

**JOINT COMMITTEE ON OFFICES OF
PROFIT**

(THIRTEENTH LOK SABHA)

FIFTH REPORT

Presented to Lok Sabha on 2.12.2002

Laid in Rajya Sabha on 2.12.2002



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

December, 2002/Agrahayana, 1924 (Saka)

Price: Rs. 23.00

CONTENTS

	PAGE
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT.....	(iii)
INTRODUCTION.....	(v)

REPORT

CHAPTER-I	Nomination of Members of Parliament to Central/State Bodies:	
	(i) State Co-ordination Committee, Goa	
	(ii) State Executive Committee, Goa	1
	(iii) State Level Review and Implementation Committee for 20 Point Programme in Himachal Pradesh—Appointment of Shri Maheswar Singh, Hon'ble Member of Parliament, Lok Sabha	15
	(iv) District Level Sanitation Monitoring Committee, Rajasthan—Nomination of Members of Parliament	22
CHAPTER-II	Incurring disqualification by non-official members of Central/State Bodies	30
	Development Committees of Govt. Colleges in the State of Rajasthan	30

APPENDIX

Minutes of the sittings of the Joint Committee on Offices of Profit.....	38
--	----

**COMPOSITION OF THE
JOINT COMMITTEE ON OFFICES OF PROFIT**

(THIRTEENTH LOK SABHA)

Shri Virendra Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Nand Kumar Singh Chauhan
3. Shri G. Putta Swamy Gowda
4. Shri Moinual Hassan
5. Shri Nawal Kishore Rai
6. Shri G. Ganga Reddy
7. Shri K.A. Sangtam
8. Shri Kunwar Sarvaraj Singh
9. Shri Kharabela Swain
- #10. Smt. Kumudini Patnaik

Rajya Sabha

- *11. Shri Sangh Priya Gautam
- **12. Shri Sanjay Nirupam
- @13. Shri Nilotpal Basu
14. Dr. M.N. Das
- \$15. Shri Eduardo Faleiro

SECRETARIAT

1. Shri John Joseph *Additional Secretary*
2. Shri Ram Autar Ram *Joint Secretary*
3. Shri A. K. Singh *PCPI*
4. Shri J. S. Chauhan *Under Secretary*

* Elected by Rajya Sabha on 15 May, 2000 *vice* Shri Onkar Singh Lakhwat retired.

** Retired from Rajya Sabha on 2 April, 2000 and Re-elected by Rajya Sabha on 15 May, 2000.

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

Elected by Lok Sabha on 30 August, 2001 *vice* Shri Braja Kishore Tripathi resigned.

\$ Elected by Rajya Sabha on 25 July, 2002 *vice* Shri Banarsi Das Gupta retired.

REPORT OF THE 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 Fifth 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 February, 2000, 5 October, 2000, 9 January, 2001, 4 April, 2002 and 30 July, 2002. The Minutes of the sittings from part of the Report are at *Appendix*.
3. The Committee examined the composition, character, functions, etc. of 5 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 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 concerned State Governments. The Committee wish to express their thanks to the State Governments for furnishing the information desired by the Committee.
5. The Committee considered and adopted the Report at their sitting held on 6 August, 2002.
6. The observations/recommendations at the Committee in respect of the matters considered by them are given in the succeeding paragraphs.

NEW DELHI;

2 December, 2002

11 Agrahayana, 1924 (Saka)

VIRENDRA KUMAR,

Chairman,

Joint Committee on Offices of Profit.

CHAPTER I

NOMINATION OF MEMBERS OF PARLIAMENT TO CENTRAL/STATE BODIES

- (i) State Co-ordination Committee, Goa
- (ii) State Executive Committee, Goa

The Government of Goa *vide* their letter dated 22.9.1998 (Annexure I & II) sought approval of Joint Committee on Offices of Profit for nomination of Members of Parliament to the (i) State Co-ordination Committee, Goa and (ii) State Executive Committee, Goa.

1.1.2 The matter was considered by the Committee at their sitting held on 1 February, 2000. While examining the particulars furnished by the Govt. of Goa, the Committee noted that the non-official members including Member of Parliament, if nominated, to these Committees would be paid Sitting Allowance at the rate of Rs. 500/- per sitting which was not covered by the Compensatory Allowance as defined under Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee also observed that the word "Sitting Allowance" was not clear and desired that the State Government of Goa might be requested to clarify the word "Sitting Allowance" in details.

1.1.3 Accordingly, the Government of Goa was asked to furnish clarifications which was furnished by them, point-wise *vide* their letter dated 23 March, 2000 as follows:

POINTS	REPLY
(i) Please define the word "Sitting Allowance".	(i) Sitting Allowance means an allowance for each day of actual meeting of the Committee in which he/she so associated as non-official member.
(ii) Whether it contains "Daily Allowance" also, if not, then what it constitutes.	(ii) No. No separate TA/DA is admissible for non-official members.
(iii) If so, the amount of Daily Allowance included in the "Sitting Allowance" and if not whether sitting allowance is paid in addition to the daily allowance. If so, what is the amount of daily allowance so paid separately.	(iii) -N.A.-
(iv) What are the other facilities provided and remuneration paid to the non-official members of the Committees.	(iv) NIL. The sitting allowance is prescribed as per provision under the Rule 30 Sub rule 2 and 3 framed under Disability Act, 1995.

1	2
	<p>(4) To advise the State Governments on the formulation of policies, programmes legislations and project with respect to Disability.</p> <p>(5) To review in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with Disabilities.</p> <p>(6) To monitor and evaluate the impact of the policies and programme designed for achieving equality and full participation of PWDs.</p> <p>(7) To perform such other functions as may be prescribed by the State Governments.</p>
<p>B. State Executive Committee, Goa</p> <p>(ii) Whether these Committees are purely Advisory Committees.</p> <p>(iii) Whether these Committees</p> <p>(a) carry executive, legislative or judicial powers</p> <p>(b) confer powers of disbursement of funds, allotment of lands, issue of licences etc. or</p> <p>(c) have powers of appointment, grant of scholarship etc.</p>	<p>B. Powers and functions of the State Executive Committee.</p> <p>(1) State Executive Committee is The Executive Body of the State Coordination Committee and responsible for carrying out the decision of the State Coordination Committee.</p> <p>(2) To perform such other functions as may be delegated by the State Co-ordination Committee.</p> <p>(ii) As above.</p> <p>(a) As above.</p> <p>(b) No.</p> <p>(c) No.</p>

1.1.9 The matter was again considered by the Joint Committee at their sitting held on 9 January, 2001. The Committee observed and noted that the functions of the State Coordination Committee are advisory in nature. However, the functions of the State Executive Committee seems to be executive by its name. The Committee decided that the whole matter may again be referred to the Government of Goa for clarification.

1.1.10 Accordingly, the matter was again referred to the Government of Goa.

1.1.11 The Government of Goa *vide* their letter dated 27 March, 2001 furnished their point-wise clarification as follows:—

REPLY	POINTS	CLARIFICATION
1	2	3
<p>(l) Non-official members of (i) State Co-ordination Committee, Goa and (ii) State Executive Committee, Goa would be paid Sitting allowance @ Rs. 500/- per sitting.</p>	<p>(i) One of the criteria for determining whether an office held by any Non-official member of any Committee is an office of Profit or not is that whether the holder of that office draws any remuneration other than the compensatory Allowance as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959, which reads as follows:—</p> <p>"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 daily allowance to which a member of Parliament is entitled under the Salary, Allowances and Pension of Member of Parliament Act, 1954 (30 of 1954), any conveyance allowance, house rent allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions, of that office</p> <p>The Non-official members of (i) State Co-ordination Committee, Goa; and (ii) State Executive Committee, Goa would be paid Sitting allowance @ Rs. 500/- per sitting whereas a Member of Parliament is entitled to draw daily allowance @ Rs. 400/- for attending a sitting under the Salary, Allowances and pension of Members of Parliament Act, 1954. Hence the amount being paid to the Non-official members of these Committees amounts to non-exemption of the MPs for being chosen as non-official members of these Committees.</p>	<p>1. Sitting allowance to Non-official members of State Co-ordination Committee and State Executive Committee constituted under P.W.D. ACT, 1995.</p> <p>The Government of Goa has framed the Goa person with Disabilities (Equal opportunities, protection of rights and full participation) Rules, 1997 and notified in the official gazette <i>vide</i> notification No. 5/10/94-SWD/Vol. I dated 20.02.1998.</p> <p>As per Rule, 10 Non-official members of the State Co-ordination Committee residing at State headquarters and outside the State Headquarters shall be paid a sitting allowance of Rs. 500/- for each day of the actual meeting. No separate TA/DA will be paid.</p> <p>Provided that in the case of a members of State Legislature who is also a member of the State Co-ordination Committee, the daily and travelling allowance shall be paid at the rates admissible to him as a member of the State Legislature, when the Legislature is not in session and on the production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.</p> <p>As per Rule 20, Non-official members of the State Executive Committee, residing at State Headquarters shall be paid a sitting allowance of Rs. 500/- for each day of the actual meeting. No separate TA/DA will be paid.</p>

1

2

3

(II) Power and function of State Executive Committee

Please give your comments in this regard.

2. Power and functions of the State Executive Committee

- (a) State Executive Committee is the Executive body of the State Co-ordination Committee and responsible for carrying out the decision of the State Co-ordination Committee.
- (b) To perform such other function as may be delegated by the State Co-ordination Committee.

- (i) Please give details of the functions of State Executive Committee, Goa.
- (ii) What kind of decision the State Co-ordination Committee have been implemented by the State Executive Committee, Goa during the last one year and the details thereof;
- (iii) Please furnish details of the powers exercised by the State Executive Committee, Goa in implementing the decision of the State Co-ordination Committee during the last one year.
- (iv) (a) It appears that the State Executive Committee, Goa is enjoying major executive powers in performing its functions.
- (b) Please give your comments in this regard.

Section 20 of the Person with Disabilities (Equal opportunity, protection of Rights and full participation) Act, 1995 Central Act 1 of 1996 States that the following are the function of the State Executive Committee:—

- (i) The State Executive Committee shall be the executive body of the State co-ordination Committee and shall be responsible for carrying out the decision of the State Co-ordination Committee.
- (ii) Without prejudice to the provision of sub section (i) the State Executive Committee shall also perform such other function as may be delegated to it by the State Co-ordination Committee.

The State Co-ordination Committee in its meeting had taken various decision such as

- (i) Setting up of special Poly-technic for disabled.
- (ii) Preparing an Action Plan and state policy for disabled.
- (iii) To prepare a special curriculum and syllabus for the special school students.
- (iv) Provision of concessional facilities in travelling by bus.
- (v) Marketing of the products prepared by the disabled.
- (vi) Setting up of Special Employment Exchange for the Disabled, etc.

The above decision of the State Co-ordination Committee was taken up the concerned Departments for taking necessary action. Although the major powers are enjoyed by the Executive Committee but the Executive Committee have to exercise the powers based on the decision of State Co-ordination Committee.

1.1.12 The Joint Committee on Office of Profit considered the matter at their sitting held on 4 April, 2002.

1.1.13 The Committee note from the information furnished by the Government of Goa, Law Department (Legal Affairs) that the non-official members (including Members of Parliament) of (i) State Co-ordination Committee, Goa; and (ii) State Executive Committee, Goa are not paid any TA/DA other than sitting allowance @Rs. 500/- for each day of actual meeting of the Committees. The sitting fee payable to the non-official members (including Members of Parliament) is covered under the Compensatory Allowance as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. (The amendment is made in the Salary, Allowances and Pension of Members of Parliament Act, 1954 *w.e.f.* 14.9.2001. The Dearness Allowance of MPs has been increased from Rs. 400/- to Rs. 500/-).

1.1.14. The Committee also note that the powers and functions of the State Co-ordination Committee, Goa are to serve as the State focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by the persons with Disabilities; to review and coordinate the activities of all the Departments of the Government and NGOs which are dealing with the matters faced by persons with disabilities (PWDs); to develop a State Policy to address issues faced by persons with Disabilities; to advise the State Government on the formulation of policies, programmes legislations and projects with respect to Disability; to review in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with Disabilities, to monitor and evaluate the impact of the policies and programmes designed for achieving equality and full participation of PWDs and to perform such other functions as may be prescribed by the State Government. Hence, the Committee observed that the functions of the State Co-ordination Committee, Goa were advisory in nature.

1.1.15 The Committee further note that the powers and functions of the State Executive Committee, Goa are to execute the decisions of the State Co-ordination Committee and to perform all functions as delegated to it by the State Co-ordination Committee. The State Executive Committee is the Executive body of the State Co-ordination Committee and responsible for carrying out the decisions of the State Co-ordination Committee. The State Executive Committee will also perform such other functions as may be delegated to it by the State co-ordination Committee.

1.1.16. The Committee also note the following decision are taken by the State Co-ordination Committee in its various meetings:

- (i) Setting up of Special Polytechnic for disabled.
- (ii) Preparing an Action Plan and State Policy for disabled.

- (iii) To prepare a special curriculum and syllabus for the Special school.**
- (iv) Provision of concessional facilities in travelling by bus.**
- (v) Marketing of the products prepared by the disabled.**
- (vi) Setting up of Special Employment Exchange for the Disabled, etc.**

1.1.17. The Committee further note that the above decisions of the State Co-ordination Committee are taken up by the State Executive Committee, Goa to the concerned Departments for execution of the decisions. The Committee feel that although the major powers are enjoyed by the State Executive Committee but the Executive Committee had to exercise the powers based on the decision of State Co-ordination Committee. Hence, the functions of the State Executive Committee, Goa are also advisory in nature.

1.1.18 Keeping in view the position above the Committee recommend that the non-official members (including Members of Parliament, if nominated) of the (i) State Co-ordination Committee, Goa and (ii) the State Executive Committee, Goa may be exempted from disqualification for being chosen as, or for being Members of Parliament.

ANNEXURE-I

- | | |
|---|---|
| (i) Name of the Committee Board/ Corporation Parishad etc. | The State Co-ordination Committee. |
| (ii) Act, Rule or Order Under which the Committee/Board/Corporation/ Parishad etc. was constituted (copies to be enclosed). | Section 13 of the persons with disabilities Act, 1995 copy of Notification dated 29.7.97 enclosed*. |
| (iii) Composition of the Committee/ Board/Corporation Parishad etc. (number of officials and non-officials and whether Chairman and Secretary are officials or non-officials). Please indicate specifically the position regarding nomination of MPs. | Minister (Social Welfare)—
Chairman Ex-officio State Minister (Social Welfare)-
Chairman Ex-officio
Official Members Ex-officio—12
Non-official members—9 |
| (iv) The term of office of the Members of the Committee/ Board/Corporation/ Parishad etc. | Not specified. |
| (v) The remuneration payable to the Members of the Committee/Board/ Corporation/Parishad etc. including pay, travelling allowance, daily allowance, house rent allowance, compensatory allowance and sitting fee etc. (Actual rates of payment may be specified). | The non-official members will be paid sitting allowance at the rate of Rs. 500/- per sitting. |
| (vi) Mode of appointment/removal of members. | As per the norms laid down in the Act. |
| (vii) Qualifications for membership/ Chairmanship. | Not specified. |
| (viii) Functions of the Committee/ Board/Corporation/Parishad etc. (Detailed functions stating <i>inter-alia</i> whether they perform executive, legislative or judicial functions and whether they have financial powers may be given). | To co-ordinate all the Government policies for the disabled in the State. |
| (ix) Capital structure, shareholding, annual turnout of the Company etc. in case the body is a public undertaking. | Not applicable. |

*Appendix 'A'

**No. 5/2/95-SWD
Government of Goa
Social Welfare Department,
Secretariat Annexe,
GMC (Old Campus),
Panaji-Goa.**

Dated: 29th July, 1997

NOTIFICATION

In exercise of the powers conferred by section 13 of the Persons with Disabilities (Equal Opportunities, Protection of Rights And Full Participation) Act, 1995 (Central Act 1 of 1996) (here-inafter called the "said Act"), the Government of Goa hereby constitutes the State Co-ordination Committee for the purposes of the said Act, consisting of the following persons, namely:—

- | | |
|--|--|
| (1) The Minister for Social Welfare | .. Chairperson, ex-officio |
| (2) Minister of State for
Social Welfare | .. Vice-Chairperson,
ex-officio |
| (3) Chief Secretary | .. Member, ex-officio |
| (4) Finance Secretary | .. Member, ex-officio |
| (5) Development Commissioner | .. Member, ex-officio |
| (6) Secretary (Urban Development) | .. Member, ex-officio |
| (7) Secretary (Education) | .. Member, ex-officio |
| (8) Secretary (Health) | .. Member, ex-officio |
| (9) Secretary (Industries) | .. Member, ex-officio |
| (10) Secretary (Rural Development) | .. Member, ex-officio |
| (11) Secretary (Social Welfare) | .. Member, ex-officio |
| (12) Secretary (Women &
Child Development) | .. Member, ex-officio |
| (13) Secretary (Science, Technology
and Environment) | .. Member, ex-officio |
| (14) Director of Caritas, Goa | .. Member |
| (15) President of Lok Vishwas
Pratisthan, Dhavalim, Ponda-Goa | .. Member |
| (16) President of Shree Gujarathi
Samaj, Margao | Member |

- | | | |
|---|----|---------------------------------|
| (17) President of National Association for blind
(Goa Branch), St. Cruz, Tiswadi | .. | Member |
| (18) Sister Superior, Peace Heaven Caranzalem | .. | Member |
| (19) Two M.L.As. to be elected by the Goa
Legislative Assembly (names will be
notified later) | | Member |
| (20) President, Goa Chamber of Commerce &
Industries | .. | Member, ex-officio |
| (21) Managing Director, Goa Agricultural Produce
Marketing Board | .. | Member, ex-officio |
| (22) Secretary to the Government dealing with
Welfare of the handicapped | | Member-Secretary,
ex-officio |

By order and in the name of the
Governor of Goa

Sd/-

(E. Silveria)
Under Secretary of the
Government of Goa
Social Welfare.

Copy to:—

1. The Director of Social Welfare, Panaji.
2. The Director of Accounts, Panaji.
3. The Under Secretary (Finance), Secretariat, Panaji.
4. The Resident Audit Officer, Panaji.
5. Persons concerned.
6. P.S. to Minister of Social Welfare, Secretariat, Panaji.
7. P.S. to State Minister (Social Welfare), Secretariat, Panaji.
8. Guard File.
9. Office copy.

No. 5/2/97-SWD

**Government of Goa,
Social Welfare Department,
Secretariat Annexe,
GMC (Old Campus),
Panaji-Goa.**

Dated: 20.8.1997.

NOTIFICATION

In exercise of the powers conferred by clause (9) of sub-section (2) of section 13 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) (hereinafter called the 'said Act') read with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), Government of Goa, hereby amends the Government Notification No. 5.2.95-SWD dated 29.7.1997 (hereinafter called the 'said Notification') as follows:—

In the said Notification, for the existing entry at serial No. (19), the following entries shall be substituted.

- | | |
|--|--------|
| "(19) (i) Shri Pandurang K. Bhatale,
Member of the Legislative
Assembly. | Member |
| (ii) Shri Prakash S. Velip,
Member of the Legislative
Assembly. | Member |

By Order and in the name of the
Governor of Goa

Sd/-

(E. Silveria)
Under Secretary to the
Government of Goa
Social Welfare.

Copy to:—

1. The Director of Printing & Stationery, Panaji-Goa, with a request to kindly publish the Notification in an extra-ordinary issue of the Gazette. 2 copies of the same may please be sent for office record.
2. The Director of Social Welfare, Panaji-Goa.
3. The Under Secretary (Finance), Finance Department, Secretariat, Panaji-Goa.

4. The Director of Accounts, Panaji-Goa.
5. The Resident Audit Officer, Panaji-Goa.
6. Persons concerned.
7. P.S. to Minister of Social Welfare, Secretariat, Panaji-Goa.
8. P.S. to State Minister (Social Welfare), Secretariat, Panaji-Goa.
9. Guard File.
10. Office Copy.

ANNEXURE-II

- | | |
|--|--|
| (i) Name of the Committee Board/ Corporation/Parishad etc. | The State Executive Committee |
| (ii) Act, Rule or Order under which the Committee/Board/Corporation/Parishad etc. was constituted (copies to be enclosed). | Section 19 of the persons with Disabilities Act, 1995. A copy of Notification dated 29.7.97 enclosed.* |
| (iii) Composition of the Committee/Board/ Corporation/Parishad etc. (number of officials and non-officials and whether Chairman and Secretary are officials or non-officials). Please indicate specifically the position regarding nomination of MPs. | Secretary (Social Welfare)—
Chairman Non-official Official
Members Ex-officio—10 Non-
officio Members—7 |
| (iv) The term of office of the Members of the Committee/Board/Corporation/Parishad etc. | Not specified. |
| (v) The remuneration payable to the Members of the Committee/Board/Corporation/ Parishad etc. including pay travelling allowance, daily allowance, house rent allowance, compensatory allowance and sitting fee etc. (Actual rates of payment may be specified). | The non-official members will be paid Rs. 500/- per sitting. |
| (vi) Mode of appointment/removal of members. | As per the norms laid down in the Act. |
| (vii) Qualifications for membership/ Chairmanship | Not specified. |
| (viii) Functions of the Committee/Board/ Corporation/Parishad etc. (Detailed functions stating <i>inter-alia</i> whether they perform executive, legislative or judicial functions and whether powers may be given). | To execute the decisions of the State Co-ordn. Committee and to perform after functions as delegated to the committee by the State Co-ordn. Committee. |
| (ix) Capital structure, shareholding, annual turnout of the Company etc. in case the body is a public undertaking. | Not applicable. |

No. 6/2/97/SWD
Government of Goa,
Social Welfare Department
Secretary Annexe,
G.M.C. (Old Campus),
Panaji-Goa,
Dated: 29th July, 1997

NOTIFICATION

In exercise of the powers conferred by section 19 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1996 (Central Act 1 of 1996) (hereinafter called the "said Act"), the Government of Goa hereby constitutes the State Executive Committee for the purposes of the said Act, consisting of the following persons, namely:—

(1) Secretary, (Social Welfare)	Chairman,	ex-officio
(2) Joint Secretary (Finance)	Member,	ex-officio
(3) Director of Health Services	Member,	ex-officio
(4) Director of Education	Member,	ex-officio
(5) Director of Employment	Member,	ex-officio
(6) Labour Commissioner	Member,	ex-officio
(7) Project Director (Rural Development Agency)	Member,	ex-officio
(8) Director (Science, Technology, & Environment)	Member,	ex-officio
(9) Director (Urban Development)	Member,	ex-officio
(10) Joint Secretary (Personnel)	Member,	ex-officio
(11) Director Institute of Psychiatry and Human Behaviour	Member,	ex-officio
(12) Dr. Subbodh Kerkar, To represent Art/Culture	Member,	
(13) Principal of St. Francis Xavier's School for Handicapped, Old Goa,	Member,	
(14) Shri Angelo D'Souza, A Blind recipient of National Association for Blind (Goa Branch)	Member,	

- | | |
|--|------------------------------|
| (15) Director, Daddy's Home for Mentally Handicapped, Gogal, Margao. | Member, |
| (16) Secretary Lokvishwas Pratishthan, Dhavelim, Ponda-Goa. | Member, |
| (17) Principal, Sanjay School, Porvorim, | .. Member, |
| (18) Director of Social Welfare | Member ex-officio Secretary, |

By Order and in the name of
the Governor of Goa.

Sd/-

(E. Silveira)

Under Secretary (Social Welfare).

Copy to:

1. The Director of Social Welfare, Panaji.
2. The Director of Accounts, Panaji.
3. The Under Secretary (Finance) Secretariat, Panaji.
4. the Resident Audit Officer, Panaji.
5. Persons concerned.
6. P.S. to State Minister (Social Welfare), Panaji.
7. P.S. to Minister for Social-welfare, Secretariat, Panaji.
8. The Guard file.
9. O/c.

(iii) State Level Review and Implementation Committee for 20-point Programme in Himachal Pradesh—Appointment of Shri Maheshwar Singh, MP (Lok Sabha)

The Government of Himachal Pradesh *vide* their letter No. GAD-(PA)-4-(D)-33/90 dated 16 February, 2002 (Annexure-III) have sought approval of hon'ble Speaker, Lok Sabha under Parliament (Prevention of Disqualification) Act, 1959 for nomination/appointment of Shri Maheshwar Singh, M.P., Lok Sabha, as the Chairman of Himachal Pradesh State Finance Commission.

1.3.2 As the information provided by the Government of Himachal Pradesh was not complete, they were requested to furnish the information on some specific points which they furnished with *slight modification that Shri Maheshwar Singh, MP would*

now be appointed as non-official Vice-Chairman of the State Level Review and Implementation Committee for 20 Point Programme in Himachal Pradesh instead of Chairman, Himachal Pradesh State Finance Corporation vide their letter No. GAD (PA)-4-(D)-32/90 dated March, 2002 (Annexure-IV) as under:

1. Name of the Committee, Board: State Level Review and Implementation Council etc. Committee for 20-Point programme in Himachal Pradesh Appointment of Shri Maheshwar Singh, MP (Lok Sabha).
2. Name of Act, Resolution, Rules: By an executive order etc. under which constituted
3. Term of office of members: one year
4. Details of:
 - (a) Compensatory Allowances: As admissible under rules to the Highest class-I grade officer of the State Government. No special DA/CA/HRA/TA has been specified for Members of Parliament, rules applicable to the Members of Parliament will apply.
 - (1) Daily Allowance
 - (2) Conveyance Allowance
 - (3) House Rent Allowance
 - (4) Travelling Allowance
 - (b) any other remuneration Nil
5. Composition Headed by the Chief Minister Ministers, MPs, MLAs and other Non-officials as members.
6. Mode of appointment Through nomination
7. Qualification for membership/ Chairmanship No. qualification prescribed
8. Functions The function of the Committee is to monitor and review the implementation of 20-point programme.

1.3.3 The Committee considered the matter at their sitting held on 30.7.2002.

1.3.4 The Committee note from the information furnished by the Govt. of Himachal Pradesh that the non official Vice-Chairman/members of the State Level Review and Implementation Committee for 20 Point Programme in Himachal Pradesh are paid remuneration as admissible under rules to the Highest class-I grade officer of the State Government No. Special DA/CA/HRA/TA has been specified. For Members of Parliament rules applicable to the Members of Parliament will apply.

1.3.5 The Committee also observed that the functions of the said Committee would be to monitor and review the implementation of 20-Point Programme. As such, the functions of the Committee are advisory in nature.

1.3.6 In view of the above, the Committee recommend that the non-official Vice-Chairman/Member (including Memebrs of Parliament) of the State Level Review and Implementation Committee for 20 Point Programme in Himachal Pradesh may be exempted from disqualification for being chosen as, for being, members of Parliament subject to the condition that the amount of DA/CA/HRA/TA, provided to the non-official Vice-Chairman/Members of the said Committee does not exceed the "Compensatory Allowance" as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

ANNEXURE-III
No. GAD-(PA)-4-(D)-33/90
Government of Himachal Pradesh
General Administration Department
(Confidential & Cabinet)

From

The Chief Secretary to the
Government of Himachal Pradesh.

To

The Secretary,
Lok Sabha Secretariat,
Parliament House Annexe,
NEW DELHI-110001.

Shimla - 171 002,

Dated the 16th February, 2002.

**Subject:—Nomination/Appointment of Shri Mahehwar Singh, Hon'ble
Member of Parliament, Lok Sabha, as the Chairman of
Himachal Pradesh State Finance Commission.**

Sir,

The Government of Himachal Pradesh proposes to appoint Shri Maheshwar Singh, member of Parliament (M.P.), Lok Sabha, as Chairman of the Himachal Pradesh State Finance Commission. Please find enclosed a copy of the "H.P. State Finance Commission for Panchayats Rules, 1995." Sections 4 and 5 of the rules pertain to matters relating to qualification and other administrative aspects in terms of eligibility. The notification dated 19 December, 1995 is copy of the terms and conditions of the appointment of the Chairman of H.P. State Finance Commission. The relevant Provisions of the H.P. Panchayati Raj Act, 1994 are also enclosed under which the said rules have been framed.

The bio-data of Hon'ble M.P. would be available with the Lok Sabha Secretariat. You are, requested to kindly obtain approval of the Hon'ble Speaker, Lok Sabha under the Parliament Prevention of Disqualification Act, 1959 and same may kindly be conveyed to the State Government so that further action could be taken in the matter accordingly.

Yours faithfully,

Sd/-

Chief Secretary to the
Government of Himachal Pradesh

Endst. No. As above. Shimla - 171 002, Dated the 16th February, 2002.
Copy of the above is forwarded to:

1. The F.C.-cum-Secretary (Finance to the Government of Himachal Pradesh. Shimla-2 W.R.T. their proposal detailed at N 232-33 on their Departmental file No. Fin-C-A(3)-4/4 dated 11.02.2002 for information only.
2. The Private Secretary to Chief Secretary to the Government of Himachal Pradesh. Shimla - 171 002 for the land information of the Worthy Chief Secretary.

Additional Secretary (GAD) to the
Government of Himachal Pradesh.

ANNEXURE-IV

**No. GAD-(PA)-4-(D)-32/90
Government of Himachal Pradesh
General Administration Department
(Confidential & Cabinet)**

From

The Chief Secretary to the
Government of Himachal Pradesh,

To

The Under Secretary,
Lok Sabha Secretariat, Parliament House Annexe,
NEW DELHI-110001.

Shimla - 171 002, Dated the 20th March, 2002.

Subject:— Nomination/Appointment of Shri Mahehwar Singh, Hon'ble Member of Parliament, Lok Sabha, as the Chairman of Himachal Pradesh State Finance Commission.

Sir,

I am Directed to refer to your letter No. 21/14/2/2002/C11 dated 25th February, 2002 on the above subject and to enclose the information on the points on the prescribed proforma for the kind perusal of the Joint committee on Offices of Profit with the slight modification in the decision of the Government that Shri Maheshwar Singh, Hon'ble Member of Parliament is now to be nominated as the Non-Official Vice-Chairman of the State Level Review and Implementation Committee for Twenty Point Programme in Himachal Pradesh instead of the Chairman of the H.P. State Finance Commission.

You are, therefore, requested to kindly obtain the approval of the Hon'ble Speaker, Lok Sabha and same may kindly be conveyed to this State Government at the earliest so that further action in the matter could be taken accordingly.

Encls. As above (Para 1.3.2.)

Yours faithfully,

Sd/-

Additional Secretary (GAD) to the
Government of Himachal Pradesh.

Endst. No. As above. Shimla - 171 002, Dated the 20th March, 2002.

Copy of the above is forwarded to:—

1. The F.C.-cum-Secretary (Planning) to the Government of Himachal Pradesh. Shimla-171 002 *w.r.t.* their letter No. TPP-A-(4)-1/94 dated 19.03.2002 for information only.
2. The Private Secretary to Chief Secretary to the Government of Himachal Pradesh—Shimla - 171 002 for the kind information of the Worthy Chief Secretary.

Additional Secretary (GAD) to the
Government of Himachal Pradesh.

(iv) District level sanitation monitoring committee, Rajasthan—Nomination of Members of Parliament

The Government of Rajasthan *vide* their letter No. P. 15(8) Sansad/2001 dated 2 April, 2002 (Annexure-V) and Rajya Sabha Secretariat *Vide* their U.O. Note No. RS 5(1)/2002-Com-II (Annexure-VI) dated 3rd June, 2002 have forwarded a request for approval of Hon'ble Speaker, Lok Sabha for nomination of members of Parliament to the District Level Sanitation Monitoring Committee to be constituted by the Government of Rajasthan.

The Govt. of Rajasthan (Department of Parliament Affairs) *vide* their above letter have forwarded the following information in respect of the District Level Sanitation Monitoring Committee:

- | | |
|--|---|
| 1. Name of the Committee | District Level Sanitation Monitoring Committee, Rajasthan-Nomination of Members of Parliament. |
| 2. Act, rule, order under which the Committee has been constituted. | copy enclosed (Appendix-D) |
| 3. Term of office of members of the Committee. | Till the existence of the Committee. |
| 4. Remuneration including pay, TA, DA, HRA, Compensatory allowance and Sitting fee etc. of the Members; | -NIL- |
| 5. Constitution of the Committee (number of official and Non-official members whether the Chairman and Secretary are Government officers or non-official); | 14, the Chairman and the Secretary are the Government officers. |
| 6. Mode of selection/removal of members from the office; | -NIL- |
| 7. Qualification for the membership/Chairmanship | Chairman and the members should be Government officers. 2 non-Official members should be from sanitation class. |
| 8. Functions of the Committee, <i>inter-alia</i> whether the functions are executive, legislative or judicial in nature and whether the Committee have financial powers; | Judicial/Financial functions do not fall under the purview of the Committee. The Committee is to review the progress of the sanitation schemes and make suggestions in this regard. |

9. If the body is a public undertaking the capital structure and share holdership and the annual production thereof? No, the Corporation is for the welfare of Scheduled Castes.

The Committee considered the matter at their sitting held on 30.7.2002.

The Committee note from the information furnished by the Govt. of Rajasthan that the non-official members (including Members of Parliament) of District Levels Sanitation Monitoring Committee are not paid any remuneration.

The Committee also noted that the functions of the said Committee are to review the progress of the sanitation schemes and make suggestions in this regard. No judicial/financial functions fall under the purview of the Committee. As such, the function of the Committee are advisory in nature.

In view of the above, the Committee recommend that the non-official members (including Members of Parliament) of the District Level Sanitation Monitoring Committee may be exempted from disqualification for being chosen as or for being Members of Parliament.

ANNEXURE-V
Government of Rajasthan
Department of Parliament Affairs

To,

The Secretary General,
Lok Sabha Secretariat,
New Delhi.

Sl. No. P. 15(8) Parliament/2001 Jaipur, Dated April 2, 2002.

Subject: Regarding the nomination of MPs in District level Committees.

Sir,

As per direction under the above subject it is submitted that there is a proposal to nominate all the Members (Lok Sabha) belonging to Rajasthan in the said Committee as a member in the district related with their constituencies.

The required information with respect to the Committee is enclosed*.

It is, therefore, requested that this department be apprised of the consent of Hon. Speaker, Lok Sabha, New Delhi, regarding the nomination of Hon. Members of Parliament as members of the said Committee.

Enclosures: As above

Yours faithfully,

Sd/-

(R.P. Kedia,
Deputy Secretary to
the Government.

For information a copy forwarded to project Director (S.C.P.) Department of Social Welfare, Rajasthan, Jaipur with reference to his letter No. P2(21)/SCP/SWD/2000/2837 dtd. 27.03.2002.

Deputy Secretary
to the Government

*Appendix C

Details of the Committee

- | | | |
|----|---|---|
| 1. | Name of the Committee | District level Swachhkar Monitoring Committee. |
| 2. | Act, Rules, Order under which committee had been constituted | Copy enclosed*. |
| 3. | Tenure of the Members | Till the existence of the Committee. |
| 4. | Amount of remuneration payable to the members of the committee including Pay, Travelling allowance, Daily allowance and sitting fees etc. | Nil. |
| 5. | Constitution of the Committee (No. of official and non-official Members and Chairman and Secretary are official or non official members) | 14, Chairman and Secretary are official members. The list of members have been sent <i>vide</i> letter no. 4355 dtd. 15.9.2001 of this Departments. |
| 6. | Mode of appointment/removal of members from the post | Nil. |
| 7. | Qualification of Members, Chairman | Chairman and Members are official 2 non-official members to be from Swachhkar category. |
| 8. | Details of the functions of Committee whether committee perform executive/legislative/ judiciary functions and it has financial powers? | The Committee does not performs judicial/financial functions. They reviews and suggests the functioning of Swachhkar Scheme. |
| 9. | If the body is a public undertaking, the capital structure and share holding of the company etc and the annual production thereof? | No the corporation is for the welfares of Scheduled Castes. |

*Appendix 'D'

Rajasthan Scheduled Caste Dev. Co-op. Corpn. JAIPUR.

F5(8)/RSCDCC/SRP/11623-52

Dated 9.9.93

To,

The Collector,
District—————

Sub:— National Scheme of Liberation and Rehabilitation of Scavengers and their dependents—Formulation of District Level Monitoring Committee.

The Ministry of Welfare Govt. of India with the objective to liberate Scavengers from their existing hereditary obnoxious and inhuman occupation of manually removing night oil and filth and to provide for an engage them in alternative and dignified occupations with a period of five years, has formulated a National Scheme.

This programme is of utmost national importance. Hence it is essential that the implementation of the scheme should be reviewed, monitored, and evaluated at various levels. As per guidelines of the Govt. of India for effective implementation of the scheme and State level and District level Monitoring Committees would be formulated.

The Chief Secretary would be the Chairperson of the State Level Monitoring Committee. And the Chairperson of the District Level Monitoring Committee would be the Collector of the District.

The composition of the District Level committee is given in Annexure 'A'.

Hence keeping in view the importance of the programme you are requested to formulate the committee in your district immediately. The implementation of the scheme should be monitored and evaluated on monthly basis in the above committee.

LOCAL COMMITTEES:—

As per guidelines of the Govt. of India District Collectors may constitute a local committee for each town or Mohalla wherever the number of scavengers is about 100 or more.

The relevant extracts of the guidelines received from Govt. of India are enclosed at Annexure 'B'.

An immediate action is solicited at your end under intimation to this office.

Sd/-

Managing Director

F.5(8)RSCDC.SRP/Gen./11653-712

Dated 9.9.97

*Appendix-E

Copy to following for information and necessary action:

1. Project Director, District Rural Development—
2. The Project Manager, (S.C.D.C. Cell) D.R.D.A.—
or District Social Welfare Officer—(Member Secretary) to ensure immediate
formulation District Level Committee.

Sd/-

Managing Director

APPENDIX-E**COMPOSITION OF THE DISTRICT LEVEL MONITORING COMMITTEE**

The District Committee is proposed as under:

- | | |
|---|------------------|
| 1. Collector | Chairperson |
| 2. Project Director
D.R.D.A. | Member |
| 3. General Manager
District Industries Centre | " |
| 4. Chief Executive Officer
Zila Parishad | " |
| 5. Principals of I.T.I. | " |
| 6. Principals of Polytechnic | " |
| 7. Assistant Registrar,
Co-operative Societies | " |
| 8. Social Welfare Officer | " |
| 9. Commissioner-Municipal
Council/Executive Officer
Municipality | " |
| 10. Dy. Director/District Level
Officer, K.V.I.G. Board. | " |
| 11. Two Non-officials committed to
the cause of scavengers
preferably belonging to them | " |
| 12. Project Manager,
S.C. Dev. Corporation
Social Welfare Officer,
where there is no Project Manager | Member-Secretary |

ANNEXURE-VI
RAJYA SABHA SECRETARIAT
(COMMITTEE SECTION-II)

Subject:— Approval to the proposed nomination of Members of Rajya Sabha to the District Level Monitoring Committees to be constituted by the Government of Rajasthan.

The Government of Rajasthan has sought approval of the Hon'ble Chairman, Rajya Sabha to the proposed nomination of Members of Rajya Sabha from that State to the District Level Swachhkar Monitoring Committees. A copy of the communication dated the 2nd April, 2002 received from the State Government in this regard is *enclosed**.

The Lok Sabha Secretariat is requested kindly to place the matter before the Joint Committee on Offices of Profit for its consideration and recommendation whether or not the proposed nomination of Members to the District Level Swachhkar Monitoring Committees could be considered as a disqualification for being Members of Parliament.

This may please be treated as **Most Urgent**.

Sd/-
(G.C. MIGLANI)
DEPUTY SECRETARY
Phone: 23034557

Lok Sabha Secretariat (Shri J.S. Chauhan, Under Secretary)

R.S.S. U.O. No. RS. 5(1)/2002-Com.-II dated the 3rd June, 2002.

* { (i) Annexure-V
{ (ii) Appendix-C

CHAPTER II

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

Development Committees of Government Colleges in the State of Rajasthan

The Government of Rajasthan *vide* their letter No. P 10(3) Education-3/2001 dated 17.8.2001 (Annexure VII) had sought approval of Hon'ble Speaker for the nomination of Members of Lok Sabha from Rajasthan as non-official members to Development Committees of Government Colleges in the State of Rajasthan.

2. The matter was considered by the Committee at their sitting held on 4.4.2002.

3. The Committee note from the information furnished by the Government of Rajasthan, Education (Group-3) Department that the non-official members (including Members of Parliament) of Development Committees of Government Colleges in the State of Rajasthan will not be given any Salary or Allowances. The membership of the Development Committees of Government Colleges will be totally honorary.

4. The Committee also note that the powers and duties of the Development Committees consists of preparation of annual budget of the schemes run by the Committee, determination of pay as per the qualifications at the time of selection and to make the payments, constitution of the management sub-Committees, formulation and implementation of the schemes for the all round development of the college and introduction and operation of the student welfare schemes. The Committee observe that the functions of the Development Committees of Government colleges in Rajasthan are Executive and Financial in nature. The above observation of the Committee is based on the recommendation of the Joint Committee on Offices of Profit contained in their Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984.

5. Keeping in view the above, the Committee recommended that the non-official members (including Members of Parliament, if nominated) of the Development Committees of Government Colleges in Rajasthan *may not be exempted* from disqualification for being chosen as, or for being, Members of Parliament.

NEW DELHI;
2 December, 2002

11 Agrahayana, 1924 (Saka)

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

ANNEXURE-VII

**Rajasthan Government
Education (Group-3) Department**

Serial: P. 10(3) Education-3/2001

Jaipur, Dated: 17.08.2001

The Secretary (Parliament)
Lok Sabha
New Delhi.

SUBJECT: Permitting Lok Sabha Members to take part in Development Committees of Government Colleges as a member.

Sir,

As directed, for the development of higher education in Government colleges of Rajasthan, a provision has been made for availing the services of the hon'ble Members of Lok Sabha as a Member of the Committees in the formation of college Development Committees. Therefore it is requested that the Members of Lok Sabha from Rajasthan be permitted to take part as a member of College Development Committees, so that their services could be utilised for the development of the colleges.

The membership of the Development Committee would be totally honorary and no salary or allowance would be given.

Yours faithfully,

Sd/-

(S.N. Thanvi)

Administration Secretary, Higher Education

Government College.....

Development Committee.....

Rules/sub-rules of the Committee**1. Name of the Committee**

The name of this committee is Government college..... Development Committee and remain

2. Registered office and jurisdiction

The registered office of this Committee is Government College..... and jurisdiction would be limited within.....

3. Objectives of the Committee

The objectives of this Committee are as follows:—

1. Formation of a permanent Development Fund, and collection of movable and immovable property/construction and expansion and their management for the all round development of college.
2. To determine the fees for opening the new faculty/subject/class and to upgrade the college from graduation level to the post graduation level.
3. To make available infrastructural facilities in the college and their promotion.
4. To take action for keeping the college campus neat and clean.
5. To undertake various construction works in the college from public assistance/donor/trust and Member of Parliament's and Member of Legislative Assembly's Funds.
6. To make available furniture/equipments etc. in the college according to the need.
7. To develop the Library and Laboratories etc.
8. To provide economic assistance to the poor students.
9. To construct and manage the hostels for the outstation male/female students.
10. To make arrangement for physical check-up and primary treatment for the students of the college.
11. To make available infrastructural facilities of sports.
12. To encourage the students for participation in the national public awareness programmes.
13. To organize constructive and high quality programmes for co-educational activities.
14. To establish communication between professors and guardians.
15. To conduct special classes for the students for preparation of various competitive examinations.

16. To use fund in the interest of the college available from college Development Committee Funds.
17. To obtain assistance through donations money, equipment and building etc. from financial institutions, donors businessmen and industrialists for the fulfillment of above mentioned programmes.
18. To strive for and manage educational upgradation in the college campus.
19. To set up and manage the Student counselling Centre for solving the problems of the male/female students of the College and for their career advancement.
20. To make plans for overall development of the college.
21. To operate plans relating to start new faculty/subject/class in the college, and its, upgradation from graduate level to post-graduate level, and to select the teaching and non-teaching staff on the basis of eligibility and suitability determined by UGC and State Government for implementing these plans.
22. To establish co-ordination with the local industries in the interest of lecturers and students of the college and to make efforts to get the special programmes/projects/research works in the college sponsored by these industries.
23. To felicitate the students for getting distinctions in the University examinations and for special achievements in field of sports and other co-curricular, activities and encourage them to take part in educational and co-curricular activities and to introduce scholarship scheme for deserving students with public co-operation.
24. To honour the dedicated Principals/Vice-Principals/Lecturers/employees of the College and recommend their names for district level/State level honours.
25. To make efforts to establish a link between the college and the exstudents of the college and to get financial and other assistance from them and to organise annual function.
26. To make efforts for increasing participation of women/minorties/Schedule Castes/Schedule Tribes and Backward Classes in higher education and to give sympathetic consideration to their problems.
27. The construction of the buildings under the schemes of the Development Committee would be done in accordance with the map prepared by the Directorate and the Committee will make arrangements of the recurring and non-recurring expenditure for the functioning of the college from different sources like public assistance/donors/Member of Parliament and Memebrs of Legislative Assembly Local Area Development Funds and will sent a proposal to Directorate of College Education to seek permission in this regard.

All assets of the Committee will belong to the College.

4. The tenure of the Chairman, Member Secretary and the Members of the Development Committee:—

1. For *Ex-officio* Chairman and Members till they hold the post after their transfer, retirement or on voluntary resignation, they will loose the membership automatically.
2. For nominated members:—Three years, but they can be renominated for another three years. The Committee can cancel their membership on the recommendation of the nominator before the prescribed period.
3. Office beares of the Student Union/Nominated Students—One Academic year. After the end of the Academic year they will loose the membership automatically.
4. For elected members—one year.

5. Power and duties of the Development Committee:--

Following shall be the powers and duties of Managing Committee of the Institution.

1. To prepare the annual budget of the schemes run by the Committee.
2. To safeguard the property of the institution.
3. To determine the pay as per the qualifications at the time of selection and to make the payments.
4. To constitute the management Sub-committees.
5. To carryout such other jobs which fulfil the objectives of the Committee and are in the interest of the college.
6. To formulate and implement the schemes for the all round development of the college.
7. To introduce and operate the student welfare Schemes.
8. To make efforts to solve the problems of the students.

6. Meetings of the Development Committee:—

1. Apart from the four compulsory meetings of the Development Committee, the Chairman/Member Secretary can call the special meeting as and when so required.
2. One-third of the total numbers of the committee would form the quorum of the Development Committee.
3. Information regarding the normal meeting of the committee would be given 7 days prior to the meeting and information regarding the emergent meeting would be given three days prior to the meeting.
4. The meeting of the Committee may adjourned due to the lack of quorum which

may be summoned again after 7 days in a specified place and time. In such adjourned meeting there would be no need of quorum but the subjects for consideration would be same as were in the earlier agenda.

7. Duties and Rights of Office-bearers of Development Committee

The Duties and rights of the College Development Committee would be as follows:

(a) Chairman

1. To preside over the meeting of the Committee;
2. to cast decisive vote in case there are equal number of votes;
3. to call meetings;
4. to sign all documents;
5. such other functions which are necessary for fulfilment of the objectives of the Committee;
6. to use other powers authorised by the Development Committee;
7. to control over income and expenditure;
8. to represent the institution;
9. to control the staff appointed in schemes operated by Development Committee.

(b) Member-Secretary

1. to Call meetings;
2. to write proceedings and keep records;
3. to make correspondence;
4. to make use of all the powers of the Chairman in his absence;
5. to use other powers provided by the Development Committee;
6. to execute the work of purchase and building construction etc. to be done by the committee as per the official rules by getting approval from the managing committee;
7. other statutory work which are necessary for the safety of property of the institute.

(c) Cashier

1. to pay the staff working under the schemes operated by the development committee as per prescribed wages;
2. to maintain whole account of the Committee;
3. to get the account of the Committee duly audited, present the Audit Report in the meeting of the Development Committee and forward it to Directorate;

4. to prepared the details of the estimated cost of the schemes executed by the Development Committee and to present it before the Committee.

8. Termination from the Membership

Termination from the membership of the institute may be on following conditions:

1. on death;
2. on transfer;
3. on resignation;
4. student representative—on leaving the college, or due to the shortage of attendance on being non-collegiate or on bad conduct or on being termination from the college;
5. for working against the objectives of the committee;
6. if the nominated members work against the objectives of the Committee, their membership may be terminated before the expiry of the term.

9. Funds of the Committee

The funds of the institution would be deposited as following manners:

1. Donations;
2. Fees;
3. Grants;
4. Assistance;
5. Interest accrued from the funds deposited of the Committee/other benefits.

Note:

1. the amounts so deposited would be kept safe in some nationalised/Cooperative Banks.
2. the transactions from the bank shall be conducted on the joint signatures of both the Chairman and member-Secretary. In special circumstances the Chairman may do transactions with the bank within a prescribed limit.
3. for use/expenditure of the amounts received from various sources, prescribed the rules shall be followed.

10. Privileges regrding Funds

In the interest of the college and as per the needs of the time and work, the Chaiman may sanction lump sum amount of the Committee. It would be necessary to get approval of this amount from the Development Committee.

11. Audit of the accounts of Committee

The Auditor will be appointed by the Development Committee. All the accounts of the Committee shall be audited annually and the audit report will be presented before the Development Committee and approved report required to be forwarded to Directorate, a copy of which will be Submitted to the Directorate of College Education.

12. Amendments in the rules of Committee

The rules of the Committee, as required may be changed, added and amended by 3/4 majority of total members of Development Committee which will be relevant to the section 12 of the Rajasthan Registration Act, 1958.

13. Dissolution of the Committee

If it is necessary to dissolve the Committee, it will be done as per the set procedure of Rajasthan Registration Act, 1958. The information regarding dissolution will have to forward to Directorate of College Education and movable and immovable property of the Committee shall be transferred to College/State Government.

14. Inspection of the accounts of the Committee.

The Director, College Education and Registrar Institutions, Jaipur will have the sold power to inspect the records of the institution and Committee shall take a decision for implementation of his suggestions.

It is certified the above—(bye-laws) pertaining to Government college....., Development Committee is Correct and true copy.

Chairman

Member Secretary

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. Shri Kunwar Sarvaraj 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 | — | <i>Joint Secretary</i> |
| 2. Shri Ram Autar Ram | — | <i>Director</i> |
| 3. Shri P.D. Malvalia | — | <i>Under Secretary</i> |

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.* 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.

VI

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

The committee sat on Thursday, 5 October, 2000 from 1200 hrs. to 1240 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 (Memorandum No. 11)

2. The Committee took up for consideration Memorandum 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.

**

**

**

The Committee then adjourned.

VIII

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

The Committee sat on Tuesday, 9 January, 2001 from 15.00 to 15.40 hrs. in Room No. 139, First 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 G. Ganga Reddy
5. Shri Kharabela Swain

Rajya Sabha

6. Shri Sanjay Nirupam
7. Shri Nilotpal Basu
8. Shri Banarsi Das Gupta

SECRETARIAT

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

At the outset, the Chairman welcomed the Members of the Committee. Thereafter, the Committee took up the following Memoranda for consideration:

(i) State Coordination Committee, Goa and (ii) State Executive Committee, Goa (Memorandum No. 14)

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 (i) State Coordination Committee, Goa and (ii) State Executive Committee, Goa respectively, would 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.

The Committee also noted that the non-official members of these Committees were not paid any separate TA/DA other than sitting allowance @Rs. 500/- for each day of actual meeting of the Committees. The Committee observed that the non-official members (including Members of Parliament, if nominated) will amount to disqualification as the sitting allowance payable to them exceeds by Rs. 100/- of the

Daily Allowance admissible to an MP for attending the sittings of the House/ Committees under the Salaries, Allowances & Pensions of Members of Parliament Act, 1954. In view of this, the Committee were of the opinion that it would be appropriate and fair to advise the State Government not to nominate the Members of Parliament as non-official members of these Committees.

The Committee further observed and noted that functions of the State Co-ordination Committee are advisory in nature. However, a member was of the opinion that the functions of the State Executive Committee seems to be executive by its name.

The Committee decided that the whole matter may again be referred for clarification on the above points explaining them the criteria adopted by the Committee while deciding whether non-official members of these Committees holds an office of Profit or not.

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

The Committee sat on Thursday, 4 April, 2002 from 12.30 to 13.10 hrs. in
Chairman's Room (No. 129), First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Virendra Kumar—*Chairman*

MEMBERS

Lok Sabha

2. Shri Moinul Hassan
3. Shri K.A. Sangtam
4. Shri Kharabela Swain

Rajya Sabha

5. Shri Nilotpal Basu
6. Shri Banarsi Das Gupta

SECRETARIAT

1. Shri Ram Autar Ram — *Joint Secretary*
2. Shri A.K. Singh — *PCPI*
3. Shri J.S. Chauhan — *Under Secretary*

At the outset, the Chairman welcomed the Members of the Committee. Thereafter, the Committee took up for consideration the following memoranda:—

Memorandum No. 31

- (i) State Co-ordination Committee, Goa; and
- (ii) State Executive Committee, Goa.

The Committee noted from the information furnished by the Government of Goa, Law Department (Legal Affairs) that the non-official members (including Members of Parliament) of (i) State Co-ordination Committee, Goa; and (ii) State Executive Committee, Goa were not paid any TA/DA other than sitting allowance @ Rs. 500/- for each day of actual meeting of the Committees. The sitting fee payable to the non-official members (including Members of Parliament) was covered under the Compensatory Allowance as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee also noted that the powers and functions of the State Co-ordination Committee, Goa were to serve as the State focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards

solving the problems faced by persons with Disabilities; to review and coordinate the activities of all the Departments of the Government and NGOs which were dealing with the matters relating to Persons with Disabilities (PWDs); to develop a State Policy to address issues faced by persons with Disabilities; to advise the State Government on the formulation of policies, programmes legislations and projects with respect to Disability; to review in consultation with the donor agencies, their funding policies from the perspective of their impact on person with Disabilities, to monitor and evaluate the impact of the policies and programmes designed for achieving equality and full participation of PWDs and to perform such other functions as may be prescribed by the State Government. Hence, *the Committee observed that the functions of the State Co-ordination Committee, Goa were advisory in nature.*

The Committee further noted that the powers and functions of the *States Executive Committee, Goa* were to execute the decisions of the State Co-ordination Committee and to perform all functions as delegated to the Committee by the State Co-ordination Committee; the State Executive Committee was the Executive body of the State Co-ordination Committee and responsible for carrying out the decisions of State Co-ordination Committee and the State Executive Committee would also perform such other functions as may be delegated to it by the State Co-ordination Committee.

The Committee also noted the following decisions were taken by the State Co-ordination Committee in its various meetings:

- (i) Setting up of Special Polytechnic for disabled.
- (ii) Preparing an Action Plan and State Policy for disabled.
- (iii) To prepare a special curriculum and syllabus for the Special school.
- (iv) Provision of concessional facilities in travelling by bus.
- (v) Marketing of the products prepared by the disabled.
- (vi) Setting up of Special Employment Exchange for the Disabled, etc.

The Committee further noted that the above decisions of the State Co-ordination Committee were taken up by the State Executive Committee, Goa to the concerned Departments for execution of the decisions. The Committee felt that although the major powers were enjoyed by the State Executive Committee but the Executive Committee had to exercise the powers based on the decision of State Co-ordination Committee. Hence, the functions of the State Executive Committee, Goa were also advisory in nature.

Keeping in view of the position stated above the Committee decided that the non-official members (including Members of Parliament, if nominated) of the (i) State Co-ordination Committee, Goa and (ii) the State Executive Committee, Goa *might be exempted* from disqualification for being chosen as, or for being Members of Parliament.

Memorandum No. 33**Nomination of Members of Lok Sabha from Rajasthan to the Development Committee of Government Colleges in the State of Rajasthan**

The Committee noted from the information furnished by the Government of Rajasthan, Education (Group-3) Department that the non-official members (including Members of Parliament) of Development Committees of Government Colleges in the State of Rajasthan would not be given any Salary or Allowances. The membership of the Development Committees of Government Colleges would be totally honorary.

The Committee also noted that the powers and duties of the Development Committees consisted of preparation of annual budget of the schemes run by the committee, determination of pay as per the qualifications at the time of selection and to make the payments, constitution of the management sub-Committees, formulation and implementation of the schemes for the all round development of the college and introduction and operation of the student welfare schemes. The Committee observed that the functions of the Development Committees of Government Colleges in Rajasthan were Executive and Financial in nature. The above observation of the Committee was based on the recommendation of the Joint Committee on Offices of Profit contained in their Tenth Report (Seventh Lok Sabha) presented to Lok Sabha on 7 May, 1984.

Keeping in view the above, the Committee decided that the non-official members (including Members of Parliament, if nominated) of the Development Committees of Government Colleges in Rajasthan *might not be exempted* from disqualification for being chosen as, or for being, Members of Parliament.

XVII

MINUTES OF THE SEVENTEENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (2002-2003)

The Committee sat on 30 July, 2002 from 15.00 to 15.30 hours 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 G. Ganga Reddy
5. Shri K.A. Sangtam
6. Shri Kharabela Swain

Rajya Sabha

7. Dr. M.N. Das

SECRETARIAT

1. Shri Ram Autar Ram — *Joint Secretary*
2. Shri J.S. Chauhan — *Under Secretary*

At the outset the Chairman welcomed the members of the Committee. Thereafter, the Committee took up for consideration Memoranda Nos. 34 and 35 and made the following recommendations:—

State Level Review and Implementation Committee for 20-Point Programme in Himachal Pradesh—Appointment of Shri Maheswar Singh, M.P. (Lok Sabha)

The Committee noted from the information furnished by the Govt. of Himachal Pradesh that the non official Vice-Chairman/Members of the State Level Review and Implementation Committee for 20-Point Programme in Himachal Pradesh were paid remuneration as admissible under rules to the Highest class-I grade officer of the State Government. No Special DA/CA/HRA/TA had been specified for Members of Parliament rules applicable to the Members of Parliament would apply.

The Committee also observed that the functions of the said Committee would be to monitor and review the implementation of 20-Point Programme. *As such, the functions of the Committee were advisory in nature.*

In view of the above, the Committee recommended that the non-official Vice-Chairman/Members (including Members of Parliament) of the State Level

Review and Implementation Committee for 20 Point Programme in Himachal Pradesh *might be exempted* from disqualification for being chosen as, for being, Members of Parliament subject to the condition that the amount of DA/CA/HRA/TA, provided to the non-official Vice-Chairman/Members of the said Committee did not exceed the "Compensatory Allowance" as defined in Section 2(a) of the Parliament, (Prevention of Disqualification) Act, 1959.

**District Level Sanitation Monitoring Committee, Rajasthan—
Nomination of Members of Parliament**

The Committee noted from the information furnished by the Govt. of Rajasthan that the non-official members (including Members of Parliament) of District Level Sanitation Monitoring Committee were not paid any remuneration.

The Committee also noted that the functions of the said Committee were to review the progress of the sanitation schemes and make suggestions in this regard. No judicial/financial functions fell under the purview of the Committee. *As such, the functions of the Committee were advisory in nature.*

In view of the above, the Committee recommended that the non-official members (including Members of Parliament) of the District Level Sanitation Monitoring Committee *might be exempted* from disqualification for being chosen as or for being, Members of Parliament.

Thereafter, the Committee decided that their next sitting might be held on Tuesday, 6 August, 2002.

The Committee then adjourned.

XVIII

MINUTES OF THE EIGHTEENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (2002-2003)

The Committee sat on Tuesday, 6 August, 2002 from 15.00 to 15.30 hours 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 G. Ganga Reddy
5. Shri K.A. Sangtam
6. Shri Kharabela Swain

SECRETARIAT

1. Shri Ram Autar Ram — *Joint Secretary*
2. Shri A.K. Singh — *PCPI*
3. Shri J.S. Chauhan — *Under Secretary*

At the outset, the Chairman welcomed the members of the Committee. Thereafter, the Committee unanimously adopted their draft fifth Report.

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

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

The Committee then adjourned.