance Corporation (Memorandum No. 65) and of the Sindri Fertilizers and Chemicals Ltd. (Memorandum No. 70).

22. Discussion on the holding of directorship of Hindustan Shipyard Ltd. was not concluded.

23. The Committee accepted the recommendations of sub-Committee 'A' regarding (i) Advisory Committees and (ii) Non-advisory Committees membership of which was not objectionable, names of

which were enclosed with Appendices B and C of their Report. With regard to the latter item the Committee desired that the names of these **Committees** should be included in the schedule of Committees membership of which should not disqualify a member of Parliament.

24. The Committee then adjourned to meet again on the 28th July, 1955 at 9-15 A.M. in Committee Room No. 62, Parliament House.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 28TH JULY, 1955 IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE.

The Committee met from 9-15 A.M. to 11-8 A.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaiah.
3. Shri R. V. Dhulekar.
4. Shri Anirudha Sinha.
5. Shri S. S. More.
6. Shri N. Ramaseshaiah.

Rajya Sabha

7. Shri M. Govinda Reddy.
8. Shri Amolakh Chand.
9. Prof. G. Ranga.
10. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Under Secretary*.

2. The Committee resumed consideration of the Report of Sub-Committee 'C' of the Committee on Offices of Profit which was partly considered at their sitting held on the 27th July, 1955.

3. As regards directorship of the Hindustan Shipyard Ltd., (Memorandum No. 69) the Committee noted that under section 7 (e) read with section 8 (e) of the Representation of the People Act, 1951 a member of Parliament appointed by Government as a director of the Hindustan Shipyard Ltd., would not be disqualified, unless specifically so provided by Parliament by law. The Committee however were of the view that if Government desired to appoint a member of Parliament as a director, power of appointment should be exercised by Parliament either by election by the Houses or by nomination by the Speaker or the Chairman.

4. The Committee further came to the conclusion with regard to the nomination of members by sectional or other interests on such bodies that these may not be declared to disqualify members as they were permissible under the Representation of the People Act, 1951, unless Parliament intervened and made a law disqualifying them.

- (i) Memorandum No. 92—*Madhya Pradesh Housing Board*.
- (ii) Memorandum No. 100—*State Health Board (Uttar Pradesh)*.
- (iii) Memorandum No. 112—*Industrial Advisory Board (Delhi State Government)*.
- (iv) Memorandum No. 128—*Central Anti-Corruption Board (PEPSU)*.
- (v) Memorandum No. 138—*Bodh Gaya Temple Management Committee (Bihar)*.
- (vi) Memorandum No. 149—*Managing Committee for the Rayalaseema Polytechnic, Bellary (Mysore)*.

5. The Committee noted that the powers of the Committees mentioned at items (i) to (iv) above were very limited and decided that membership (including Chairmanship) of these Committees should be exempted from disqualification.

6. As regards Managing Committee for the Rayalaseema Polytechnic, Bellary (Memorandum No. 149) the Committee were of the opinion that the Chairman and Secretary of the Managing Committee exercised administrative powers which were of an objectionable nature. The Committee therefore came to the decision that membership of the Committee should be exempted from disqualification while holding of the office of Chairman or Secretary of the Committee should disqualify a member.

7. As regards Bodh Gaya Temple Management Committee, the Committee observed that the Secretary of the Committee exercised executive functions which appeared to be objectionable. The Committee, therefore, felt that except in the case of Secretary, membership of the Management Committee might be exempted from disqualification.

Memorandum No. 130—Sanskrit Examination Board, Bihar.

8. The Committee noted that the Sanskrit Examination Board, Bihar, exercised various executive powers, such as, appointment of paper-setters and examiners, conducting examinations etc. The nomination of a member of Parliament by the State Government on the Board was, therefore, likely to be treated as patronage by Government. The Committee therefore considered that if a member of

Parliament was to be appointed on the Board by the State Government, power of such appointment should be vested in the Parliament and not left with the State Government.

9. Subject to necessary changes being made in the constitution of the Board, the Committee decided that membership of the Board for the present should be exempted from disqualification.

Memorandum No. 137.—Bihar State Board of Religious Trusts

10. The Committee observed that the Bihar State Board of Religious Trusts exercised power of general superintendence over all religious trusts in the State, including powers of disbursement of funds for carrying out their objects. As the powers of the Board were very extensive, the Committee felt that its membership ought not to exempt a member from disqualification.

(i) *Memorandum No. 143.—Committee to select books for study for S. S. L. C. Examination, 1956 (Madras)*

(ii) *Memorandum No. 150.—Sub-Committee to select books to be purchased for libraries for Education Expansion Departments (Uttar Pradesh)*

11. The functions of the two Committees mentioned above were to select books which in the opinion of the Committee could be a source of 'profit' to a member. The Committee therefore could not recommend extending exemption from disqualification of a member of Parliament appointed to these Committees.

Memorandum No. 146.—Punjab State National Workers' (Relief and Rehabilitation) Board

12. The Committee observed that the functions of the Board included powers of giving financial assistance to political sufferers and their families and dependents. As the power of giving such financial assistance was considered objectionable, the Committee did not recommend in this case exemption from disqualification.

Memorandum No. 152.—Bhoodan Yagna Committee (Saurashtra)

13. The Committee observed that the Bhoodan Yagna Committee exercised powers of administration of land vested in it for the benefit of the Bhoodan Yagna. The power of granting land to the landless people involved a power of patronage. The Committee, therefore, felt that exemption from disqualification of its membership ought not to be allowed.

14. The Committee accepted the recommendations of Sub-Committee 'C' regarding (i) Advisory Committees, (ii) Committees not purely advisory but whose membership was not objectionable, and (iii) Investigating Committees, names of which were enclosed with Appendix 'B' of their report. With regard to Committees at item (ii) above, the Committee decided that the names of these Committees should be included in the schedule of Committees membership of which should not disqualify a member of Parliament.

15. The Committee desired that the Committees dealt with in the Report of Sub-Committee 'B' might be classified in the light of decisions taken by the Committee while considering reports of Sub-Committees 'A' and 'C', and made available to the members before their next meeting.

16. The Committee then adjourned to meet again on the 29th July, 1955 at 8-30 A.M. in Committee Room No. 62, Parliament House.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 28TH JULY, 1955, IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE.

The Committee met from 8-30 A.M. to 11-15 A.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaiah.
3. Shri Anirudha Sinha.
4. Shri S. S. More.

Rajya Sabha

5. Shri M. Govinda Reddy.
6. Shri Amolakh Chand.
7. Prof. G. Ranga.
8. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

2. The Committee took up consideration of the Report of Sub-Committee 'B' of the Committee on Offices of Profit.

Memorandum No. 38—All India Handicrafts Board

3. The Committee noted that the functions of the Board were to advise Government generally on the problems of the handicrafts industry and in particular to improve and develop production and promote sales in India and abroad. The Board also advised Government on giving of grants and loans to State Governments and private organisations and institutions for financing activities necessary for the development and improvement of handicrafts.

4. In the opinion of the Committee the powers of the Board, though of an advisory character, were of such a nature that membership of the Board could be treated as a patronage by Government. The Committee was, therefore, of the opinion that the Board should be formed under a statute and representation of members of Parliament should be provided for by election by Parliament instead of nomination by Government.

5. In this connection the Committee also observed that there were other Boards of a similar nature, such as, All India Khadi and Village Industries Board (a Bill to give the Board a statutory basis was introduced in the Lok Sabha during the Tenth Session), All India Handloom Board, should also be given statutory basis and Members of Parliament should be represented thereon by election by Parliament.

Memorandum No. 71.—Members of Parliament holding Offices of an Occasional or Contractual nature

6. (i) Legal Adviser who drafts Bills or conducts cases on behalf of Government.
- (ii) Technical Adviser to Government.
- (iii) Author of book, article or review for Government
- (iv) Broadcasts from All India Radio by members of Parliament (Memorandum No. 73).
- (v) Owner of a printing press or paper receiving Government advertisements.

The Committee observed that the appointments referred to above would in most cases be governed by sub-section (d) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951) which provided for disqualification of a member of Parliament who had any share or interest in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the appropriate Government.

7. The Committee felt that sub-section (d) of section 7 of the Representation of the People Act, 1951 was worded in general terms. In the opinion of the Committee, an appointment of an occasional nature (contractual or otherwise) on behalf of Government could be considered as an office under Government within the meaning of Article 102 (1) (a) of the Constitution. The Committee, therefore, made the following observations on offices mentioned at items (i) and (iii) above which in their opinion came within this category:—

- (i) *Legal Adviser who drafts Bills or conducts cases on behalf of Government*

Appointment of a member of Parliament as Legal Adviser or for conducting cases on behalf of Government is not desirable as it could be a source of patronage and might not be exempted from disqualification.

(ii) *Technical Adviser to Government.*

Appointment of a member of Parliament as a technical adviser to advise Government on a particular matter in an honorary capacity may be considered unobjectionable since Government should not be debarred from having expert advice whenever considered necessary by them.

(iii) *Author of a book, article or review for Government*

Monetary profit gained by a member of Parliament who is an author of a book which has been prescribed by Government (after the publication of such book) as a text book for any course or syllabus for studies in a school cannot be treated as 'profit' under Article 102(1) (a) and should not disqualify a member.

If a member of Parliament accepts an offer to write a book on behalf of Government it may be considered as holding an office of profit and ought to disqualify him.

(iv) *Broadcasts from the All India Radio by members of Parliament*

It was doubtful whether broadcasts from All India Radio by members of Parliament could be considered as contracts which should disqualify a member under section 7(d) of the Representation of the People Act, 1951. Considering the nature of service rendered by members of Parliament, the Committee decided that such broadcasts should not disqualify a member of Parliament provided that the member was not paid more than the usual travelling allowance and daily allowance. The daily allowance should be limited to Rs. 21/- per day and should be admissible during non-session period only.

(v) *Owner of a printing press or paper receiving Government advertisements*

The Committee felt that the owner of a printing press or paper receiving Government advertisements did not appear to hold an 'office of profit' as envisaged by Article 102 of the Constitution of India. The Committee felt that they may not record any opinion on such cases and may leave it to the appropriate authority to give its decisions under the Representation of the People Act, 1951.

Memorandum No. 77.—State Food and Civil Supplies Advisory Committee (Ajmer)

8. The Committee postponed decision on this Memorandum pending receipt of necessary particulars from the Ajmer Government.

(i) *Memorandum No. 41.—Development Council for Internal Combustion Engines and Power Driven Pumps*

(ii) *Memorandum No. 60.—Indian Central Cotton Committee*

(iii) *Memorandum No. 62.—Indian Rubber Board*

9. The Committees mentioned above were placed in the category of 'Commodity Committees'. The recommendations of the Committee in respect of 'Commodity Committees' are given in paras 3 to 7 of the minutes of the sitting of the Committee on Offices of Profit held on the 26th July, 1955.

(i) *Memorandum No. 49.—Sangeet Natak Akadami*

(ii) *Memorandum No. 132.—Board of Control of the Bihar Rashtrabhasha Parishad*

10. These Committees were placed in the category of Non-advisory Committees membership of which wields influence or powers of patronage but might be recommended for exemption from disqualification (in view of the important functions performed by those Committees) subject to provision being made by Government for representation of members of Parliament by election by Parliament.

11. The Committee divided the remaining Committees examined by Sub-Committee 'B' into (i) Advisory Committees and (ii) Non-advisory Committees membership of which was not objectionable (See Appendices II and III). With regard to the latter category the committee desired that the names of these Committees should be included in the schedule of Committees membership of which should not disqualify a member of Parliament.

12. After the consideration of Report of Sub-Committee 'B' was over, the Committee desired that a statement giving the various decisions arrived at by the Committee in their sittings held from 16th July, 1955 onwards might be circulated to the members.

13. The Committee also desired that particulars of other Committees which had not been considered by them might be collected and placed before them.

The Committee further desired that particulars of offices (as distinct from Committees on which members of Parliament were appointed) might be collected and placed before them. Members were also requested to give to the Secretariat the names of such Offices and other Committees which had not been considered by the Committee so far.

15. The Committee then adjourned to meet again on the 13th August, 1955 at 9 A.M.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 13TH AUGUST, 1955 IN COM-
MITTEE ROOM NO. 62, PARLIAMENT HOUSE

The Committee met from 9-30 A.M. to 11 A.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman*.

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri Kotha Raghuramaiah
4. Shri R. V. Dhulekar
5. Shri S. S. More

Rajya Sabha

6. Shri M. Govinda Reddy
7. Shri Amolakh Chand
8. Professor G. Ranga
9. Shri Rajendra Pratap Sinha

SECRETARIAT

Shri A. L. Rai—*Under Secretary*.

Memorandum No. 77.—State Food and Civil Supplies Advisory Committee (Ajmer).

2. At the outset the Committee took up consideration of Memorandum No. 77 regarding State Food and Civil Supplies Advisory Committee (Ajmer) on which decision had been postponed earlier pending receipt of necessary particulars from the Government of Ajmer.

This was considered to be purely an Advisory Committee.

3. The Committee then took up consideration of Memoranda Nos. 151 to 181 copies of which had been circulated to members earlier. The Committees mentioned at Appendix IV were examined and placed in the category of Advisory Committees or Non-advisory Committees membership of which was not objectionable.

Memorandum No. 161.—State Transport Authority (Orissa)

4 As regards Memorandum No. 161 regarding State Transport Authority (Orissa) the Committee noted that it exercised considerable executive powers and even those of a Regional Transport Authority and decided that its membership should not be exempted from disqualification.

Memorandum No. 178.—Offices exempted under Prevention of Disqualification Acts of various State Legislatures

5. The Committee observed that there were several offices and bodies within the States in respect of which exemption from disqualification of members of State Legislatures had been provided for by Acts. The Committee divided these offices into the following categories (See Appendix V):—

- (i) Offices the holding of which may disqualify a member.
- (ii) Offices the holding of which may not disqualify a member
- (iii) Offices which should be further examined.

Memorandum No. 179.—Offices and Statutory Bodies in U.K. holding of or membership of which disqualifies members of Parliament

6. The Committee then examined Memorandum No. 179 which enumerated the Offices and Statutory Bodies in the United Kingdom whose membership would disqualify Members of Parliament as provided in the relevant statutes.

The Committee desired that short notes on the following Offices: Bodies might be supplied to them for further examination:—

- (i) Boundary Commissions.
- (ii) Local Government Boundary Commissions.
- (iii) National Research Development Corporation.
- (iv) Agricultural Executive Committee or sub-committee.

7. The Committee further desired that Prevention of Disqualification Acts passed by the State Legislatures which had not been received so far should be obtained and a memorandum prepared for the information of members.

8. It was brought to the notice of the Committee by a member that a draft of the House of Commons Disqualification Bill (U.K.) had been published on the 13th July, 1955. The Committee desired that a copy of the same may be obtained so that they might know the criteria that are sought to be adopted in the United Kingdom on the question of Offices of Profit.

9. The Committee further desired that points which required their decisions might be brought out so that they may record their decisions on them and try to complete the work.

10. The Committee then adjourned to meet again on the 17th August, 1955, at 9 A.M.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 17TH AUGUST, 1955, IN COM-
MITTEE ROOM NO. 62, PARLIAMENT HOUSE, NEW DELHI

The Committee met from 9-15 A.M. to 10-45 A.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaih
3. Shri R. V. Dhulekar
4. Shri S. S. More
5. Shri N. Ramaseshaiah

Rajya Sabha

6. Shri M. Govinda Reddy
7. Shri Amolakh Chand
8. Shri Rajendra Pratap Sinha
9. Prof. G. Ranga.

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

*Memorandum No. 182.—Offices exempted under prevention of
Disqualification Acts of various State Legislatures*

2. The Committee took up consideration of Memorandum No. 182 regarding Offices exempted under Prevention of Disqualification Acts of certain State Legislatures. The Committee divided various offices within the States in respect of which exemption from disqualification of members of State Legislatures had been provided for, into the following categories (*See Appendix VI*):—

- (i) Offices the holding of which may disqualify a member;
- (ii) Offices the holding of which may not disqualify a member; and
- (iii) Offices which may be examined further.

3. In this connection the Committee desired that detailed information regarding village officials like Patels, Patwaris, in respect of

whom exemption from disqualification of members of State Legislatures had been provided for by Acts should be obtained from State Governments for discussing further the question of their exemption from disqualification.

Memorandum No. 183.—Functions of four Statutory Bodies in U.K. in respect of which disqualification of Members of Parliament had been provided for.

4. At the last sitting of the Committee held on the 13th August, 1955, while examining Memorandum No. 179 on the same subject, some members had desired that a note might be prepared on the functions of certain Statutory Bodies in the United Kingdom in respect of which disqualification of Members of Parliament had been provided for.

The Chairman read out the functions of four such bodies contained in Memorandum No. 183. The Committee did not discuss the functions as their decisions regarding similar Committees in India, such as States Reorganisation Commission and Commodity Committees had been taken after taking into consideration the principles involved in the disqualification of such institutions in the United Kingdom.

Memorandum No. 157.—A short note on the points discussed and tentative decisions arrived at by the Committee in their sittings held on the 16th and 17th February, 1955.

5. The Committee then considered items 1(vi) and 2 of Memorandum No. 157 containing tentative decisions of the Committee which had been arrived at at their sittings held on the 16th and 17th February, 1955.

6. As regards items 1(vi) of this Memorandum the Committee decided that there should be exemption from disqualification in the case of Committees such as Project Advisory Committees, Block Advisory Committees, Development Boards etc. of which members of Parliament were *ex-officio* members within their constituencies. In the opinion of the Committee membership of these bodies did not carry any influence, power or patronage and presence of members of Parliament on them in the present state of economic development of the country was essential.

7. As regards item 2(i) dealing with limiting the number of ministers in the House, the Committee after taking note of relevant practice in other democratic countries decided by a majority opinion not to make any recommendation on this point as it was not quite relevant to their scope of enquiry.

With respect to item 2(ii) regarding creation of a new ministry by an Act of Parliament, the Committee also decided not to make any recommendation for the same reason.

8. As regards item 2(iii) the Committee affirmed their earlier view that it was the right of the House to be informed whenever its member was appointed to a Committee.

9. As regards item 2(iv) it was observed that any limitation on the number of Committees, the membership of which would not disqualify a member would entail considerable difficulties for Government in choosing the right personnel for them and the members would also be placed in an embarrassing position if they were to resign from one Committee for accepting membership of another Committee in order to escape disqualification. It was also noted that a member, on an average was not a member of more than two or three Committees at a time. It was, therefore, decided not to fix the number of Committees membership of which could be held by a member without incurring disqualification.

Memorandum No. 177.—Important decisions taken by the Committee during their sittings held between 16th and 29th July, 1955.

10. The Committee then took up consideration of Memorandum No. 177 regarding important decisions taken by the Committee during their sittings held between the 16th and 29th July, 1955. The Committee affirmed their decisions on the first two items, regarding payment of allowances to members of Parliament sent on deputations abroad, and exemption from disqualification of a member when he is elected by the House or nominated by the Speaker or the Chairman.

Discussion on item 3 was not concluded.

11. The Chairman desired that the members should give their views at their next sitting on the decisions arrived at so far and bring forward any other new points which they would like to be discussed by the Committee.

12. The Committee then adjourned to meet again on the 24th August, 1955, at 9 A.M.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 24TH AUGUST, 1955, IN COM-
MITTEE ROOM NO. 62, PARLIAMENT HOUSE

The Committee met from 9-30 A.M. to 11-0 A.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaiah
3. Shri R. V. Dhulekar
4. Shri S. S. More

Rajya Sabha

5. Shri M. Govinda Reddy
6. Shri Amolakh Chand
7. Shri Rajendra Pratap Sirha.

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

Memorandum No. 177.—Important decisions taken by the Committee during their sittings held between 16th and 29th July, 1955.

2. The Committee took up further consideration of Memorandum No. 177 containing important decisions of the Committee taken during their sittings held between 16th and 29th July, 1955.

Item 3—Statutory Committees.

3. The Committee affirmed their previous decision with a slight drafting modification as follows:

“In the case of Statutory Committees, the relevant Acts should provide for election of members by the House or nomination by the Speaker or Chairman, instead of leaving their appointments on committees to Government.”

Item 4(i)—Membership of Commodity Committees.

4. The Committee then took up the next item relating to their decision with regard to membership of Commodity Committees.

(a) The Committee after discussion agreed to the following revised decision on statutory Commodity Committees:

"In the case of statutory Commodity Committees a saving clause should be added in the relevant Acts providing for exemption from disqualification of members of Parliament **who are either elected by the House or nominated by Government or sectional interests.*"

(b) In the case of non-statutory Commodity Committees constituted under Resolutions of Government or under other provisions, the Committee agreed that the names of such Committees should be included in a schedule of the Bill which will be brought by the Government for the purpose of declaring what the Offices of Profit are for the purposes of article 102 of the Constitution.

Item 4(ii)—Chairmanship or Vice-Chairmanship of Commodity Committees.

5. In the case of the office of a Chairman or a Vice-Chairman of a Commodity Committee, the Committee agreed to their earlier decision with a slight modification as follows:

"The holding of an office of a Chairman or Vice-Chairman of a Commodity Committee **whether statutory or non-statutory* should not be exempted from disqualification of a member of Parliament."

Item 4(iii)—Standing Committees and Sub-Committees.

6. The Committee reaffirmed that their decisions regarding the office of Chairman and Vice-Chairman regarding main Committees will also apply to their Standing Committees and Sub-Committees.

Item 5—Non-statutory, Non-Advisory Committees.

7. The Committee then took up consideration of item 5 relating to non-statutory, non-advisory Committees possessing executive or like powers or advisory Committees wielding great influence or powers by way of patronage, etc.

*Changes incorporated in the revised decisions.

After detailed discussion the following revised decision was agreed to:

"In the case of non-statutory, non-advisory Committees possessing executive or like powers or advisory Committees wielding influence or powers by way of patronage, appointment of members of Parliament to such Committees should **ordinarily be by election by the House. But in exceptional cases where nominations are to be made by Government they should be made with the approval of the Speaker or the Chairman.*"

"Appointment of members of Parliament by sectional or other interests to such Committees would be permissible."

Item 6—Committees where allowances payable to members are to be curtailed.

8. In the case of advisory or non-advisory Committees membership of which was not objectionable, the Committee agreed that there would be disqualification if a member of Parliament was entitled to or in receipt of any remuneration other than compensatory allowance as defined in the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1954 (Act I of 1954) and that daily allowance shall in no case be more than Rs. 21/- per day.

9. The Committee then adjourned to meet again on the 27th August, 1955 at 9-15 A. M.

*Changes incorporated in the revised decision.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 27TH AUGUST, 1955 IN COM-
MITTEE ROOM NO. 62, PARLIAMENT HOUSE.

The Committee met from 9-15 A.M. to 12-45 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Kamal Kumar Basu

Rajya Sabha

3. Shri M. Govinda Reddy

4. Kazi Karimuddin

5. Shri Amolakh Chand

6. Prof. G. Ranga

7. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Under Secretary*.

Memorandum No. 177.—Important decisions taken by the Committee during their sittings held between the 16th and 29th July, 1955.

2. The Committee took up further consideration of Memorandum No. 177 containing important decisions of the Committee taken during their sittings held between the 16th and 29th July, 1955.

Item 7—Statutory Committees etc.

3. The Committee discussed item 7 regarding statutory Committees where members were elected by the House, and also nominated by Government or nominated or elected by sectional or other interests, and affirmed their earlier decision that a saving clause should be added in the relevant Acts providing for the exemption from disqualification of members of Parliament.

Item 8—Membership of a Commission requiring services of persons of high eminence.

4. The Committee then took up item 8 regarding membership of Commission which was entrusted with questions of high policy and

which required the services of persons of eminence, and agreed to the following decision:—

"Membership of a Commission which is entrusted with questions of high policy and which requires services of persons of high eminence may be exempted from disqualification of a member of Parliament on the recommendation of a Standing Committee of Parliament constituted for the purpose of enquiring into all questions of offices of profit."

Items 9 and 10—Committees, Corporations exercising vast powers of disbursement of funds etc.

5. The Committee then discussed items 9 and 10 and came to the following decision:—

"Membership of a Committee or Board which exercises vast powers of disbursement of funds and office of a director of a partially or fully-owned Government concern exercising considerable executive functions in the management of the business should, generally speaking, incur disqualification."

6. Decision on item 11 was omitted as it was covered by item 5.

Item 12—Chairmanship of a Committee exercising independent executive powers.

7. The Committee affirmed their earlier decision that the Chairman/President or Secretary of a Committee, who exercised independent executive functions on behalf of the Committee, ought not to be exempted from disqualification.

8. The Committee deleted their decision given on item 13 on the ground that it was not their function to advise Government as to how they should set up future Committees or Boards i.e., whether under a statute or by a resolution.

Item 14—Committees exercising considerable executive or judicial functions or carrying powers of patronage.

9. The Committee then considered item 14 and affirmed their decision with partial modification as follows:—

"Committees exercising considerable executive or judicial functions or wielding influence or carrying powers by way of patronage, *generally ought not to be exempted from disqualification of members of Parliament."

*Change incorporated in the revised decision.

Item 15—Legal adviser, technical adviser or author of a book, and broadcasts from All India Radio by Members of Parliament.

10. The Committee discussed item 15 relating to the office of a legal adviser, technical adviser or authorship of a book and revised their decision as follows:—

“An office of a legal adviser or an advocate conducting cases on behalf of Government may not be exempted from disqualification.

An office of a technical adviser to advise Government on a particular matter in an honorary capacity may be exempted from disqualification.

An author of a book, article or review may not be exempted from incurring disqualification if the book, article or review is published at the instance of the Government.”

Broadcasts from A.I.R.

11. The Committee affirmed their earlier decision that broadcasts from the All India Radio by members of Parliament should not entail disqualification provided that the member was not paid more than usual travelling and daily allowances. The daily allowance should be limited to Rs. 21/- per day and admissible during non-session period only.

Owner of a printing press or paper receiving Government advertisements etc.

12. The Committee decided that this point was outside the purview of their present enquiry and did not give any decision thereon.

Memorandum No. 184.—Official Language Commission.

13. The Committee then took up Memorandum No. 184 regarding Official Language Commission and noted that it was a special Commission appointed by the President under Article 344 to make recommendations on the progressive use of the Hindi Language for the official purposes of the Union. The Commission was considered as an advisory body.

Memorandum No. 185—Rail-Sea Co-ordination Committee

14. This was also considered to be purely an advisory Committee.

Memorandum No. 186.—Powers and functions of Vice-Chancellors, members of Senates, Syndicates and Executive Committees/ Councils of Universities.

15. The Committee then took up consideration of Memorandum No. 186. As regards powers and functions of Senates, Syndicates

and Executive Committees/Councils of various Universities, the Committee was of the opinion that they were of an advisory character and members of Parliament appointed to those bodies should be exempted from disqualification.

In the case of Vice-Chancellors of Universities, the Committee noted that they exercised considerable administrative and **executive** powers and therefore they should not be exempted from disqualification.

Memorandum No. 187.—(i) Offices which may disqualify (ii) Offices which may not disqualify and (iii) Offices which are to be considered further.

16. The Committee divided the offices mentioned in Memorandum No. 187 into the following two categories [See Appendix VII].

- (1) Offices which may disqualify.
- (2) Offices which may not disqualify.

17. The Committee then adjourned after authorising the Chairman to convene a meeting on a date suitable to him.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 29TH SEPTEMBER, 1955 IN COM-
MITTEE ROOM NO. 62, PARLIAMENT HOUSE.

The Committee met from 9-15 A.M. to 10-45 A.M.

PRESENT

1. Pandit Thakur Das Bhargava—*Chairman*.

MEMBERS

Lok Sabha

2. Shri R. V. Dhulekar
3. Shri Anirudha Sinha
4. Shri S. S. More

Rajya Sabha

5. Shri M. Govinda Reddy
6. Shri Amolakh Chand

SECRETARIAT

Shri A. L. Rai—*Under Secretary*.

2. The Committee desired that draft Report might be circulated to the members on the 30th September, 1955 so that they might give their suggestions thereon to the Lok Sabha Secretariat by the 1st October, 1955. The Committee decided to meet on the 3rd October, 1955 at 2 P.M. and also on subsequent days, if need be, to consider and finalise the Report.

3. The Committee then considered 'The House of Commons Disqualification Bill' which had been introduced in the House of Commons on the 12th July, 1955, in the light of their own decisions, and desired that the Bill might be included in the Report as an Appendix.

4. The Committee then adjourned.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 3RD OCTOBER, 1955 IN COM-
MITTEE ROOM NO. 53, PARLIAMENT HOUSE.

The Committee met from 2 P.M. to 5-30 P.M.

PRESENT

1. Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri R. V. Dhulekar
3. Shri Anirudha Sinha
4. Shri S. S. More

Rajya Sabha

5. Shri M. Govinda Reddy
6. Shri Amolakh Chand
7. Prof. G. Ranga
8. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

2. The Committee discussed the draft Report and desired that the following changes might be incorporated therein:—

- (i) The recommendations contained in Appendices to the Report might be suitable incorporated in the body of the Report.
- (ii) In the part of the Report dealing with the historical background practice obtaining in Australia, U.S.A., France, etc. might be added.
- (iii) Relevant provisions from the Government of India Acts, 1909 and 1919, Ordinance No. 54 of 1942 and Ordinance No. XII of 1950 might also be added in the historical background relating to India.
- (iv) The main points raised during discussions in the Houses on the Prevention of Disqualification Acts from 1950

onwards might also be included in the Report if in conformity with the decisions of the Committee. Wherever they were contrary to the views of the Committee, proper reasoning may be advanced in the Report for the opposite view.

- (v) General recommendations of the Committee might be mentioned in the beginning of the Report while particular Committees or classes of Committees might be discussed in the later part of the Report.

3. The Committee also discussed and suggested certain drafting changes, modifications and additions in respect of Offices of Legal Advisers, Hony. Magistrates, Revenue Officials and Local Bodies in the Report.

4. The discussion on the question whether pension holders ought to be disqualified from membership of Parliament had not concluded when the Committee adjourned to meet again on the 4th October, 1955 at 9-30 A.M.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 4TH OCTOBER, 1955 IN COM-
MITTEE ROOM NO. 53, PARLIAMENT HOUSE.

The Committee met from 10 A.M. to 1-40 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman*.

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri R. V. Dhulekar
4. Shri S. S. More.

Rajya Sabha

5. Shri M. Govinda Reddy
6. Shri Amolakh Chand
7. Prof. G. Ranga
8. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Under Secretary*.

2. The Committee resumed further consideration of the draft Report which had been partly discussed at their sitting held on the 3rd October, 1955.

3. The question whether the Office of the Deputy Chief Whip in Parliament was an office of profit or not was raised. It was mentioned that the Deputy Chief Whip did not receive any salary but was entitled to certain amenities which might be treated as profit and thereby entail his disqualification. The appointment of the Deputy Chief Whip was also made under an order of the President and was therefore likely to be considered an office under the Government. Exemption from disqualification was granted to the holder of this office by the Prevention of Disqualification (Parliament and Part 'C' States Legislatures) Act, 1954 (Act 1 of 1954).

4. The Committee felt that the Offices of Chief Whip and Deputy Chief Whip in Parliament were essential and exemption from disqualification ought to be recommended in their Report for the holders of these Offices.

5. As regards an assessor to a tribunal or a court of law, the Committee decided that the holding of such an office was incompatible with membership of Parliament and a person who undertakes such duties ought to be disqualified.

6. On the request being made by the Chairman of Sub-Committee 'B', the Committee agreed to addition of the words 'which should disqualify a member of Parliament' after the words 'membership of the Committees cannot be treated as an office of profit' in para 5 of the Report of the Sub-Committee.

7. The Committee desired that the magnitude of their task, the efforts made to collect facts and data from the Ministries and State Governments, should also be suitably described in their Report.

8. The Committee also decided that a reference may be made in the Report about the non-receipt of relevant particulars from the Central and State Governments in spite of repeated requests for the same and also that the Committee had to often revise their decisions on the basis of the material supplied later.

9. The Committee felt that the development of the question of office of profit in India from 1861 onwards might be incorporated in the Report. A comparative study of holders of various kinds of offices in India and U. K. might also find a place in the Report. The political and non-political offices might be treated separately.

10. The Committee decided to constitute a sub-committee consisting of the following members to redraft the Report in the light of their decisions taken at their sittings held on the 3rd and 4th October, 1955:—

1. Pandit Thakur Das Bhargava.
2. Shri S. S. More.
3. Shri Amolakh Chand.
4. Shri Rajendra Pratap Sinha.

The Committee also requested the sub-Committee to start their work immediately.

11. The Committee considered Memoranda Nos. 188 to 196 and came to the following decisions:—

- (i) *Memorandum No. 188—Central Committee of the Tuberculosis Association of India*

Although the functions of this Committee were not advisory, the Committee decided that there should be no disqualification for membership of this Committee since the members of the Committee were elected by Parliament.

(ii) *Memorandum No. 189—Advisory Committee on Irrigation and Power Projects*

Memorandum No. 190—Prohibition Enquiry Committee

Memorandum No. 191—National Development Council

Memorandum No. 192—Research Programme Committee

Memorandum No. 193—Calendar Reform Committee

The functions of these Committees were considered as purely advisory.

(iii) *Memorandum No. 194—The Ayurvedic and Unani Tibbia College Board (Delhi State Government)*

This Board was considered as non-advisory but membership of it was not objectionable in accordance with the earlier decisions of the Committee. However, the chairmanship of the Board should disqualify a member.

(iv) *Memorandum No. 195—Shahdara-Saharanpur Light Railway Advisory Committee (Uttar Pradesh).*

The Committee noted that members of this Committee were entitled to a remuneration of Rs. 32 per meeting attended by them. However, the functions of the Committee were of a purely advisory nature. The Committee decided that there would be no disqualification if the daily allowance was brought down within the ceiling of Rs. 21 prescribed by the Committee.

(v) *Memorandum No. 196—Offices exempted under Prevention of Disqualification Acts of various State Legislatures*

12. The Committee decided that the following offices might be exempted from disqualification:—

- (i) Any office in the N.C.C. or the Territorial Army (Saurashtra and Rajasthan).
- (ii) The offices of members and local leaders in the Home Guards (Saurashtra).
- (iii) The offices of members, the Honorary Assistant Commandant, Naiks and Up-naiks in the Gram Rakshak-Dal (Saurashtra), provided that the holders of such offices do not hold any other office of profit under the Government.
- (iv) Honorary Medical Officer or Honorary Assistant Medical Officer in a hospital under Government management (Bombay)

- (v) Offices in National Cadet Corps or the Territorial Army (Bombay).
- (vi) Chairman or a member of a Committee set up for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an enquiry into, or collecting statistics in respect of, any such matter, provided that the holder of any such office is not in receipt of or entitled to any fee or remuneration other than compensatory allowance (Rajasthan).

The following offices were considered as offices which might disqualify a member of Parliament:—

- (i) The office of a Director of the Saurashtra Financial Corporation (Saurashtra).
- (ii) The office of the Chairman, Stores Purchase Committee (Government of India).

The Committee did not give any decision with regard to the following offices as they were considered too general:—

- (i) The office of the Chairman or member of any Committee or body appointed by the Central or State Government (Bombay), provided that the Chairman or any member of such Committee or body does not receive any remuneration other than the Compensatory Allowance.
- (ii) Chairman or member of a Committee other than any such Committee as is referred to in (ii) above (Rajasthan).
- (iii) Chairman, director, member or officer of a statutory body where the power to make any appointment to any such office or the power to remove any person therefrom is vested in the Government (Rajasthan).

13. The Committee considered certain offices mentioned in Memoranda Nos. 178 and 182 (see below), decisions on which had been postponed in their sittings held on the 13th and 17th August, 1955, respectively.

The following offices were considered as too general and so no decision was taken:—

- (i) Chairman, director or member of any Committee, Board or Council appointed by the Government of India or by the Government of Mysore or by the Government of any other State specified in the First Schedule of the Constitution of India (Mysore).
- (ii) Office which is not remunerated either by salary or by fees payable out of the Consolidated Fund of India or of any State (Travancore-Cochin).

- (iii) Honorary offices for the performance of any special duty (Uttar Pradesh).
- (iv) A person appointed by Central Government on an office which is not a whole-time office remunerated either by salary or by a fee (Hyderabad).

The Committee could not take any decision with regard to the following offices as full details were not supplied by the State Governments:—

- (i) Any person appointed as or performing the functions of a Patel, Mukaddam under any law for the time being in force (Madhya Pradesh).
- (ii) Malik-Patel appointed under the Berar Patels and Patwaris Law, 1900 working in person or through a substitute (Madhya Pradesh).
- (iii) Substitute Patel appointed under the Berar Patels and Patwaris Law, 1900 (Madhya Pradesh).
- (iv) Malik Patwari appointed under the Berar Patels and Patwaris Law, 1900 working in person or through a substitute (Madhya Pradesh).
- (v) Sarpanch of an Irrigation Panchayat as defined in the Rules made under Section 62 of the Central Irrigation Act, 1931 (Madhya Pradesh).
- (vi) Goanbura, Chawkidar whether called by this or any other title (Assam).
- (vii) Village official or Watandar, namely, Patel, Patwari, Deshmukh, Deshpandya or Hissadar in such Watan who is not performing any service connected with the office or Watan himself or who is not customarily entrusted with any such service and who is in receipt of any share of the scale of Rusum or other emolument to which he may be entitled as a hereditary Watandar or Hissadar in the form of hao-maljkana or otherwise (Hyderabad).

In regard to the membership of the Industrial Tribunals constituted by the Mysore State Government under the Industrial Disputes Act, 1947, the Committee came to the conclusion that their membership ought to disqualify in accordance with the earlier decision of the Committee about such Tribunals.

14. The Committee then adjourned to meet again on the 18th October, 1955 at 2 P.M. to consider the revised draft Report to be prepared by the Drafting sub-Committee.

**MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 18TH OCTOBER, 1955 IN COM-
MITTEE ROOM NO. 63, PARLIAMENT HOUSE.**

The Committee met from 2 P.M. to 5-15 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri Vishwambhar Dayal Tripathi
4. Shri R. V. Dhulekar
5. Shri Anirudha Sinha
6. Shri S. S. More

Rajya Sabha

7. Shri M. Govinda Reddy
8. Shri Amolakh Chand
9. Shri Rajendra Pratap Sinha
10. Prof. G. Ranga

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

2. The Committee considered Memoranda Nos. 197 to 202 in respect of the following Committees:—

Memorandum No. 197 —Panel on Housing, Panel of Economists.

Panel on Land Reforms, Panel for Labour.

Memorandum No. 198—Editorial Board and Advisory Committee for 'Prasarika'.

Memorandum No. 199—General Council of the Lalit Kala Akademi.

Memorandum No. 200—Small-scale Industries Advisory Board (Saurashtra).

Memorandum No. 201—Central Advisory Board of Physical Education and Research.

Memorandum No. 202—Basic and Social Education Committee.

3. In accordance with the decision of the Committee about the membership of the General Councils of the Sahitya Akadami and the Sangeet Natak Akadami it was decided that the General Council of the Lalit Kala Akadami was a non-advisory Committee membership of which was non-objectionable. The remaining Committees mentioned in para 2 above were considered as of a purely advisory character.

4. The Committee then took up consideration of their draft Report copies of which had been circulated to the members earlier.

5. The Committee considered and adopted paragraphs 1 to 43 of the draft Report with certain modifications.

6. The Committee, while discussing paragraph 4 of the draft Report dealing with Vice-Chancellors, desired that particulars of Pro-Chancellors and Pro-Vice-Chancellors of Universities might be made available to the Committee.

7. The Committee then adjourned to meet again on the 19th October, 1955 at 10 A.M. in Committee Room No. 63. Parliament House, New Delhi.



MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 19TH OCTOBER, 1955 IN COM-
MITTEE ROOM NO. 63, PARLIAMENT HOUSE

The Committee met from 10 A.M. to 1-30 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri Vishwambhar Dayal Tripathi
4. Shri R. V. Dhulekar
5. Shri Anirudha Sinha
6. Shri S. S. More.

Rajya Sabha

7. Shri M. Govinda Reddy
8. Shri Amolakh Chand
9. Prof. G. Ranga
10. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

2. The Committee considered paragraph 44 of the draft Report which had been partly discussed in their sitting held on the 18th October, 1955.

As regards Chancellors of Universities the Committee noted that the incumbents of this office were in most cases Governors, the Chief Ministers or the Prime Minister and so the question of their holding an office of profit and thereby being disqualified did not arise.

As regards Pro-Chancellors, the Committee noted that the Pro-Chancellor, in the absence of the Chancellor, exercised the functions of the Chancellor. He also did not draw any remuneration. The Committee therefore concluded that the office of the Pro-Chancellor should be exempted from disqualification of a member of Parliament.

As regards Pro-Vice-Chancellors of Universities, full particulars about their functions and powers were not available. The Committee felt that questions which might arise with regard to their disqualification might be dealt with on merits in the light of the principles already enunciated in regard to such offices.

3. The Committee then considered Memorandum No. 204 regarding All India Handloom Board. This Board was placed in the category of non-advisory Committees membership of which was non-objectionable.

4. The Committee then considered and adopted paragraphs 44 to 74 and 76 to 88 of the draft Report with slight modifications. As regards paragraph 75, the Committee requested Shri V. B. Gandhi and Prof. G. Ranga to redraft this paragraph for consideration of the Committee.

5. Shri Rajendra Pratap Sinha brought to the notice of the Committee the formation of a Committee to go into the question of transmission of printed books by the inland post in India, on which two members of Parliament were appointed. This Committee was constituted *vide* the Ministry of Communications (Posts and Telegraphs) Resolution No. R-1-8/54, dated the 17th August, 1955. The Committee studied the terms of reference of this Committee and found that they were of an advisory character. The Committee therefore decided to place this Committee in the category of advisory Committees.

6. At the end of the sitting Prof. G. Ranga thanked the Chairman for ably and patiently conducting the deliberations of the Committee. He thanked Shri S. S. More and the drafting sub-committee as well for having taken great pains in preparing the Report. He also thanked the Secretariat for collecting the voluminous material and other help rendered to the Committee.

7. Shri S. S. More expressed his thanks to the Chairman and the members of the Committee and hoped that the Report of the Committee would be treated as a valuable contribution on the question of office of profit.

8. At the end, the Chairman thanked the members of the Committee for their full co-operation in the arduous task that had been entrusted to them. He was confident that the Report was an outcome of their best efforts. He also thanked the Secretarial officers and staff for their constant assistance but for which the work of the Committee could not have been accomplished.

9. The Committee then adjourned to meet again on the 20th October, 1955 at 10 A.M. in Committee Room No. 63, Parliament House, New Delhi for finalisation of their Report.

MINUTES OF THE SITTING OF THE COMMITTEE ON OFFICES
OF PROFIT HELD ON THE 20TH OCTOBER, 1955 IN COM-
MITTEE ROOM NO. 63, PARLIAMENT HOUSE

The Committee met from 10 A.M. to 12-15 P.M.

PRESENT

Pandit Thakur Das Bhargava—*Chairman*.

MEMBERS

Lok Sabha

2. Shri V. B. Gandhi
3. Shri R. V. Dhulekar
4. Shri Anirudha Sinha
5. Shri S. S. More

Rajya Sabha

6. Shri M. Govinda Reddy.
7. Shri Amolakh Chand
8. Prof. G. Ranga
9. Shri Rajendra Pratap Sinha

SECRETARIAT

Shri A. L. Rai—*Under Secretary*.

The Committee considered and adopted with certain modifications the summary of conclusions/recommendations of the Committee appended to the Report.

The Committee then approved Annexures I to VII as in the draft Report.

3. The Committee authorised the Chairman to present their Report to the Speaker.

4. The Committee then adjourned *sine die*.

APPENDIX I

(*Vide* para 5 of the minutes of the sitting held on the 18th July, 1955)

LOK SABHA SECRETARIAT

COMMITTEE ON OFFICES OF PROFIT

Memoranda to be considered by

SUB-COMMITTEE—A

Memoranda Nos. 5, 8, 10, 11, 12, 16, 17, 20, 22, 24, 25, 30, 31, 42, 43, 47, 48, 51, 53, 61, 65, 67, 70, 73, 74, 83, 84, 89, 91, 93, 95, 99, 106, 107, 113, 116, 119, 120, 125, 126, 127, 131, 135, 136, 139, 140, 142, 145, 147, 148, 151, 156.

TOTAL—52.

Memoranda to be considered by

SUB-COMMITTEE—B

Memoranda Nos. 9, 13, 15, 18, 21, 23, 32, 33, 34, 35, 38, 39, 40, 41, 44, 49, 50, 56, 58, 59, 60, 62, 63, 68, 71, 77, 78, 79, 80, 82, 85, 86, 90, 98, 101, 104, 105, 108, 110, 111, 114, 115, 117, 121, 129, 132, 133, 134, 141, 154.

TOTAL—50.

Memoranda to be considered by

SUB-COMMITTEE—C

Memoranda Nos. 4, 6, 7, 14, 19, 26, 27, 28, 29, 36, 37, 45, 46, 52, 54, 55, 57, 64, 66, 69, 72, 75, 76, 81, 87, 88, 92, 94, 96, 97, 100, 102, 103, 109, 112, 118, 122, 123, 124, 128, 130, 137, 138, 143, 144, 146, 149, 150, 152, 153, 155.

TOTAL—51.

APPENDIX II

(Vide para 11 of the minutes of the sitting held on the 29th July, 1955)

(i) *Advisory Committees*

Serial No.	Memorandum No.	Name of Committee
<hr/>		
1	13	Coal Mines Labour Advisory Committee.
2	15	Mica Mines Labour Welfare Advisory Committee.
3	18	Advisory Committee on Interim Compensation.
4	21	National/Zonal Railway Users' Consultative Council/Committees.
5	23	Central Advisory Committee for the Territorial Army.
6	32	Central Haj Committee.
7	33	Board of Editors, History of Freedom Movement in India.
8	34	Editorial Board for 'Aikal' (Hindi) and 'Bal Bharati'.
9	35	Ordinance Factories Reorganisation Committee.
10	39	Central Advisory Council of Industries.
11	40	Sub-committee of the Central Advisory Council of Industries.
12	44	University Grants Commission.
13	50	Indian Council for Cultural Relations.
14	56	Committee of Educational Experts for consideration of questions relating to the reconstitution of Osmania University.
15	58	Board set up for examining and suggesting amendments to Ancient Monuments Preservation Act, 1904.
16	63	Madras Dock Labour Board.
17	68	Governing Body of the Training Ship 'Dufferin'.
18	78	Public Relations Committee.
19	79	Backward Classes Welfare Committee (Pepsu).
20	80	Committee to look after the interests of Scheduled Castes, Tribes and other Backward Classes (Coorg).

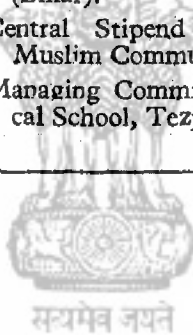
Serial No.	Memorandum No.	Name of Committee
<hr/>		
21	82	Home Guards Selection Committee in the various Districts of the State (Bombay).
22	85	Bihar Central (Standing) Advisory Board.
23	86	Bihar Unemployment Committee.
24	90	State Nira Board, Madhya Pradesh.
25	98	Regional Survey Committee for Madhya Bharat Historical Records.
26	101	Town Allotment Committee, Kangra (Punjab).
27	104	Special Committee for fixation of ceilings on agricultural holdings in Rajasthan.
28	105	Rajasthan Tribes Advisory Council.
29	108	District Labour Welfare Advisory Committee Aligarh (Uttar Pradesh).
30	110	District Committees for appointment of Honorary Magistrates (Uttar Pradesh).
31	114	State Advisory Committee for the National Cadet Corps (Uttar Pradesh).
32	115	Advisory Board for implementing Basic Education Scheme (Delhi State Government).
33	117	Land Reforms Committee (Delhi State Government).
34	121	Advisory Board constituted under the Minimum Wages Act, 1948 (XI of 1948) (Bihar).
35	129	Bombay State Prohibition Board and the Board of Experts.

APPENDIX III

(Vide para II of the minutes of the sitting held on the 29th July, 1955)

(ii) *Non-advisory Committees membership of which is not objectionable*

Serial No.	Memorandum No.	Name of Committee
1	9	Central Board of Trustees of the Employees' Provident Fund.
2	59	The Jallianwala Bagh National Memorial.
3	111	Cottage Industries Khadi and Handicrafts Development Board (Delhi State Government).
4	133	District Stipend Committee, Champaran (Bihar).
5	134	Central Stipend Committee for Backward Muslim Communities' Welfare (Bihar).
6	141	Managing Committee of the Junior Technical School, Tezpur (Assam).



APPENDIX IV

(Vide para 3 of the minutes of the sitting held on the 13th August, 1955)
*Advisory Committees and Non-Advisory but Non-Objectionable
 Committees*

Serial No.	Memorandum No.	Name of Committee
1	158	District Welfare Committees (Orissa).
2	159	Tribes Research Bureau (Orissa).
3	160	Food Advisory Committee at Bolangir District (Orissa).
4	*162	Blood Transfusion Committee of S.C.B. Medical College Hospital, Cuttack (Orissa).
5	*163	Governing Body of the Gopabandhu Ayurveda Vidyapitha, Puri (Orissa).
6	164	Advisory Committee for Government Hospital, Bahalada (Orissa).
7	165	State Advisory Committee for Territorial Army (Andhra).
8	166	Land Reforms Committee (Andhra).
9	167	Andhra State Advisory Committee for Mines and Minerals (Andhra).
10	168	State Labour Advisory Board (Andhra).
11	169	Minimum Wages Advisory Board (Andhra).
12	170	State Harijan Welfare Committee (Andhra).
13	171	State Harijan Sahayak Board and Harijan Sahayak Sub-Committee in the districts of Almora, Allahabad and Bulandshahr (Uttar Pradesh).
14	172	Jail Visitors' Committee (PEPSU).
15	173	Jail Visitors' Committee (Kutch).
16	174	Non-official Visitors to Jails (Madhya Pradesh).
17	*175	National Library Council.
18	176	Railway Equipment Committee to advise on intensive utilisation of indigenous capacity for manufacture of Railway equipment.
19	180	Railway Freight Structure Enquiry Committee.
20	181	Agricultural Prices Variation Enquiring Committee.

*Indicates non-advisory but non-objectionable Committees.

APPENDIX V

(Vide para 5 of the minutes of the sitting held on the 13th August, 1955)

Offices which may be exempted	Offices which may not be exempted	Offices which should by further examined
1	2	3
1. Punjab Legislature		
Lambardar, Notary Public, Oath Commissioners, Non-Commissioned Officer and other members of Indian Territorial force or persons enrolled to National Cadet Corps.	Sub-Registrar, Official Receiver who is not whole time salaried Government Servant. Officers in the Army Reserve of Officers.	A Parliamentary Secretary or a Parliamentary Under Secretary.
2. West Bengal Legislature		
A person enrolled in the National Cadet Corps or Territorial Army of the West Bengal National Volunteer Force and receiving emoluments consequent thereon.	 सत्यमेव जयते	A Parliamentary Secretary or a Parliamentary Under Secretary.
3. Mysore Legislature		
Offices held in the National Cadet Corps and the Territorial Army.		Parliamentary Secretaries. Chairman, Director or member of any Committee, Board or Council appointed by the Government of India or by the Government of Mysore or by the Government of any other State specified in the first Schedule of the Constitution of India. Member of any Industrial Tribunal constituted by the State Government under the Industrial Disputes Act, 1947.

4. Madhya Pradesh Legislature

Deputy Minister or Parliamentary Secretary. Any Office in the National Cadet Corps or the Territorial Army	Advocate General, Government Pleader, Editor, Indian Law Reports, Nagpur.	Any person appointed as or performing the functions of a Patel, Mukaddam under any law for the time being in force.
	Public Prosecutor as defined in the Code of Criminal Procedure, 1898.	Malik-Patel appointed under the Berar Patels and Patwaris Law, 1900 working in person or through a substitute.
	Official Receiver appointed under the Provincial Insolvency Act, 1920.	Substitute-Patel appointed under the Berar Patels and Patwaris Law, 1900.
		Malik Patwari appointed under the Berar Patels and Patwaris Law, 1900 working in person or through a substitute.
		Sarpanch of an Irrigation Panchayat as defined in the Rules made under section 62 of the Central Irrigation Act, 1931.

5. Assam Legislature

Government Pleader or Public Prosecutor.	Parliamentary Secretaries.
Part-time Professor, Lecturer, Inspector or Teacher, in a Government Educational Institution.	Goanbura, Chawkidar whether called by this or any other title.
Medical Practitioner rendering part-time service to Government.	

6. PEPSU Legislative Assembly

Offices held in National Cadet Corps or Terri- torial Army.	Official Receiver who is not a whole time salaried Government Servant.	Deputy Minister or Parliamentary Sec- retaries.
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7. Travancore-Cochin Legislative Assembly

Office in any Educa-
tional Institution
other than a Govern-
ment Institution.

Office in the National
Cadet Corps or the
Territorial Army.

Office which is not
remunerated either
by salary or by fees
payable out of the
Consolidated Fund
of India or of any
such State.



सत्यमेव जयते

APPENDIX VI

(Vide para 2 of the minutes of the sitting held on the 17th August, 1955)

Offices holding of which may disqualify a member	Offices holding of which may not disqualify a member	Offices to be examined further
1	2	3
	<i>1. Bihar Legislature</i>	
	Deputy Minister, Parliamentary Any Office in the Territorial Army or National Cadet Corps.	Secretary.
	<i>2. Bombay Legislature</i>	
Part-time professors or lecturers in a Govern- ment College.	Any office in the National Cadet Corps or the Territorial Army.	Parliamentary Secretary.
Secretaries of the District Rural Development Board if they do not hold any other office of profit under the State Government.		
	<i>3. Madras Legislature</i>	
		Parliamentary Secretary
	<i>4. Orissa Legislature</i>	
Offices for performing any special duty or offices which are not advisory and the holder of which are appointed by Govern- ment.	Offices of members of the Regional Posts and Telegraphs Ad- visory Committee, Local Advisory Com- mittee (Railway), any other Committee, Board, Tribunal or Commission, Office for advising Govern- ment provided that they get only com- pensatory allowance and daily allowance not exceeding Rs. 20 per day.	Parliamentary Secretary

1

2

3

5. *Uttar Pradesh Legislature*

Honorary office for Parliamentary Secretary. Honorary
advising the State Government. offices for the per-
formance of any
special duty.

6. *Hyderabad Assembly*



A person appointed by Central Government on an office which is not a whole time office remunerated either by salary or by fees. Village official or Watanar, namely, Patel, Patwari, Deshmukh, Deshpandya or Hissadar in such Watan who is not performing any service connected with the office or Watan himself or who is not customarily entrusted with any such service and who is in receipt of any share of the scale of Rusum or other emolument to which he may be entitled as a hereditary Watanar or Hissadar in the form of hao-malikana or otherwise.

7. *Madhya Bharat Assembly*

Any of the offices of Deputy Minister.
professor, lecturer,
instructor or teacher in
Government education-
al institutions, Medical
practitioner rendering
service to Govt. and

Parliamentary Secretary.

1

2

3

remunerated either
by salary or fees pro-
vided it is not a whole
time office.

8. *Saurashtra Assembly*

Minister of State, Parliamentary Secretary.
Deputy Ministers.

9. *Andhra Assembly*

Parliamentary Secretary



सत्यमेव जयते

APPENDIX VII

(Vide para 16 of the minutes of the sitting held on the 27th August 1955)

Offices Which May Disqualify

1. Sub-Registrar.
2. Official Receiver who is not a whole time salaried Government Servant.
3. Offices in the Army Reserve of Officers.
4. Advocate General.
5. Government Pleader.
6. Public Prosecutor.
7. Part-time professors, lecturers, instructors, inspectors or teachers in Government educational institutions.
8. Medical practitioner rendering part-time service to Government.
9. Honorary Magistrates.
10. Lambardar (except in the Punjab), Patel, Malik Patel, Substitute-Patel, Malik Patwari, Mukaddam, Munsif, Karnam, Shanbhoj, Sarbardar, Lambardar, Sarpanch of an Irrigation Panchayat, Goanbura, Chawkidar, Deshmukh, Deshpandya or Hissadar.

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2. Oath Commissioners.
3. Non-Official Visitors to Jails.

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