

CONFIDENTIAL

CB-II No.

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

FOURTH REPORT

Presented to Lok Sabha on _____
Laid in Rajya Sabha on _____

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**LOK SABHA SECRETARIAT
NEW DELHI**

January, 2007/Pausa, 1928 (Saka)
Price:

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JOINT COMMITTEE ON OFFICES OF PROFIT
(FOURTEENTH LOK SABHA)

Shri Chandra Bhushan Singh - Chairman

MEMBERS

Lok Sabha

2. Shri Ananth Kumar
3. Shri Ashok Argal
- # 4. Shri Ajit Kumar Singh
5. Shri Mohan Jena
6. Shri S.K. Kharventhan
7. Shri G. Nizamoddin
8. Shri Nikhilananda Sar
9. Shri Bharatsinh M. Solanki
10. Shri Sita Ram Yadav

Rajya Sabha

- 11 Shri Silvius Condpan
- *12. Dr. Abhishek Manu Singhvi
- *13. Shri Arun Jaitley
- *14. Shri Chittabrata Majumdar
- *15. Shri P.G. Narayanan

SECRETARIAT

- | | | |
|----|----------------------|------------------|
| 1. | Shri J.P. Sharma | Joint Secretary |
| 2. | Shri A. Louis Martin | Director |
| 3. | Shri R.K. Bajaj | Deputy Secretary |
| 4. | Shri K. Jena | Under Secretary |

* Elected by Rajya Sabha on 28.7.2006 vice Sarvashri Manoj Bhattacharya, Ram Nath Kovind and K. Rama Mohana Rao who retired w.e.f. 2.4.2006 and Prof. Saif-ud-din-Soz resigned on 29.1.2006 consequent upon his appointment as Union Minister.

Elected to the Committee on 8.8.2006 vice Shri Shivraj Singh Chauhan resigned from Lok Sabha on 10 May, 2006.

INTRODUCTION

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

2. The matters covered in the Report were considered by the Joint Committee on Offices of Profit at their sittings held on 11 July, 2007. The Minutes of the sittings form part of the Report and are at Appendices.

3. The Committee examined the composition, character, functions etc. of two bodies, namely, the Steering Committee on Forestry and Wild Life Management, Rajasthan and the District Level Advisory Committees of Department of Water Resources and the Department of Public Health Engineering of Rajasthan Government with a view to considering whether the holders of the offices of these bodies would incur disqualification under Article 102 of the Constitution of India.

4. The detailed information regarding the composition, character, functions, emoluments and allowances payable to the members of these bodies was furnished by the Government of Rajasthan (Department of Forests) and (Department of Parliamentary Affairs). The Committee wish to express their thanks to the State Government for furnishing the information desired by them.

5. The Committee considered and adopted this Report at their sitting held on **5 January, 2007.**

6. The observations/recommendations of the Committee in respect of the matters considered by them are given in the respective Chapters of this Report. The recommendations of the Committee will, however, remain advisory in nature and as such can not give any protection from disqualification under the law until the recommendations are given statutory effect by the Government by suitably amending the Parliament (Prevention of Disqualification) Act, 1959.

NEW DELHI;

January, 2007
Pausa, 1928 (Saka)

CHANDRA BHUSHAN SINGH,
Chairman,
Joint Committee on Offices of Profit

REPORT

CHAPTER –I

Nomination of Member of Parliament to the Steering Committee on Forestry and Wild Life Management, Rajasthan.

The Government of Rajasthan (Department of Forests) vide their letter No. F. 11(8) Forest/2002 Pt dated 7.1.2006 (Annexure-I) have sought prior approval of Hon'ble Speaker, Lok Sabha for nomination of Shri V.P. Singh, M.P. as Chairman of the Steering Committee on Forestry and Wild Life Management. The main functions of the proposed Committee are to monitor the implementation of the various recommendations for management and conservation of wildlife in the Keoladeo National Park (KNP), Bharatpur, Sariska Tiger Reserve (STR), Alwar and Ranthambhore National Park (RNP), Sawaimadhopur. The Government of Rajasthan have also stated that the Chairman of the Committee would be working on purely honorary basis, and the State Government would extend no financial or any other benefit to him for this purpose.

2. The Government of Rajasthan furnished further information vide their letter Nos.F11(8)Forest/2002/Part dated 1 February (Annexure-II), 8 March (Annexure-III) and 3 April, 2006 (Annexure-IV) which is detailed below:-

- (a) The Committee is proposed to be constituted by an administrative order which has not yet been issued.

- (b) The proposed Steering Committee on Forestry and Wild Life Management shall be in the form of a Standing Committee which is being constituted to monitor the implementation of the suggestions of the Committee on Forestry and Wild Life Management constituted earlier by an order dated 26.2.2005. Selected Wildlife experts would be members of this Committee.
- (c) The Chairman of the said Committee may be appointed/removed as per the wishes of the State Government.
- (d) The subject wise decision of Chief Wild Life Conservator or State Government shall be final.
- (e) The terms of reference of this Committee would be as follows:-
 - (i) To monitor the implementation of the recommendations made by V.P. Singh Committee.
 - (ii) To suggest steps needed to be taken for the resolution of the problems identified in the Report.
- (f) No executive, judicial or administrative powers will be executed by the Chairperson or the members of the Committee. The function of the Chairperson would be to chair the meeting of the Committee. As far as the Committee is concerned, their function would be purely advisory restricted to the terms of reference as indicated above.
- (g) The Committee will be advisory and will not have any executive, judicial or legislative powers. The main objective of the Committee will be to expedite the implementation of the recommendations of Committee on Forestry and Wildlife Management by reviewing the steps being taken. The Committee would advise the Government from time to time regarding the status of implementation. The Committee will not be conferred with the powers of disbursement of funds, allotment of land, etc. Being purely advisory in nature the Committee would not wield influence or power by way of patronage.

(h) TA/DA including stay allowances etc. are proposed to be paid as per rule no.32 of Rajasthan Travelling Allowance Rules, 1971. All such allowance fall within the definition of Compensatory Allowance as defined under Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Official Vehicle shall be provided to visit the Committee Office and sanctuaries/National parks and for attending its sittings.

3. The Committee considered the matter at their sitting held on 11 July, 2006.

4. The Committee in this connection recalled their stand taken in their 3rd Report (10th Lok Sabha) recommending exemption of non-official members from disqualification in respect of the following bodies of Dadra and Nagar Haveli whose main function was to play a significant role in implementation of the programmes:-

- (i) District Nehru Rozgar Yojana Committee for Nehru Rozgar Yojana;
- (ii) Union Territory Level Co-ordination Committee on Jawahar Rozgar Yojana;
- (iii) Union Territory Level Coordination Committee for Integrated Rural Development Programme;
- (iv) Planning Board for the Union Territory of Daman & Diu and Dadra & Nagar Haveli; and
- (v) District Level Road Safety Committee.

5. The Committee note from the information furnished by the State Government of Rajasthan that functions of the

Steering Committee on Forestry and Wild Life Management are to monitor implementation of measures for management and conservation of wildlife in specified sanctuaries/National Parks. The functions of the Committee are stated to be advisory in nature. The Committee further note that the proposed Committee will not be conferred with the powers of disbursement of funds, allotment of land, etc. and also will not wield influence or power by way of patronage. TA/DA including stay allowances etc. are stated to be within the limits of 'compensatory allowance' as defined under Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

6. In this connection, the Committee also note that they had earlier recommended exemption of non-official members from disqualification in respect of certain bodies in Daman and Diu and Dadra and Nagar Haveli whose main function was to play a significant role in implementation of various programmes namely, Nehru Rozgar Yojana, Jawahar Rozgar Yojana, Integrated Rural Development Programme etc.

7. Having considered all aspects of the matter, the Committee recommend that the member of Parliament, if nominated as member/Chairperson of the said Committee, should be exempted from disqualification for being chosen as, or for being, a member of Parliament and the Parliament (Prevention of Disqualification) Act, 1959 be amended accordingly.

CHAPTER-II

Subject: Nomination of Members of Parliament as special invitees to the District Level Advisory Committees of Department of Water Resources and the Department of Public Health Engineering of Rajasthan Government.

The Government of Rajasthan (Department of Parliamentary Affairs) vide their letter No.P.15(3)Parl/2003 dated 9.3.2005 (Annexure-V) requested for permission of Hon'ble Speaker, Lok Sabha to nominate members of Lok Sabha as special invitees to the District Level Advisory Committees of Department of Water Resources and Department of Public Health Engineering for direct interaction among the officials of the two Departments, the public and the peoples representatives.

2. As the information furnished by the Government of Rajasthan was incomplete to examine the matter from the angle of 'office of

profit', they were requested to furnish detailed information. The Government of Rajasthan furnished the desired information vide their letter No.P.15 (3) Parliament/2003 dated 1.2.2006 (Annexure-VI).

3. These Committees proposed to be constituted will include officials, representatives of voluntary organizations and social workers and Members of Parliament of the area would be special invitees. The Committees are proposed to be permanent Committees. These Advisory Committees are to be constituted at the district level so that they can have direct interaction among the officers of the Department of Irrigation (now known as Department of Water Resources) and the Department of Public Health Engineering and Peoples Representatives and for disseminating information regarding the scope of the Departments and their methodologies among the people and people's representatives for smooth running of the irrigation and drinking water systems.

4. It has been stated that the Hon'ble Members of Parliament would act as a forum between the Department and the public as being Public Representatives they are in touch with public so they can inform the policies & progress of the Government to the public and at the same time they will apprise the department about the problems of the peoples, thus there would be better coordination. They will not be paid any remuneration nor will any special facilities be given.

5. To the queries whether the Committees would exercise executive, legislative or judicial powers, whether the Committees confer powers of disbursement of funds, allotment of lands, etc. and whether the Committees would wield influence or power by

way of patronage, the Government of Rajasthan have replied in negative.

6. It has been held by the High Court of Mysore (E.L.R XXXIV, P.1) in the case of Shivamurthiswamy Siddappayaswamy Inamdar v. Agadi Sanganna Andanappa that an office in a body held by a member of a Legislature by virtue of his membership of a Legislature does not make that office to be under Government. There is no appointment by the State Government in such cases.

7. The Joint Committee on Offices of Profit considered the above matter at their sitting held on 11 July, 2006.

8. The Joint Committee note that the proposal of the Rajasthan Government to nominate Members of Parliament as special invitees to the proposed District Level Advisory Committees of Department of Irrigation and Department of Public Health Engineering is on ex-officio basis by virtue of being a Member of Parliament. The Joint Committee also note that no formal appointment by the State Government is involved in the nomination of the Members of Parliament as special invitees to these Advisory Committees. The Joint Committee further note that the function of these Advisory Committees is to disseminate information and the committees do not exercise executive, legislative or judicial powers nor would they wield any influence by way of patronage. It has been stated that the special invitees will not be paid any remuneration nor will any special facilities be given. The Joint Committee feel that participation of Members of Parliament as special invitees in the meetings of the said Advisory Committees could hardly be construed as holding office of profit in the State Government. The Committee,

therefore, recommend that Members of Parliament nominated as Special invitees to the District Level Advisory Committees of the Department of Water Resources and the Department of Public Health Engineering of the Government of Rajasthan should be exempted from disqualification for being chosen as, or for being, Members of Parliament.

NEW DELHI;

**Chairman,
Joint Committee on Offices of Profit**

**January, 2007
Pausa, 1928 (Saka)**

ANNEXURE I

{Vide para 1.1 of Chapter-I}

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF FORESTS

W^F.I I (8) Forest\2002 Pt

Jaipur, Dated: 7.1.2006

To,

The Secretary General,
Lok Sabha Secretariat,
Parliament Annexe, ■
New Delhi.

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1

Sub.: Nomination of Shri V.P. Singh, Hon'ble Member of Parliament as Chairman Steering Committee on Forestry and Wild Life Management to be constituted by State Government,

In reference to above subject the Government of Rajasthan would like to nominate Shri V.P. Singh, Hon'ble Member of Parliament (Lok Sabha) from Bhilwara, Rajasthan as Chairman Steering Committee on Forestry and Wild Life Management to be constituted by State Government to look into the implementation of the recommendations for management and conservation of wildlife in the Keoladeo National -Park (KNP), Bharatpur, Sariska Tiger Reserve (STR), Alwar and Ranthambhore National Park (RNP), Sawaimadhopur.

As Chairman of the Committee, Shri V.P. Singh, MP would be working in a purely honorary capacity, and the State Government would extend no financial or any other benefit to him for this purpose, You are requested

kindly to indicate prior approval of the Hon'ble Speaker, Lok Sabha, which is required to be obtained by the State Government for the appointment of Shri V.P. Singh MP as Chairman of this Committee and, if so, the required approval may kindly be communicated.

Yours laithfully,

(Sudarsan Sethi)
Secretary to Government.

ANNEXUREJI

(Vide para 1.2of Chapter-I)

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF FORESTS

No. P 11 (8) Forest\2002 Part T0,

Jaipur, Dated: 1.2.2006

The Secretary Lok Sabha Secretariat, Parliament House, New Delhi-II0001

Sub.: Nomination of Member of Parliament in the Steering Committee on Forestry and Wild Life Management, Rajasthan.

Ref: Your office Letter No. 21/2/3(1) 2006 C-2 dated 25.1.2006.

Sin .

In continuation of the letter referred to above the point-wise information is as under:—

- Point No. 1 The Committee is proposed to be constituted by on administrative order and not under any act or rule. The above Steering Committee would be different from the Committee on Forestry and Wild Life management, constituted earlier by an order dated 26.2.2005.
- Point No. 2 The proposed Committee on Forestry and Wild Life Management, Shall be constituted in the form of a *Standing Committee*.
- PointNo. 3-A The said Committee is being constituted to *monitor* the implementation of the suggestions of the Committee on Forestry and Wild Life Management, constituted earlier by an order dated 26.2.2005.
- Point No. 3-B The Member of Parliament may be appointed/removed from the post of Chairman of the Said Committee *as per the wishes* of the State Government.
- Point No. 3-C The Committee shall submit its report to the State Government.
- PointNo. 3-D The said Committee is an office of no profit and no monetary benefit shall be provided to Chairman and the Member of the Committee, they shall only be entitled for Travelling and Daily Allowances as per rules.

PointNo. 3-E The Official Vehicle shall be provided to visit the committee office and Sanctuaries/National Parks and for attending its sittings.

Point No. 3-F Meirt jr of Parliament, Chairing the Committee, shall perform all the duties of Chairman of a Committee.

PointNo. 3-G(i) As per the comments at Point No. 3-A. PointNo. 3G(ii)
As per the comments at Point No. 3-C.

PointNo. 3-G(iii) The subject wise decision of Chief Wild Life Conservator or State Government shall be final.

' PointNo. 3-H No Comments.

Point No. 4 Not applicable.

Sd/-Secretary
(Forest)

ANNEXUREIU
{Vide para 1.2 of Chapter-I)
GOVERNMENT OF RAJASTHAN
DEPARTMENT OF FORESTS

No.F.II(8)Forest\2002

Jaipur, Dated: 8.3.2006

ShriJ.V.GReddy,
Under Secretary, Lok Sabha Secretariat,
107-A, Parliament House,
New Delhi.

Sub.: Joint Committee on offices of Profit—Nomination of a Member of Parliament to the Steering Committee on Forestry and Wildlife Management, Rajasthan.

Ref.: Your letter No. 21/2/8(1) 2006/CII dated 1.3.2006. Sir,

In reference to above subject and letter as desired the point-wise reply is furnished as below:—

1. TA/DA including stay allowances etc. are proposed to be paid as per rule no. 32 of Rajasthan Travelling Allowance Rule, 1971. A copy of the same is enclosed herewith. Rule 32 (Appendix is specified only for Members of Parliament, which is self explanatory. All such allowance fall within the definition of compensatory allowance as defined under section 2(a) of Parliament (Prevention of Disqualification) Act, 1959.
2. The main objective of the Committee is to expedite the implementation of the recommendation of Committee on Forestry and Wildlife Management by reviewing the steps being taken. Selected wildlife experts would be members of this Committee. The Committee would also advise the Government from time to time regarding the status of implementation.
3. Copy enclosed herewith of rule 31 and 32 of Rajasthan Travelling Allowance Rules. 1971.

Yours faithfully,

Sd/-
(Sudarsan Sethi)
Secretary to Government.

Copy to following for information and necessary action;— 1. PCCF and Chief Wildlife Warden in reference to his letter No. 1706 dated 2.03.06.

Special Secretary to Government.

APPENDIX

Extracts from Rajasthan Travelling Allowance Rules, 1971

◆ * * * * *

32. **The** Travelling Allowance of Member of Parliament who is appointed to serve on Committee /Commission/Board etc. Convened by the Government shall be regulated as follows:—

(A) Travelling Allowance:

(f) **Journey by Rail.**—Members of Parliament will utilize the free 1st class railway pass issued to them as Member of Parliament in respect of all rail journeys undertaken by them on business of Committees and Commissions. They will not travel by air conditioned accommodation at Government expenses. If a Member of Parliament travels by air-conditioned coach, he will pay the difference between the fares for the air-conditioned and 1st class accommodation from his own pocket. They will be paid incidental charges @ 8 paise per Kilo Metre for each single journey performed by rail provided that the amount of incidental charges shall be limited to one Halting Allowance for every period of 24 hours or fraction thereof spent on actual travel.

(ii) **Journey by Road.**—In respect of journeys performed by road between places not connected by rail, a Member of Parliament will be entitled to road mileage @ 32 paise per Kilo Metre.

In a case where journey between two places connected by rail is performed by road, inspite of rail being the ordinary mode of travelling, the road mileage will be regulated as follows:—

(a) When a journey is performed by taking a single seat in public conveyance, the lower rate of road mileage viz. 16 paise per Kilo Metre but total limited to rail mileage admissible will apply.

(b) When the Journey is performed otherwise road mileage @ 32 paise per Kilo Metre but total limited to rail mileage admissible will apply.

However, if in an individual case the Administrative Department is satisfied that the journey by road was performed in the public interest and the public interest served is recorded in the bill, he may be allowed the full road mileage, without imposing the limit of rail mileage.

(iii) **Journey by Air.**—Air travel should not be permitted as a matter of course, Each case will be examined on merits by the Finance Department and permission for air travel will be granted only if it can be certified that air travel was urgent and necessary in public interest and the public interest served is recorded in the bill. In case where air travel is authorized a Member of Parliament will be entitled to the standard air fare plus V₅ thereof subject to 2 maximum of Rs. 20/- for each single journey.

(B) Halting Allowance:

- (i) For each day of the meeting attended by him, daily allowance shall be admissible at the rate at which it is admissible to him as a Member of Parliament under Salaries and Allowance of Members of Parliament Act, 1954 as amended from time to time.
- (ii) (a) In addition to the halting allowance for the day(s) of the meeting a Member of Parliament shall also be entitled to full halting allowance for the day preceding and/or the day following the meeting if:—
 - (i) he arrives in the forenoon of the day preceding the day of the meeting or an earlier day and/or
 - (ii) he departs at 12 Noon or in the afternoon of the day following the day of the meeting or on a latter day.
- (b) he will be entitled to only $\frac{1}{2}$ Halting Allowance for the preceding and/or for the day following the meeting if,
 - (i) he arrives at 12 Noon or in the afternoon of the day preceding the day of the meeting and/or.
 - (ii) he departs in the forenoon of the day following the day of the meeting, (iii)

²[xxx] **(C) Conveyance Allowance:**

a. In case the meeting of a Committee/Commission is held at the place where the Member of Parliament resides he **will not be** entitled to Travelling Allowance and Halting Allowance on the scales indicated in Clause (A) and (B) above but will be allowed only the actual cost of conveyance hire subject to a maximum of ¹[Rs. 25/-] per day. Before the claim is actually paid the controlling officer should verify the claims and satisfy himself after obtaining such details as may be considered necessary that the actual expenditure was not less than the amount claimed. In cases he is not satisfied with the details he may at his discretion limit the conveyance allowance to road mileage.

ANNEXURE IV
(Wrfepara 1.2 of Chapter-I)
GOVERNMENT OF RAJASTHAN
DEPARTMENT OF FORESTS

Jaipur, Dated: 3.4.2006

No.F.II(8)Forest\2002

To

Joint Secretary, Lok Sabha Secretariat, Parliament House New Delhi.

Sub.:— Joint Committee on Offices of Profit;—Nomination of a Member of Parliament to the Steering Committee on Forestry and Wildlife Management, Rajasthan.

Ref.:— Your office letter No. 21/2/8(1)2006/C II dated 27.3.2006 and this office letters of even number dated 1.2.2006, 21.2.2006 & 8.3.2006.

Sir,

In reference to above subject and letters refer our telephonic discussions, as desired the point-wise reply is furnished as below:—

1. The administrative order for the constitution of the Steering Committee has not yet been issued. The same will be issued after receiving your concurrence. The Standing Committee is proposed to be constituted as the Steering Committee on Forestry and Wildlife Management for STR, RNE and KNP with the following members:—

- | | |
|---|----------|
| 1. Shri V. P. Singh, M. P. Bhilwara | Chairman |
| 2. Shri Valmik Thaper, | Member |
| 3. Shri. Rajpal Singh Tanwar, | Member |
| 4. Ms. Belinda Wright | Member |
| 5. Dr. V. B. Mathur, Faculty, WLI, Dehradun | Member |
| 6. Principle Secretary, Forests | Member |
| 7. Principle Secretary, Finance (or his representative,
not below the rank of Secretary) | Member |
| 8. Secretary, Tourism | Member |
| 9. Director General, Police (or his representative,
not below the rank of IG, Police) | Member |

10. Principle Chief Conservator of Forests, Rajasthan Member
 11. PCCF & Chief Wildlife Warden, Rajasthan Member Secretary

- (1) The terms of reference of his Committee would be as follows:—
 (i) To monitor the implementation of the recommendations made by V. P. Singh Committee.
 (ii) To suggest steps needed to be taken for the resolution of the problems identified in the Report.
- (2) The Committee may co-opt any other expert/official/NGO to facilitate the implementation.
- (3) All expenditure incurred in connection with the meetings of the Committee, and travelling and accommodation of the Members and non-official invitees would be payable from the budget made available to the Forest Department, subject to Government rules prevalent in this regard.

This will be a Standing Committee and the Forest Department would be the administrative department for the Committee.

2. No executive, judicial or administrative powers will be executed by the Chairperson or the members of the committee. The function of the Chairperson would be to chair the meeting of the committee. As far as the Committee is concerned, their function would be purely advisory restricted to the terms of reference as indicated above.
3. The Committee will be advisory and will not have any executive, judicial or legislative powers. The main objective of the Committee will be to expedite the implementation of the recommendation of Committee on Forestry and Wildlife Management by reviewing the steps being taken. The Committee would advise the Government from time to time regarding the status of implementation. The Committee will not be conferred with the powers of disbursement of funds, allotment of land, etc. Being purely advisory in nature the committee would not wield influence or power by way of patronage.
4. TA/DA including stay allowances etc. are proposed to be paid as per rule No732 of Rajasthan Travelling Allowance Rule, 1971. Copy of rule already sent *vide* this office letter of even number dated 8.3.2006. Rule 32 is specified only for Members of Parliament. All such allowance fall within the definition of compensatory allowance as defined under section 2(a) of Parliament (Prevention of Disqualification) Act, 1959.
5. The Committee will have no administrative powers to execute transfers of staff.
6. Copy of the report of Shri V. P. Singh Committee is enclosed herewith.

Your faithfully

Sd/-
 (Rukmani Haldea)
 Principal Secretary to
 Government

Copy to the following for information and necessary action:— 1. PCCF and Chief Wildlife Warden, Rajasthan, Jaipur.

Special Secretary to Government.

ANNEXURE V
(Vide para 2.1 of Chapter-II)
GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PARLIAMENTARY AFFAIRS

To,
■
,- The Secretary-General,
Lok Sabha Secretariat, New Delhi.

No.: P.I 5(3) Parl./2003

Jaipur, Dated: 9.3.05

Sub.: Advisory Committees of Department of Irrigation and Department of Public Health Engineering for direct interaction among the officials of the two Departments, the Public and the Peoples Representatives, and to disseminate information among the Peoples Representatives and the people regarding the scope of the Departments and their methodologies.

Sir,

With reference to the subject mentioned above I am directed to state that there is a proposal to nominate Hon'ble Members of Parliament as special invitee members to the above-mentioned Departmental Advisory Committee.

The photocopy of the requisite information regarding the Committee received from the Secretary, Irrigation Department *vide* U.O. note No. P 27(1) Irrigation/2001 (L) dated 4.3.2005 is enclosed.

Kindly communicate the consent of the Hon'ble Speaker, Lok Sabha regarding the nomination of the Hon'ble Members of Parliament as special invitees to the above mentioned Committees, to this Department at the earliest.

End: As above

Yours faithfully,
Sd/-Special Officer

Copy forwarded for information and necessary action to the following:

(1) The Deputy-Secretary, Ministry of Parliamentary Affairs, Parliament House, New Delhi, with a photocopy of the U.O. note No. P. 27(1) Irrigation/ol(L), dated 4.3.2005 from Secretary Department of Irrigation with the request to convey the consent of the Hon'ble Speaker, Lok Sabha regarding the nomination of the Hon'ble Members of Parliament to the above-mentioned Committees to this Department of the earliest.

(2) The Secretary, Department of Irrigation in continuation of his letter referred to above.

Special Officer

GOVERNMENT OF RAJASTHAN DEPARTMENT OF IRRIGATION

Sub.: Advisory Committees of Department of Irrigation and Department of Public Health Engineering for direct interaction among the Officials of the two Departments, the Public and the Peoples Representatives, and to disseminate information among the Peoples Representatives and the people regarding the scope of the Departments and their methodologies.

The Hon'ble Minister of Irrigation has directed for the constitution of District Level Advisory Committees of Department of Irrigation and the Department of Public Health Engineering for direct interaction among the Officials of the two Departments, the Public and the Peoples Representatives and for disseminating information among the Peoples Representatives and the people regarding the scope and the methodologies of the Departments to help run the irrigation and the drinking water system smoothly. The permission of the Hon'ble Chief Minister has since been obtained in this regard.

These committees are proposed to be constituted at the District Level and Assistant Engineer Level, and Peoples Representatives, Officials; the representatives of voluntary organisations and social workers are proposed to be included in these Committees. Hon'ble Members of Parliament of the concerned regions would be special invitees to these Committees.

According to the Circular of the Administrative Reforms Department, dated 2:12.1995, the approval of the Hon'ble Speaker, Lok Sabha is necessary for including the Members of Parliament in the said Committees. Therefore, the requisite information as required under the circular dated 10.5.2000 issued by the Department of Parliamentary Affairs are being sent herewith and it is requested that the permission of the Hon'ble Speaker, Lok Sabha may Kindly be communicated to nominate the Members of Parliament to the said Committees as special invitees.

Sd/

(S.N. Thanvi) Secretary,
Irrigation

Encl: As above

The Secretary to the Government Department of Parliamentary Affairs

U.O. Note No. P.27(l) Irrigation/2001(L) Jaipur, dated: 4.3.2005

APPENDIX-I

XI

**EXTRACTS OF THE MINUTES OF THE ELEVENTH
SITTING OF
THE JOINT COMMITTEE ON OFFICES OF PROFIT
(FOURTEENTH LOK SABHA)**

The Committee sat on Tuesday, 11 July, 2006 from 1500 hrs. to 1530 hrs in Committee Room No. '53', Parliament House, New Delhi.

PRESENT

Shri Chandra Bhushan Singh - **Chairman**

MEMBERS(LOK SABHA)

2. Shri Ashok Argal
3. Shri Mohan Jena
4. Shri S.K. Kharventhan
5. Shri Nikhilananda Sar

MEMBERS (RAJYA SABHA)

6. Shri Silvius Condpan

SECRETARIAT

Shri R.K. Bajaj - **Deputy Secretary**

Shri K. Jena - **Under Secretary**

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee.

3. Thereafter, the Committee took up for consideration Memorandum No. 9 regarding nomination of a member of Parliament to the Steering Committee on Forestry and Wild Life Management, Government of Rajasthan. The Committee noted that the power of appointment and removal of members rests with the Government. The Committee further noted that TA/DA including stay allowances, etc. were proposed to be paid as per rule 32 of Rajasthan Travelling Allowance Rules, 1971 which falls within the limits of 'compensatory allowance' defined under Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee also noted that the functions of the Committee were advisory in nature and the objective was to expedite the implementation of the recommendations of Committee on Forestry and Wildlife Management by reviewing the steps being taken. The Committee further noted that the proposed Committee would not be conferred with the powers of disbursement of funds, allotment of land, etc. and also would not wield influence or power by way of patronage. The Committee, therefore, felt that the Member of Parliament, if nominated as Chairperson of the said Committee, would not entail disqualification for being chosen as or for being a Member of Parliament.

4. Thereafter, the Committee took up for consideration Memorandum No.10 regarding nomination of members of Parliament as special invitees to the Advisory Committees for direct interaction of the officials of Department of Water Resources and Department of Public Health Engineering with public. The Committee noted that the Government exercise

control over the appointment to and removal of members from these Committees.

The Committee further noted that members of Parliament would not be given any remuneration or any other special facilities while working as special invitees on these advisory Committees. Further these Committees do not exercise executive, legislative or judicial powers. Neither they confer powers of disbursement of funds, allotment of lands etc. nor would they wield influence by way of patronage. The Committee felt that the functions of the Committees were purely advisory in nature. The Committee, therefore, decided to recommend that the nomination of members of Parliament to the Advisory Committees for direct interaction of the officials of Department of Water Resources and Department of Public Health Engineering with public should not come within the purview of 'office of profit' and hence they should be exempted from disqualification for being chosen as, or for being, members of Parliament.

The Committee then adjourned.

CONFIDENTIAL

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

The Committee sat on Friday, 5 January, 2007, from 1500 hrs. to 1545 hrs in Committee Room No. 'B', Parliament House Annexe, New Delhi to consider the draft fourth report.

PRESENT

Shri Chandra Bhushan Singh - Chairman

MEMBERS(LOK SABHA)

2. Shri Ananth Kumar
3. Shri Ashok Argal
4. Shri Ajit Kumar Singh
5. Shri Nikhilananda Sar

MEMBERS(RAJYA SABHA)

6. Shri Silvius Condpan
7. Dr. Abhishek Manu Singhvi

SECRETARIAT

Shri A. Louis Martin - **Director**
Shri R.K. Bajaj - **Deputy Secretary**
Shri K. Jena - **Under Secretary**

2. At the outset, the Chairman wished the Members a happy and prosperous New Year.

3. The Committee then took up the draft Fourth Report for consideration and adopted the same after discussing the issues contained in the draft report.

4. Thereafter, a Member (Shri Ananth Kumar) raised a matter regarding the queries made by Hon'ble President on the Parliament (Prevention of Disqualification) Amendment Bill, 2006 and recalled that soon after reconstitution of the Joint Committee on Offices of Profit in the current Lok Sabha, the Committee had taken up the question of definition of 'Office of Profit' and had taken oral evidence of the representatives of the Ministry of Law & Justice in this regard. He mentioned that it would have been appropriate, had the queries made by Hon'ble President in this regard been referred to the existing Joint Committee on Offices of Profit instead of to a separate Joint Parliamentary Committee.

Another Member (Dr. Abhishek Manu Singhvi) mentioned in this connection that a separate JPC was constituted following assurance given by the Ministry of Law & Justice in the Houses during the debate on reconsideration of the Parliament (Prevention of Disqualification) Amendment Bill, 2006 and with a view to looking into all aspects of the issue such as comprehensive definition of 'Office of Profit', evolving comprehensive criteria which can be applied to all States and other related matters. There are two Members (Shri Arun Jaitley and Dr. Abhishek Manu Singhvi) who are Members of both the Committees.

This was followed by a discussion on the functions and scope of the JCOP, when the Chairman read out the functions of JCOP as follows:-

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

5. After some discussion, the Committee felt that there should be a mechanism whereby the Joint Committee to examine the constitutional and legal position relating to Office of Profit can take into consideration the views of the existing Joint Committee on Offices of Profit regarding definition of ‘Office of Profit’.

The Committee then adjourned.

