

# JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

## SECOND REPORT

*Presented to Lok Sabha on 1 December, 2000\**  
*Laid in Rajya Sabha on 1 December, 2000*



LOK SABHA SECRETARIAT  
NEW DELHI

*December 2000/Agrahayana, 1922, (Saka)*

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

**COMPOSITION OF THE COMMITTEE**

Shri Virendra Kumar — *Chairman*

**MEMBERS**  
*Lok Sabha*

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

*Rajya Sabha*

- \*11. Shri Sangh Priya Gautam
- \*12. Shri Sanjay Nirupam
- @13. Shri Nilotpall Basu
14. Dr. M.N. Das
15. Shri Banarsi Das Gupta

**SECRETARIAT**

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

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\* Elected by Rajya Sabha on the 17 May, 2000 vice Sarvashri Onkar Singh Lakhawat and Sanjay Nirupam retired.

@ Elected by Rajya Sabha on the 25 August, 2000 vice Shri E. Balanandan retired.

# REPORT OF THE JOINT COMMITTEE

## INTRODUCTION

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

2. The matters covered by the Report were considered by the Joint Committee on Offices of Profit at their sittings held on 1 & 17 February, 3 April, 13 September and 5 October 2000. The Minutes of the sittings form part of the Report and are at Appendix IV.

3. The Committee examined the composition, character, functions, etc. of 8 Committees/Boards constituted by the State Governments and the emoluments and allowances payable to their members and non-official Directors, Chairman etc. with a view to considering whether holders of offices of these bodies would incur disqualification under Article 102 of the Constitution of India.

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

5. The Committee considered and adopted the Report at their sitting held on 29 November, 2000.

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

NEW DELHI;  
*December, 2000*

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*Agrahayana, 1922 (Saka)*

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

## NOMINATION OF MEMBERS OF PARLIAMENT TO STATE BODIES

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(1) *District Level Committees of the State in regard to Golden Jubilee Celebrations on the formation of Rajasthan State Proposal to nominate Members of Parliament as Members thereof.*

1.1 The Committee note from the information furnished by the Government of Rajasthan that non-official members of the District Level Committees of the State in regard to Golden Jubilee Celebrations on the formation of Rajasthan State are not paid any remuneration.

1.2 The Committee also note that the functions of the Committee are to coordinate all the activities to be performed for the celebrations of the 50th Anniversary of formation of the State of Rajasthan. The Committee also note that the functions of the Committee are advisory in nature.

1.3 Keeping in view the above, the Committee recommend that the non-official members of the District Level Committee of the State in regard to Golden Jubilee Celebrations on the formation of Rajasthan State may be exempted from disqualification for being chosen as, or for being, Members of Parliament.

(2) *Query from Shri Dahyabhai V. Patel, M.P. regarding holding the office of the President-cum-Chief Councillor of the District Panchayat of Union Territory of Daman and Diu.*

1.4 The Committee note from the information furnished by the Administration of Union Territory of Daman & Diu that non-official members (including Members of Parliament) of the District Panchayat Daman and Diu are paid travelling and daily allowances at such rates as may be prescribed for journeys performed by them in relation to any business of the Panchayat.

1.5 The Committee also note that the powers and functions of the District Panchayat are to exercise administrative supervision and control over the acts and proceedings of all the officers and officials of the District Panchayat, scrutiny and approval of the tenders for the execution of public works, giving financial sanction, promotion and development of primary education, to promote social and moral welfare of the weaker sections of the society and to assist the Government in implementing and monitoring schemes of the Government. The Committee observe that the functions of the Committee are both executive and financial in nature.

1.6 Keeping in view the above, the Committee recommend that the non-official members including Members of Parliament of District Panchayat may not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

(3) *Nomination of Members of Parliament from Delhi on the Planning Board for National Capital Territory of Delhi.*

1.7 The Committee note from the information furnished by the Government of National Capital Territory of Delhi that the Planning Board is paid only Rs. 250/- to Members of Parliament, MLA and other Non-official Members towards TADA and incidental charges for attending the meeting of the Board. The payment of TADA and incidental charges does not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.8 The Committee also note that the main function of the Board is to advise the Government on matters relating to economic and planned development of State/Union Territory etc. As such, it is an advisory body.

1.9 Keeping in view the above, the Committee recommend that the non-official members of the Planning Board may be exempted from disqualification for being chosen as, or for being, Members of Parliament subject to the condition that the amount of TADA and incidental charges provided to the non-official members of the Planning Board does not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

(4) *District Manpower Planning and Employment Generation Council, Tamil Nadu—Proposal to nominate one Sitting Member of Parliament as a member thereof.*

1.10 The Committee note from the information furnished by the State Government of Tamil Nadu that non-official members of District Manpower Planning and Employment Generation Council are eligible to draw Travelling Allowance, Daily Allowance and Incidental charges. The amount of TADA and Incidental charges does not exceed the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.11 The Committee also note that the main function of the Council is to make a thorough study of various possibilities for self employment and thus acts as an instrument to channelise the unemployed in the districts into various self-employment pursuits which are viable and could be based on locally available resources. The Committee observe that the functions of the Council are advisory in nature.

1.12 Keeping in view the above, the Committee recommend that the non-official members (including Members of Parliament, if nominated) of the Council may be exempted from disqualification for being chosen as, or for being, a Member of Parliament subject to the condition that the amount of TADA and incidental charges provided to the non-official

members of the District Manpower Planning and Employment Generation Council, Tamil Nadu does not exceed the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

(5) *Appointment of Shri B.J. Panda, Member, Rajya Sabha as a part time Director of Industrial Promotion and Investment Corporation of Orissa Limited.*

1.13 The Committee note from the information furnished by the State Government of Orissa that the non-official Directors of the Industrial Promotion and Investment Corporation of Orissa are entitled to a sitting fee of Rs. 200/- for attending each meeting of the Corporation. The payment of Sitting fee is not included in the definition of 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.14 The Committee also note that the non-official Directors of the Corporation are to take decision on the policy matters and have power to sanction loan equity to the assisted units on the matters as are placed before the Board from time to time. The Committee observed that the non-official Directors of the Corporation exercise both executive and financial powers.

1.15 Keeping in view the above, the Committee recommend that the non-official members of Industrial Promotion and Investment Corporation of Orissa Limited may not be exempted from the disqualification for being chosen as, or for being, Members of Parliament.

(6) *Sub-Committee for sorting out various matters regarding mining works in Tribal Sub Scheme Areas of Rajasthan State—Proposal to nominate Shri Bheru Lal Meena, Member, Lok Sabha as a member thereof.*

1.16 The Committee note from the information furnished by the State Government of Rajasthan that the non-official members of the Sub-Committee for sorting out various matters regarding mining works in Tribal Sub Scheme Areas of Rajasthan State are paid TADA in accordance with the rules of the Lok Sabha Secretariat. The payment of TADA is covered by the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

1.17 The Committee also note that the functions of the Committee are to find the manner in which tribal land has been allocated to non-tribals; the names of persons who have encroached the tribal land for mining activities alongwith the locations thereof; the reasons for not giving lease mining to the tribals in spite of 20% reservation in mining lease to them and who has given possession of this land at present; whether the lease provided to tribals has been cancelled due to valid reasons and who have been given these cancelled lease; to give proper advice to resolve these problems after finding out the foregoing points; and to suggest how tribals

can undertake mining activities smoothly. The Committee observe that the functions of the Sub-Committee are advisory in nature.

1.18 keeping in view the above, the Committee recommend that the non-official members of Sub-Committee for sorting out various matters regarding mining works in Tribal Sub Scheme Areas of Rajasthan State may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.



## II

### (1) INCURRING OF DISQUALIFICATION BY NON-OFFICIAL MEMBERS OF STATE BODIES

#### *Goa School Education Advisory Board*

2.1 The Committee note from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) of the Goa School Education Advisory Board shall be entitled to travelling or daily allowance as are admissible to non-official members of the Committees, Boards or the like in accordance with the orders issued by the Central Government from time to time and shall not be entitled to any other remuneration. These payments are covered by 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.2 The Committee also note that the main function of the Board is to advise the Government on matters of policy relating to Education in the State of Goa. Thus the function of the Board is advisory in nature.

2.3 Keeping in view the above, the Committee recommend that the non-official members of Goa School Education Advisory Board may be exempted from disqualification for being chosen as, or for being, Members of Parliament.

#### (2) *Board of Directors of Goa State SCs and OBCs Finance and Development Corporation Limited*

The Committee note from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) of the Board of Directors of the Goa State SCs and OBCs Finance and Development Corporation Ltd., are paid Rs. 100/- as sitting allowance plus actual TA. The payment of sitting allowance is not covered by the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also note that the main function performed by the Board of Directors of the Corporation is to implement the various schemes of income generation for the Scheduled Castes/Other Backward Classes beneficiaries by way of grant of financial assistance, scrutiny and sanction of financial assistance. The Committee observe that the Board exercises both executive and financial powers.

Keeping in view the above, the Committee recommend that non-official members (including Members of Parliament, if nominated) of the Board of Directors of Goa State SCs and OBCs Finance and Development Corporation may not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

NEW DELHI;  
*December, 2000*

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*Agrahayana, 1922 (Saka)*

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

## APPENDIX

(Vide para 2 of the Report)

### I

#### *Minutes of the First Sitting of the Joint Committee on Offices of Profit (Thirteenth Lok Sabha)*

The Committee sat on Tuesday, 1 February, 2000 from 1500 to 1600 hrs. in Committee Room No. 'C', Ground Floor, Parliament House Annexe, New Delhi.

#### PRESENT

Shri Virendra Kumar — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri G. Putta Swamy Gowda
3. Shri Moinul Hassan
4. Shri K. Sangtam
5. Kunwar Saravaraj Singh
6. Shri Braja Kishore Tripathy

##### *Rajya Sabha*

7. Shri Onkar Singh Lakhawat
8. Shri E. Balanandan
9. Shri Banarsi Das Gupta

#### SECRETARIAT

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

2. At the outset, the Chairman welcomed the members of the Committee and explained to them broadly the origin, scope and functions of the Committee (Annexure).

(i) *State Coordination Committee, Goa (Memorandum No. 1)*

(ii) *State Executive Committee, Goa (Memorandum No. 2)*

3. The Committee took up for consideration Memoranda No. 1 and 2 i.e. regarding the State Coordination Committee, Goa and State Executive Committee, Goa and noted from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) of the State Coordination Committee will be paid sitting allowance at the rate of Rs. 500/- per sitting which is not

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

4. The Committee also noted that the main functions of these Committees is to coordinate all the Government policies for the disabled in the State. As such, the functions of these Committees is advisory in nature.

5. The Committee discussed at length the "Sitting Allowance" payable to the non-official members and desired that the State Government might be requested to clarify whether the "Sitting Allowance" in the instant case meant only Daily Allowance. The "Sitting Allowance" had not been included in the definition of the term 'Compensatory Allowance' in the Parliament (Prevention of Disqualification) Act, 1959 which defined "Compensatory Allowance" as any sum of money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance of which a Member of Parliament is entitled under Salaries, Allowances and Pension of Members of Parliament Act, 1954), any conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that Office. A Member of Parliament is entitled to a daily allowance of Rs. 400/-. The amount of sitting allowance i.e. Rs. 500/- payable to the non-official members exceeds the amount of daily allowance payable to the sitting Members of Parliament. The Committee decided to seek the clarifications in writing from the State Government of Goa regarding the term 'Sitting Allowance' and drawing the attention of the State Government towards Daily Allowance admissible to Members of Parliament under the Salaries, Allowances and Pension of Members of Parliament Act, 1954.

*District Level Committees of the State in regard to Golden Jubilee Celebrations on the formation of Rajasthan State. (Memorandum No. 3)*

6. The Committee then considered Memorandum No. 3 and noted from the information furnished by the Government of Rajasthan that non-official members of the District Level Committees of the State in regard to Golden Jubilee Celebrations on the formation of Rajasthan State are not paid any remuneration.

7. The Committee also noted that the functions of the Committee are to coordinate all the activities to be performed for the celebrations of the 50th Anniversary of formation of the State of Rajasthan. The Committee also noted that the functions of the Committee are advisory in nature. The Committee recommended that the non-official members of the Committee should be exempted from disqualification for being chosen as, or for being Members of Parliament.

*The Committee then adjourned to meet again on Thursday the 17 February, 2000 at 11.00 hrs.*

## II

### *Minutes of the Second Sitting of the Joint Committee on Offices of Profit (Thirteenth Lok Sabha)*

The Committee sat on Thursday, 17 February, 2000 from 1100 to 1200 hrs. in Committee Room No. 'B', Ground Floor, Parliament House Annexe, New Delhi.

#### PRESENT

Shri Virendra Kumar — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri G. Putta Swamy Gowda
3. Shri Moinul Hassan
4. Shri K. Sangtam
5. Kunwar Sarvaraj Singh

##### *Rajya Sabha*

6. Shri E. Balanandan
7. Shri Banarsi Das Gupta

#### SECRETARIAT

- |                       |   |                        |
|-----------------------|---|------------------------|
| 1. Shri Ram Autar Ram | — | <i>Director</i>        |
| 2. Shri P.D. Malvalia | — | <i>Under Secretary</i> |

The Committee took up for consideration Memoranda Nos. 3 and 4 relating to the bodies constituted by the State Government of Goa and made the following recommendations:—

#### *Goa School Education Advisory Board (Memorandum No. 3A)*

The Committee noted from the information furnished by the State Government of Goa that there is no provision for nomination of Members of Parliament and the non-official members (including Members of Parliament, if nominated) of the Goa School Education Advisory Board shall be entitled to travelling or daily allowance as are admissible to non-official members of the Committees, Boards or the like in accordance with the orders issued by the Central Government from time-to-time and shall not be entitled to any other remuneration. These payments are covered by 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the main function of the Board is to advise the Government on matters of policy relating to Education in the State of Goa. The Committee noted that the function of the Board is advisory in nature. The Committee recommended that the non-official members (including Members of Parliament, if nominated) of Goa School Education Advisory Board *may be exempted* from disqualification for being chosen as, or for being, Members of Parliament.

*Board of Directors of Goa State SCs and OBCs Finance and Development Corporation Ltd., (Memorandum No. 4)*

The Committee noted from the information furnished by the State Government of Goa that the non-official members (including Members of Parliament, if nominated) of the Board of Directors of the Goa State SCs and OBCs Finance & Development Corporation Ltd. are paid Rs. 100/- as sitting allowance plus actual TA. The payment of sitting allowance is not covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959 which reads as under:—

"2(a) 'Compensatory Allowance' means any sum of money payable to the holder of an office by way of daily allowance such allowance not exceeding the amount of a daily allowance to which a Member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954 (30 of 1954), any conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing functions of that office".

The Committee also noted that the main function performed by the Board of Directors of the Corporation is to implement the various schemes of income generation for the Scheduled Castes/Other Backward Classes beneficiaries by way of grant of financial assistance, scrutiny and sanction of financial assistance. The Committee noted that the Board exercises both executive and financial powers.

The Joint Committee on Offices of Profit in its Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984, recommended that if the Body in which an office is held, exercises executive, legislative or Judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc. or gives power of appointment, grant of scholarship, etc. then the office in question will entail disqualification.

Keeping in view the above, the Committee recommended that non-official members (including Members of Parliament, if nominated) of the Board of Director of Goa State SCs and OBCs Finance and Development Corporation should not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

*The Committee then adjourned.*

### III

#### *Minutes of the Third Sitting of the Joint Committee on Offices of Profit (Thirteenth Lok Sabha)*

The Committee sat on Monday, 3 April, 2000 from 15.00 to 15.40 hrs. in Committee Room No. 'B', Ground Floor, Parliament House Annexe, New Delhi.

#### **PRESENT**

Shri Virendra Kumar — *Chairman*

#### **MEMBERS**

#### *Lok Sabha*

2. Shri Nand Kumar Singh Chauhan
3. Shri Moinul Hassan
4. Shri Nawal Kishore Rai
5. Shri K.A. Sangtam
6. Kunwar Sarvaraj Singh
7. Shri Kharbela Swain
8. Shri Braja Kishore Tripathy

#### *Rajya Sabha*

9. Shri Banarsi Das Gupta

#### **SECRETARIAT**

1. Shri Ram Autar Rām — *Director*
2. Shri P.D. Malvalia — *Under Secretary*

2. The Committee took up for consideration of Memoranda Nos. 5 to 7 relating to the bodies constituted by the State Government/Union Territory Administration and made the following recommendations:—

#### *Sub-divisional Planning and Development Council, Assam (Memorandum No. 5)*

3. The Committee noted from the information furnished by the State Government of Assam that non-official members of Sub-Divisional Planning and Development Council are considered to draw Sitting Allowance and Travelling Allowance as per admissible rate.

4. The Committee discussed the "Sitting Allowance" at length payable to the non-official members and desired that the State Government might be requested to clarify the terms "Sitting Allowance" and "Daily Allowance" and the amount of Sitting Allowance and Daily Allowance payable to the non-official members.

5. The Committee deferred consideration of the memorandum till receipt of information from the State Government.

*Planning Board for National Capital Territory (NCT of  
(Memorandum No. 6)*

6. The Committee noted from the information furnished by the Government of National Capital Territory of Delhi that the functions of the Planning Board for NCT of Delhi had not been elaborated and desired that the Government of NCT of Delhi might be requested to give clarification about the functions of the Board.

7. The Committee deferred consideration of the Memorandum till receipt of further information regarding functions of the Board from the Government of National Capital Territory of Delhi.

*District Panchayat of Union Territory of Daman & Diu  
(Memorandum No. 7)*

8. The Committee then considered Memorandum No. 7 and noted from the information furnished by the Administration of Union Territory of Daman and Diu that non-official members (including Members of Parliament) of the District Panchayat of Daman and Diu are paid travelling and daily allowance at such rates as may be prescribed for journeys performed by them in relation to any business of the Panchayat.

9. The Committee also noted that the powers and functions of the District Panchayat are to exercise administrative supervision and control over the acts and proceedings of all the officers and officers of the District Panchayat, scrutiny and approval of the tenders for the execution of public works, giving financial sanction, promotion and development of primary education, promote social and moral welfare of the weaker sections of the Society and to assist the Government in implementing and monitoring schemes of the Government. The Committee observed that the functions of the Committee are both executive and financial in nature.

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

*The Committee then adjourned.*



*Minutes of the Fifth Sitting of the Joint Committee on Offices of Profit  
(Thirteenth Lok Sabha)*

The Committee sat on Wednesday, 13 September, 2000 from 14.30 to 15.15 hrs. in Committee Room No. 'B', Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

Shri Virendra Kumar — *Chairman*

**MEMBERS**

*Lok Sabha*

2. Shri Nand Kumar Singh Chauhan
3. Shri G. Putta Swamy Gowda
4. Shri Nawal Kishore Rai
5. Kunwar Sarvaraj Singh
6. Shri Kharabela Swain

*Rajya Sabha*

7. Shri Sangh Priya Gautam
8. Shri Nilotpal Basu
9. Shri Banarsi Das Gupta

**SECRETARIAT**

- |                       |                        |
|-----------------------|------------------------|
| 1. Shri P.D.T. Achary | <i>Joint Secretary</i> |
| 2. Shri Ram Autar Ram | <i>Director</i>        |
| 3. Shri P.D. Malvalia | <i>Under Secretary</i> |

2. The Committee took up for consideration Memoranda Nos. 8 to 10 relating to the bodies constituted by the State Governments and made the following recommendations:—

*District Manpower Planning and Employment Generation Council,  
Tamil Nadu (Memorandum No. 8)*

3. The Committee noted from the information furnished by the State Government of Tamil Nadu that non-official members of District Manpower Planning and Generation Council are eligible to draw

Travelling Allowance, Daily Allowance and Incidental Charges. The amount of TA, DA and Incidental charges does not exceed the 'Compensatory Allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

4. The Committee also noted that the main function of the Council is to make a thorough study of various possibilities for self-employment and thus acts as an instrument to channelise the unemployed in the districts into various self-employment pursuits which are viable and could be based on locally available resources. As per the guidelines of the National Level Guidance Committee, the District Manpower Planning and Employment Generation Council may be organised to undertake in the compilation of data on the demand/supply situation in the field of salaried and wage employment and to get portfolios of viable investment opportunities in the self-employment sector proposed. The Committee observed that the functions of the Council are advisory in nature.

5. Keeping in view the above, the Committee recommended that the non-official members (including Members of Parliament) if nominated to the Committee may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

*Planning Board, National Capital Territory of Delhi (NCT)*  
*(Memorandum No. 9)*

6. The Committee noted from the information furnished by the Government of National Capital Territory of Delhi that the Planning Board is paid only Rs. 250/- to Members of Parliament, MLA and other Non-official Members towards TA/DA and Incidental charges for attending the meeting of the Board. The payment of TA/DA and Incidental charges does not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of the Disqualification) Act, 1959.

7. The Committee also noted that the main function of the Board is to advise the Government on matters relating to economic and planned development of State/Union Territory etc. As such, it is an advisory body.

8. Keeping in view the above, the Committee recommended that the non-official members of Planning Board may be exempted from disqualification for being chosen as, or for being, Members of Parliament subject to the condition that the amount of TA/DA and Incidental charges provided to the non-official members of the Planning Board does not exceed the 'Compensatory Allowance' as defined in Section 2(a) of the Parliamentary (Prevention of Disqualification) Act, 1959.

*Sub-Divisional Planning and Development Council, Assam*  
*(Memorandum No. 10)*

9. The Committee noted from the information furnished by the State Government of Assam that non-official Members of the Council are not paid any remuneration. No daily allowance is given to non-official members also. Only local non-official member is facilitated with vehicle during the day of the meeting. Outstation members are provided suitable accommodation besides transportation from the Airport/Railway Station etc.

10. The Committee noted that the functions and powers of the Sub-divisional Planning and Development Council, Assam are to prepare Sub-divisional Level Annual and Five Year Plans to undertake evaluation, monitoring, coordination and review of the activities of the different Development Departments in the Sub-division and issue such instructions as it deem necessary. The Committee desired to enquire from the Government of Assam the nature of the instructions issued to the Council to the different development departments in the Sub-division.

11. The Committee therefore deferred consideration of the Memorandum.

*The Committee then adjourned.*

## VI

### *Minutes of the Sixth Sitting of the Joint Committee on Offices of Profu (Thirteenth Lok Sabha)*

The Committee sat on Thursday, 5 October, 2000 from 12.00 to 12.40 hrs. in Committee Room No. 'C', Ground Floor, Parliament House Annexe, New Delhi.

#### PRESENT

Shri Virendra Kumar — *Chairman*

#### MEMBERS *Lok Sabha*

2. Shri Moinul Hassan
3. Shri K.A. Sangtam
4. Kunwar Sarvaraj Singh
5. Shri Kharabela Swain

#### *Rajya Sabha*

6. Shri Sangh Priya Gautam
7. Shri Nilotpal Basu
8. Dr. M.N. Das
9. Shri Banarsi Das Gupta

#### SECRETARIAT

1. Shri Ram Autar Ram — *Director*
2. Shri P.D. Malvalia — *Under Secretary*
  - (i) State Coordination Committee, Goa; and
  - (ii) State Executive Committee, Goa

2. The Committee took up for consideration Memoranda No. 11 relating to the State Coordination Committee, Goa and State Executive Committee, Goa constituted by the State Government of Goa.

3. The Committee noted from the information furnished by the State Government of Goa that the non-official members of the (i) State Coordination Committee, Goa and (ii) State Executive Committee, Goa respectively, that the non-official members including Members of Parliament, if nominated, would be paid Sitting Allowance at the rate of

Rs. 500/- per Sitting which is not covered under the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

4. The functions of the Committees are to coordinate all the Government policies for disabled in the State and to execute the decisions of the State Coordination Committee and to perform all functions as delegated to the Committee by the State Coordination Committee.

5. While discussing the functions of the State Executive Committee, the Committee found that the State Government have not furnished its functions in detail. The Committee desired that the State Government might be requested to furnish the functions of the above Committees in detail and deferred the Memorandum till the receipt of the information from the State Government of Goa.

*Industrial Promotion and Investment Corporation of Orissa Limited  
(Memorandum No. 12)*

6. The Committee thereafter took up for consideration, Memorandum No.12 and noted from the information furnished by the State Government of Orissa that non-official Directors of the Industrial promotion and Investment Corporation of Orissa are entitled a Sitting fee of Rs. 200/- for attending each meeting of the Corporation. The Payment of sitting fee is not included in the definition of 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1971.

7. The Committee also noted that the non-official Directors of the Corporation are to take decisions on the policy matters and power to sanction loan equity to the assisted units on the matters as are placed before the Board from time to time. The Committee observed that the non-official Directors of the Corporation exercise both executive and financial powers.

8. Keeping in view the above, the Committee recommended that the non-official members of Industrial Promotion and Investment Corporation of Orissa Limited may not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

*Sub-Committee for sorting out various matters regarding mining works  
in Tribal Sub Schemes Areas of Rajasthan State*

*(Memorandum No. 13)*

9. The Committee then took up for consideration Memorandum No. 13 and noted from the information furnished by the State Government of Rajasthan that the non-official members of the Sub Committee for sorting out various matters regarding mining works in

Tribal Sub Scheme areas of Rajasthan State are paid TA/DA in accordance with the rules of the Lok Sabha Secretariat. The payment of TA/DA is covered by the 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

10. The Committee also noted that the functions of the Committee are to find (i) the manner in which tribal land has been allocated to non-tribals; (ii) the names of persons who have encroached the tribal land for mining activities alongwith the locations thereof; (iii) the reasons for not giving lease mining to the tribals in spite of 20% reservation in mining lease to them and who has given possession of this land at present; (iv) whether the lease provided to tribals has been cancelled due to valid reasons and who have been given these cancelled lease; (v) to give proper advice to resolve these problems after finding out for foregoing points; and (vi) to suggest how tribals can undertake mining activities smoothly. The Committee observed that the functions of the Committee are advisory in nature.

11. Keeping in view the above, the Committee recommended that the non-official members of the Committee may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

*The Committee then adjourned.*

*Minutes of the Seventh Sitting of the Joint Committee on Offices of Profit  
(Thirteenth Lok Sabha)*

The Committee sat on Wednesday, 29 November, 2000 from 15.00 to 15.40 hrs. in Chairman's Room (No. 129), First Floor, Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Virendra Kumar — Chairman**

**MEMBERS  
Lok Sabha**

2. **Shri G. Putta Swamy Gowda**
3. **Shri Moinul Hassan**
4. **Shri Nawal Kishore Rai**
5. **Shri K.A. Sangtam**
6. **Shri Kharabela Swain**

*Rajya Sabha*

7. **Dr. M.N. Das**

**SECRETARIAT**

1. **Shri Ram Autar Ram — Director**
2. **Shri P.D. Malvalia — Under Secretary**

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

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

The Committee also authorised Shri Sangh Priya Gautam, MP and in his absence, Dr. M.N. Das, MP to lay the Report on the Table of Rajya Sabha.

*The Committee then adjourned.*