

**JOINT COMMITTEE ON
OFFICES OF PROFIT**

(THIRTEENTH LOK SABHA)

SEVENTH REPORT

Presented to Lok Sabha on 21-8-2003

Laid in Rajya Sabha on 21-8-2003



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2003/Sravana 1925 (Saka)

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**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 Jana Krishnamurthy K.
- **12. Shri Sanjay Nirupam
- @13. Shri Nilotpal Basu
14. Dr. M.N. Das
- \$15. Shri Eduardo Faleiro

SECRETARIAT

1. Shri S.K. Sharma — *Joint Secretary*
2. Shri A. Louis Martin — *Deputy Secretary*
3. Shri Ashok Balwani — *Under Secretary*

**Retired from Rajya Sabha on 2 April, 2000 and Re-elected by Rajya Sabha on 9 May, 2000.

@Elected by Rajya Sabha on 17 August, 2000 vice Shri E. Balanandan retired.

#Elected by Lok Sabha on 24 August, 2001 vice Shri Braja Kishore Tripathi resigned.

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

%Elected by Rajya Sabha on 28 July, 2003 vice Shri Sangh Priya Gautam resigned.

INTRODUCTION

1. 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 Seventh Report of the Committee.

2. The matters covered under the Report were considered by the Joint Committee on Offices of Profit at their sittings held on 4 December, 2002, 15 January, 2003 and 30 May, 2003. The Minutes of the sittings form part of the Report and are *at Appendix*.

3. The Committee examined the composition, character, functions, etc. of three Committees/Boards constituted by the State/Union 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/Union Governments. The Committee wish to express their thanks to the State/Union Governments for furnishing the information desired by the Committee.

5. The Committee considered and adopted this Report at their sitting held on 13 August, 2003.

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

NEW DELHI;
13 August, 2003
~~22 August, 1955 (Saka)~~

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

REPORT

PART-A

CASES OF NOMINATION WHICH DO NOT APPEAR TO ATTRACT DISQUALIFICATION

CHAPTER I

NOMINATION OF MEMBERS OF PARLIAMENT TO DISTRICT LEVEL ADVISORY COMMITTEE ON TRANSPORT, RAJASTHAN

The Government of Rajasthan, Department of Parliamentary Affairs, had sought approval (letter dated 28 November, 2002) for nomination of all Members of Parliament from Rajasthan to the concerned District Level Advisory Committee on Transport. These Committees were constituted by the order of Government of Rajasthan dated 28 May, 1999 to make State Transport System more convenient, transparent and accountable.

1.2 The composition of the Committee is as follows:

- | | | |
|---|---|---------------------------------|
| (i) District Collector | — | <i>Chairman</i> |
| (ii) Police Superintendent | — | <i>Member</i> |
| (iii) All Legislative Members | — | <i>Member</i> |
| (iv) District Magistrate | — | <i>Member</i> |
| (v) Chairmen of all Municipal Committees/
Council/Corporations | — | <i>Member</i> |
| (vi) Pradhans of all Panchayat Samitis | — | <i>Member</i> |
| (vii) Public Relation Officer | — | <i>Member</i> |
| (viii) Ex-official Member (Two) | — | <i>Member</i> |
| (ix) Social Worker/representatives of
N.G.O. (two) | — | <i>Member</i> |
| (x) One authorized correspondent of National/
State Level Daily Newspaper
(Nomination by Minister of Transport) | — | <i>Member</i> |
| (xi) General Manager, State Transport
Corporation | — | <i>Member cum
Secretary</i> |
| (xii) District Transport Officer
(State Transport Officer in
districts of Regional Headquarters) | — | <i>Member cum
Secretary</i> |

1.3 It has been stated that the functions of District Level Advisory Committee on Transport are to consider and recommend on the following subjects:—

- (1) To make the Transport system of the State more convenient.
- (2) To make the Transport system more transparent and accountable.
- (3) To give suggestions for improving the Urban Transport System.
- (4) To give suggestions for operating new routes.
- (5) To give suggestions for transport operation with a view to the public convenience.
- (6) To improve arrangement made for Bus stand.
- (7) To give suggestions for restricting the illegal Transport Operation.
- (8) To participate in Road Safety Week.
- (9) To improve the services of Transport Corporation.
- (10) To participate in Joint Intense Checking Campaign.
- (11) To give suggestions to reduce the number of Road accidents.
- (12) Other related subjects.

1.4 Rajasthan Government have stated that the Advisory Committee has been constituted only to give suggestions and that it does not have any legislative function or any financial powers.

1.5 Enquired about participation of Members of Advisory Committee in the Joint Intense Checking campaign, the Government of Rajasthan stated in a written reply that "the nominated members of the District Level Transport Advisory Committee only advise about making the transport system more convenient. Effective action is taken thereon after serious consideration. The members of the Committee are not required to be included in the joint intensive checking campaign."

1.6 The membership of the Advisory Committee is stated to be "honorary."

1.7 The Committee on Offices of Profit considered the matter at their sitting held on 15 January, 2003. (APPENDIX I)

1.8 The Committee note from the information furnished by the Government of Rajasthan that the non-official members (including Members of Parliament) of District Level Advisory Committee on Transport are not paid any remuneration and the membership is honorary. The Committee also note that the functions of the Advisory Committee are to make transport system more convenient, transparent and accountable in Rajasthan and to give suggestions for improving the urban transport system. As such, the functions of the Committee are advisory in nature. The Committee, therefore, recommend that the non-official members (including Members of Parliament) of the Advisory Committee may be exempted from disqualification for being chosen as, or for being, a Member of Parliament.

CHAPTER II

NOMINATION OF SHRI P.R. KYNDIAH, M.P. AS CO-CHAIRMAN OF STATE PLANNING BOARD, MEGHALAYA

The Government of Meghalaya (Planning Department) requested for the approval of Hon'ble Speaker Lok Sabha on 17 March, 2003 for nominating Shri P.R. Kyndiah, M.P. as Co-Chairman to the State Planning Board, Meghalaya. They had also stated that Shri Kyndiah's services would be utilized in a purely advisory capacity. The assignment would not carry any salary or other facilities except normal travelling allowances for attending Board's meetings as and when held.

2.2 As the information furnished by the Government of Meghalaya was not complete, they were requested to furnish further information. The Government of Meghalaya furnished the requisite information on 21 April, 2003 as brought out below:—

- (i) The State Planning Board, Meghalaya was constituted on 7th September, 1972 with the following terms of reference:—
- (a) To prepare an inventory of available and potential resources of the State, capital and human, and investigate the possibilities of augmenting and improving such resources.
 - (b) To prepare a perspective plan of the State for the next 15 to 20 years for the optimum and balanced utilization of the State's resources and indicate Plan priorities.
 - (c) To advise the Govt. regarding the formulation of Annual Plans and the Fifth Five Year Plan.
 - (d) To review the progress in the implementation of the Schemes and to ascertain the factors which have been tending to retard economic development of the State and to determine the conditions to be created for successful execution of the Plan.
 - (e) To take up such other studies and function as may be assigned to it from time to time and to make suitable recommendations to the State Government as may appear to be appropriate either for facilitating discharge of the duties assigned to it or on consideration of the prevailing economic conditions.

The Board has since been reconstituted from time to time.

- (ii) The Board is not an *ad-hoc* Board. It is the highest Advisory Body in the State and has been offering advice, suggestions and recommendations to the State Government on all aspects concerning the development of the State.

(iii) The Meghalaya State Planning Board was last reconstituted with the following Members *vide* Notification No. PLA. 54/91/Pt/20 dated 21.2.2002:—

1. Shri S.C. Marak, MLA	Chairman
2. Shri W. Syiemiong Ex-MLA	Deputy Chairman
3. Dr. R.C. Laloo Ex-MLA	Deputy Chairman
4. C.E.M. Khasi Hills Autonomous District Council, Shillong	Member
5. C.E.M. Garo Hills Autonomous District Council, Tura	Member
6. C.E. M. Jaintia Hills Autonomous District Council, Jowai	Member
7. Shri S.L. Marbaniang, Shillong	Member
8. Dr. B.B. Dutta, Ex-MP, Shillong	Member
9. Shri Sanghra H. Sangma, Tura	Member
10. Shri P.R. Kyndiah, M.P. Shillong	Member
11. Shri Polycarp K. Marak, Mendipathar	Member
12. Dr. K. Vincent, Shillong	Member
13. Dr. E.D. Thomas, Shillong	Member
14. Shri P.D. Sangma, East Garo Hills	Member
15. Shri Joimng Pde, Jowai	Member
16. Shri Corwell P. Marak, Bagmara, South Garo Hills	Member
17. Shri H. Sachang, Jowai	Member
18. Shri J.D. Pohruha, Laitumchhak, Shillong	Member
19. Shri Mason Singh Sangma, Tura	Member
20. Shri W.R. Kharlukhi, Jowai	Member
21. Shri Thomas Roy Mallai Mawlai, Shillong	Member
22. Shri R. Lyngdoh, Motinagar, Shillong	Member
23. Chief Secretary, Government of Meghalaya	Member
24. Principal Secretary, Government of Meghalaya Planning Department	Member
25. Principal Secretary, Government of Meghalaya Finance Department	Member
26. Commissioner & Secretary, State Planning Board	Member Secy

The Chairman, State Planning Board may invite such person(s) as may be considered necessary to any/all meetings of the State Planning Board.

(iv) The Chairman/Co-Chairman of the Board are non-official members. The term of office of the Chairman/Co-Chairman as well as of non-official members is not fixed and may be changed from time to time in the exigency of public interest. The Chairman/Co-Chairman and non-official members are selected and appointed at the pleasure of the Government.

(v) The remuneration payable to the Chairman/Co-Chairman of the Board whose status have been equated with that of the Chief Minister/Cabinet Minister/Minister of State/Deputy Minister is as per rate provided by the Government as under unless specifically barred:—

Salary/Allowances and other Facilities	Chief Minister	Deputy Chief Minister	Cabinet Minister	Minister of State	Deputy Minister
1	2	3	4	5	6
1. Salary (w.e.f. 1.4.2003) (including constituency allowance of Rs.5000 p.m.)	Rs. 20,000 p.m.	Rs. 19,600 p.m.	Rs. 19,250 p.m.	Rs. 18,750 p.m.	Rs. 18,500 p.m.
2. Electrical Energy	Rs. 1,000 p.m.	Rs. 1,000 p.m.	Rs. 1,000 p.m.	Rs. 1,000 p.m.	Rs. 1,000 p.m.
3. Hospitality	Rs. 2,000 p.m.	Rs. 2,000 p.m.	Rs. 2,000 p.m.	Rs. 2,000 p.m.	Rs. 2,000 p.m.
4. Car/Conveyance	A car of Rs. 300 p.m.	A car of Rs. 300 p.m.			
5. P.O.L.	(i) 250 litres of petrol p.m. (ii) 4 litres of M. oil p.m.	(i) 250 litres of petrol p.m. (ii) 4 litres of M. oil p.m.	(i) 250 litres of petrol p.m. (ii) 4 litres of M. oil p.m.	(i) 250 litres of petrol p.m. (ii) 4 litres of M. oil p.m.	
6. Accommodation	Free	Free	Free	Free	
7. House rent if a Minister occupies his private residence (Rule 9 of Minister's Allowances & Privileges Rules, 1989)	Rs. 10,000 p.m.	Rs. 10,000 p.m.	Rs. 10,000 p.m.	Rs. 10,000 p.m.	
8. T.A/D.A. as per Govt. Rules					

- (vi) It had been stated that the Co-Chairman (designate) of the present State Planning Board, i.e. Shri P.R. Kyndiah would not be paid any remuneration at all except TA/DA for attending Board's meeting.
- (vii) (i) (a) Sitting fee for members living in Shillong at Rs.175/- per day.
 (b) For members coming from outside Shillong at Rs. 200/- per day.
 (ii) TA & DA is provided at the rate as admissible to Grade I Officers of the State Govt. for attending meetings of the State Planning Board.
- (viii) The powers and functions of the Board are as under:—
- (a) To prepare an inventory of available and potential resources of the State, capital and human, and investigate the possibilities of augmenting and improving such resources.
 - (b) To prepare a perspective plan of the State for the next 15 to 20 years for the optimum and balanced utilization of the State's resources and indicate Plan priorities.
 - (c) To advise the Govt. regarding the formulation of Annual Plans and Five Year Plans.
 - (d) To review the progress in the implementation of the Schemes and to ascertain the factors which have been tending to retard economic development of the State and to determine the conditions to be created for successful execution of the Plans.
 - (e) To take up such other studies and function as may be assigned to it from time to time and to make suitable recommendations to the State Government as may appear to be appropriate either for facilitating discharge of the duties assigned to it or on consideration of the prevailing economic conditions.
- (ix) To a query whether the Board exercises executive, legislative, or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of license, etc. or gives powers of appointment, grant of scholarship etc., the Government of Meghalaya replied in the negative. To another query as to whether the Board wields influence or power by way of patronage, the same had also been replied in the negative.

2.3 The Committee considered the matter at their sitting held on 30 May, 2003. (APPENDIX III)

2.4 The Committee noted from the information furnished by the Government of Meghalaya that the salary and perks attached with the post of Chairman/Co-Chairman of the State Planning Board whose status has been equated with that of the Chief Minister/Cabinet Minister/Minister of State/Dputy Minister did not fall within the limits of the Compensatory Allowance as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. Similarly, payment of sitting fee to non-official members in addition to TA and DA is deemed to constitute "profit" even when the amount payable by way of sitting fee is well below the "Compensatory Allowance."

The Committee also noted that during 7th Lok Sabha the Committee had examined the State Planning Board, Meghalaya and had felt in their 8th Report that the non-official members of the Board ought not be exempt from disqualification as the powers exercised by the Board though apparently of functional nature were likely to lead to wielding of influence.

2.5 Having considered all aspects of the matter, the Committee feel that the office of Chairman/Co-Chairman or non-official members of the State Planning Board, Meghalaya with the attached remuneration/sitting fee etc. may disqualify the holder thereof for being chosen as, or for being a Member of Parliament. However, with reference to the specific case of Shri P.R. Kynlich, M.P. the Committee note that the Government of Meghalaya has made a specific mention that Shri P.R. Kynlich, M.P., the Co-Chairman (designate) of the present State Planning Board will not be paid any remuneration at all except TA/DA for attending Board's meeting. The Committee, therefore, recommend that Shri P.R. Kynlich, M.P. may be exempted from disqualification for being chosen as, or for being a Member of Parliament while holding the office of Co-Chairman of the State Planning Board, Meghalaya provided that the TA/DA and other facilities payable to him do not exceed the Complementary Allowance defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959 and the powers that will be exercised by him do not lead to wielding of influence.

PART-B

CASE WHICH MAY INCUR DISQUALIFICATION

CHAPTER III

NOMINATION OF MEMBERS OF PARLIAMENT TO THE COMMITTEE FOR THE PURPOSE OF CONTROL AND SUPERVISION OF EXPERIMENTS ON ANIMALS (CPCSEA).

The Ministry of Environment and Forests (Animal Welfare Division) sought advice (D.O. letter No. 25/1/2000-AWD dated 22.9.2000) regarding the applicability of the provisions of "office of profit" to the Chairperson of the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA).

3.2 The said Committee has been constituted under Section 15(1) and (2) of the Prevention of Cruelty to Animals Act, 1960. The Joint Committee on Offices of Profit had examined the said Committee during 4th Lok Sabha and recommended in their 4th Report that the composition, character and functions of the Committee were such that their Chairmanship or membership ought not to disqualify for being chosen as, or for being, a Member of Parliament.

3.3 In the light of the present scope and administrative and financial functions of the CPCSEA, the matter has been re-examined by the Joint Committee on Offices of Profit.

3.4 The CPCSEA presently consist of 18 officials and 10 non-officials. Travelling and daily allowances are payable to non-official members of the Committee as admissible to Grade-I officers of Government of India. The Chairperson and Members of the CPCSEA are not entitled to any pay, sitting fee and compensatory allowance.

3.5 The Committee performs Legislative, Executive and Financial functions as under:—

Legislative

These relate to framing of Rules for the conduct of experiments on animals with objectives of prevention of unnecessary pain or suffering to animals before, during or after the performance of experiments. In making any Rules, the Committee is to be guided by such directions as the Central Government may give. Section 17(4) of the Act further provides that all Rules made by the Committee are binding on all persons and institutions performing experiments.

Executive

- (a) Registration of breeders of small and large animals for experiments.
- (b) Registration of Animal Houses/facilities in Research Institutes/Laboratories, Medical Colleges, Productions Units producing sera vaccines and drugs.

- (c) Grant of permission for conducting experiments on animals.
- (d) Nominations of CPCSEA nominees on Institutional Animal Ethics Committees (IAECs) for giving clearance to projects involving experimentation on small animals in Research Institutes/Laboratories, Medical Colleges and Production Units.
- (e) Grant of clearance to projects involving experiments on large animals through the Sub-Committee on Large Animals.
- (f) Regulation of import of animals for experimentation.
- (g) Regulation of contract research.
- (h) Power to suspend and revoke registration to breeders and Animal Houses.
- (i) Power to cease experimentation on animals, and to acquire or transfer any animal.
- (j) Giving assistance for rehabilitation of animals used in experiments.
- (k) Inspection of Institutes and their Animal Houses undertaking animal experimentation, and issue of show cause notice in the event of non-compliance with Good Laboratory Practices.

Financial

- (a) The Committee has a budget of Rs. 45 lakhs during the current year. Additionally, the Animal Welfare Board of India has placed an amount of Rs. 1 crore for use by CPCSEA for rehabilitation of animals used in experiments, or rescued from distress.
- (b) The funds are used on activities like, assistance for rehabilitation of animals, organization of workshops, conferences, travel expenditure incurred on inspections, and publications. The expenditure is incurred with the approval of Chairperson.

3.6 The Committee considered the matter at their sitting held on 4 December, 2001. (APPENDIX I)

3.7 The Committee observe that TA/DA payable to a non-official member of CPCSEA is covered under the Compensatory Allowance as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. In coming to a conclusion whether an office ought to be exempted from disqualification it has to be seen, besides 'compensatory allowance', other criteria such as whether the office involves exercise of legislative, executive and financial powers and thereby enables the holder to wield influence and patronage. CPCSEA admittedly performs legislative, executive and financial powers and enables the holder of the office to wield

influence. The Committee, therefore recommend that non-official Member/Chairperson (including Member of Parliament) nominated to the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) may not be exempted from disqualification for being chosen as, or for being, Member of Parliament.

NEW DELHI;
13 August, 2003
22 Sravana, 1925 (Saka)

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

APPENDIX-I

(Vide Paragraph 3.6 of Chapter — III)

XXI

EXTRACTS OF THE MINUTES OF THE TWENTY FIRST SITTING OF
THE JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

The Committee sat on Wednesday, 4 December, 2002 from 1500 to 1530 hours in Chairman's Room No. 129, First Floor, Parliament House Annexa, 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

SECRETARIAT

Shri Ram Autar Ram — *Joint Secretary*

Shri A.K. Singh — *PCPI*

Shri Ashok Balwani — *Under Secretary*

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

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MEMORANDUM No. 40

Nomination of Hon'ble Members of Parliament to the Committee for the purpose of Control and Supervision of Experiments on Animals (CPCSEA)
(Ministry of Environment & Forests)

The Committee noted that the non-official Members (including Members of Parliament) of the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) under Ministry of Environment & Forests were entitled to air fare/any other mode of travel by road or rail as per actuals. Travelling

admissible to Grade-I officers of Government of India. The Chairperson and Members of the CPCSEA were not entitled to any pay, sitting fee and compensatory allowance.

The Committee also noted that the powers and functions of the said Committee were to frame the Rules for the conduct of experiments on animals; registration of breeders of small and large animals for experiments; registration of Animal Houses/facilities in Research Institutes/Laboratories, Medical Colleges, Productions Units producing sera vaccines and drugs; grant of permission for conducting experiments on animals; power to suspend and revoke registration to breeders and Animal Houses; power to cease experimentation on animals, and to acquire or transfer any animal; inspection of Institutes and their Animal Houses undertaking animal experimentation, and issue of show cause notice in the event of non-compliance with Good Laboratory Practices.

The Committee further noted that CPCSEA had a budget of Rs. 45 lakhs during the current year. Additionally, the Animal Welfare Board of India had placed an amount of Rs. 1 crore for use by CPCSEA for rehabilitation of animals used in experiments, or rescued from distress. The funds were used on activities like assistance for rehabilitation of animals, organization of workshops, conferences, travel expenditure incurred on inspections, and publications. The expenditure was incurred with the approval of Chairperson. The Committee received grant from Central Government (Ministry of Environment & Forests). The funds under the Mahavir Birth Celebration Fund were given by the Department of Culture. As such, the powers and functions of the Committee were Legislative, Executive and Financial in nature.

In view of the above, the Committee recommended that the non-official Chairperson/Members (including Member of Parliament) of Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) might not be exempted from disqualification for being chosen as, or for being, Members of Parliament.

The Committee then adjourned.

APPENDIX-II

(Vide Paragraph 1.7 of Chapter—1)

XXII

EXTRACTS OF THE MINUTES OF THE TWENTY SECOND SITTING OF
THE JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

The Committee sat on Wednesday, 15 January, 2003 from 1500 to 1530 hours 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 Kharabela Swain
4. Shrimati Kumudini Patnaik

Rajya Sabha

5. Shri Sangh Priya Gautam

SECRETARIAT

Shri A. Louis Martin — *Deputy Secretary*

Shri Ashok Balwani — *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. 42

**Nomination of Members of Lok Sabha to District Level Advisory
Committee on Transport, Rajasthan**

The Committee noted from the information furnished by the Government of Rajasthan that the non-official members of District Level Advisory Committee on Transport were not paid any remuneration and membership was honorary.

The Committee also noted that the functions of the Committee were to make transport system more convenient, transparent and accountable in Rajasthan and to give suggestions for improving the urban transport system. 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, if nominated) might be exempted from disqualification for being chosen as, or for being, a member of Parliament.

The Committee then adjourned.

APPENDIX-III

(Vide Paragraph 2.3 of Chapter—II)

XXIV

EXTRACTS OF THE MINUTES OF THE TWENTY FOURTH SITTING OF
THE JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTIETH LOK SABHA)

The Committee sat on Friday, 30 May, 2003 from 1200 to 1250 hours in Chairman's
Room No. 129, First Floor, Parliament House Annex, New Delhi.

PRESENT

Shri Vinod Kumar — Chairman

Members

Lok Sabha

2. Shri Nand Kumar Singh Chauhan
3. Shri G. Putta Swamy Gowda
4. Shri G. Ganga Reddy
5. Shri K.A. Sangtam
6. Shri Kunwar Sarvaraj Singh
7. Shri Kharabela Swain
8. Shrimati Kumudini Patnaik

Rajya Sabha

9. Shri Nilotpal Basu
10. Dr. M.N. Das

SECRETARIAT

1. Shri S.K. Sharma — Joint Secretary
2. Shri A. Louis Martin — Deputy Secretary
3. Shri Ashok Babwani — Under Secretary

2. At the outset, the Chairman welcomed the Members of the Committee. Thereafter, the Committee took up Memoranda No. 43 to 45 one by one for consideration:—

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Nomination of Shri P.R. Kyndiah, M.P. as Co-Chairman of
State Planning Board, Meghalaya

The Committee thereafter took up for consideration Memoranda No. 45 regarding nomination of Shri P.R. Kyndiah, M.P. as Co-Chairman to State Planning Board,

Meghalaya. The Committee noted from the information furnished by the Government of Meghalaya that the salary and perks attached with the office of Chairman/Co-Chairman of the State Planning Board whose status is equated with that of the Chief Minister/Cabinet Minister/Minister of State did not fall within the limits of the Compensatory Allowance defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. Similarly, payment of sitting fee to non-official members in addition to TA/DA is deemed to constitute "profit" even when the amount payable as sitting fee is well below the "Compensatory Allowance". During 7th Report the Committee had examined the State Planning Board, Meghalaya in their 8th Report that the non-official members of the Board are exempted from disqualification as the powers exercised by them are apparently of functional nature were likely to lead to wielding of influence.

(ii) Having considered all aspects of the matter, the Committee recommended that although the office of Chairman/Co-Chairman or non-official member of the State Planning Board, Meghalaya with the attached remuneration/sitting fee may disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, however, with reference to the specific case of Shri P. R. Kyndiah, M.P. the Committee noted that the Government of Meghalaya had not mentioned that Shri P.R. Kyndiah, M.P. the Co-Chairman (designated) of the State Planning Board would not be paid any remuneration at all or sitting fee for attending Board's meeting. The Committee, therefore, recommended that Shri P.R. Kyndiah, M.P. might be exempted from disqualification for being a Member of Parliament or for being a Member of Parliament while holding the office of Co-Chairman of the State Planning Board, Meghalaya provided that the TA/DA and sitting fee payable to him do not exceed the Compensatory Allowance defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959 and that the powers that would be exercised by him do not lead to wielding of influence.

The Committee then adjourned.

APPENDIX-IV

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EXTRACT OF MINUTES OF THE TWENTY FIFTH SITTING OF THE
JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

The Committee sat on Wednesday, 13 August, 2003 from 1500 to 1530 hours in Chairman's Room No. 129, First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Vinodra Kumar — Chairman

MEMBERS

Lok Sabha

2. Shri K.A. Sangtam
3. Shri Kharabela Swain

Rajya Sabha

4. Dr. M.N. Das
5. Shri Eduardo Faleiro

SECRETARIAT

Shri A. Louis Martin — Deputy Secretary
Shri Ashok Balwani — Under Secretary

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee. Thereafter, the Committee took up the draft Seventh Report for consideration and adopted the same without any modification. Thereafter, the Committee authorized the Chairman to present the same to Parliament.

3. Thereafter, the Committee took up MEMORANDUM NO. 46 regarding Nomination of Smt. Sheela Gantam, Member of Parliament to U.P. Control Board. Committee noted that nominated Member of the Board did not have any direct role and responsibility in regard to the day-to-day functions/work of the Board and were not directly empowered to give any directives. The Committee also noted that TA/DA payable to non-official members was covered by 'Compensatory Allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. It was also noted that the nomination of Members to the Uttar Pradesh Control Board was done in terms of Section 5(2) (d) of the

Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 enacted by Parliament. Keeping all these aspects in view, the Committee decided to recommend that the nomination of Smt. Sheela Gautam, M.P. to U.P. Control Board might be exempted from disqualification. Since the nomination was covered by the provisions of the Act passed by Parliament, the Committee also decided that the case need not be reported to the Parliament.

4. Thereafter, the Committee took up **MEMORANDUM NO. 47** regarding Nomination of Members of Parliament to the (i) State Level Vigilance and Monitoring Committee, Rajasthan and (ii) District Level Vigilance and Monitoring Committees, Rajasthan. The Committee noted that these Committees had been constituted in pursuance of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 framed by Government in terms of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Committee also noted that the Members of these Committees would get TA/DA and other facilities as admissible to Members of Parliament. The Committee observed that since these nominations were covered by provisions of the Rules framed by the Central Government in pursuance of the Act passed by Parliament, the nomination of non-official members (including Members of Parliament) to State Level Vigilance and Monitoring Committee and District Level Vigilance and Monitoring Committees did not appear to attract disqualification.

The Committee then adjourned.