

**CONFIDENTIAL**

CB-II No.

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

**FIFTH REPORT**

Presented to Lok Sabha on \_\_\_\_\_  
Laid in Rajya Sabha on \_\_\_\_\_

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**LOK SABHA SECRETARIAT  
NEW DELHI**

**October, 2007/Asvina, 1929 (Saka)**

Price:

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

**Members**  
**Lok Sabha**

**Shri Chandra Bhushan Singh - Chairman**

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

**Rajya Sabha**

11. Shri Silvius Condpan
- \*12. Dr. Abhishek Manu Singhvi
- \*13. Shri Arun Jaitley
- &14. Shri P.R. Rajan
15. Vacant

**SECRETARIAT**

1. Shri P.G. Grover Joint Secretary
2. Shri R.S. Misra Director
3. Shri K. Jena Deputy Secretary

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

& Elected to the Committee on 4.5.2007 vice Shri Chittabrata Majumdar passed away on 20.2.2007.

# Elected to the Committee on 31-8-2007 vice Shri Ajit Kumar Singh passed away on 1-8-2007

## 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 in the Report were considered by the Joint Committee on Offices of Profit at their sittings held on 25 July, 2007. The Minutes of the sitting form part of the Report and is at Appendix I.

3. The Committee examined the composition, character, functions etc. of three bodies, namely, the District Level Magra Regional Development Committee, the State Level Steering Committee (SLSC) for monitoring of Jawahar Lal Nehru National Urban Renewal Mission (JNNURM) and the State Board for Wild Life of Rajasthan Government with a view to considering whether the holders of the offices of these bodies would incur disqualification under Article 102 of the Constitution of India.

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

5. The Committee considered and adopted this Report at their sitting held on 8 October, 2007.

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

**CHANDRA BHUSHAN SINGH,  
NEW DELHI;**

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

October, 2007  
Asvina, 1929 (Saka)

## CHAPTER-I

**Subject : Nomination of Members of Parliament to the District Level Magra Regional Development Committee, Rajasthan.**

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The Government of Rajasthan (Department of Parliamentary Affairs) requested on 29-8-2005 for approval of Hon'ble Speaker, Lok Sabha for nomination of Members of Parliament to the District Level Magra Regional Development Committee of the State..

2. The Committee were informed that the Government of Rajasthan (in the budget of 2005-2006) had announced the launching of Magra Region Deveopment Programme keeping in view the economic and social backwardness of the pople residing in the Magra Region of the State. It was stated that the proposals were invited from the District Collector for the development of Magra Region in the field of economic, social, agriculture, animal husbandry, irrigation, water conservation, other community utilities etc. It was also stated by the State Government that the District Magra Regional Development Committee, under the Chairmanship of District Collectors would approve the proposals of Magra Regional Development Programmes at the district level and also periodically review and supervise the schemes in operation in the Districts.

The composition of the District Level Magra Regional Development Committee shall be as under:-

- |    |  |                  |
|----|--|------------------|
| 1. | District Collector                                   | Chairman         |
| 2. | Local Members of Parliament                          | Member           |
| 3. | Local Members of the Legislative Assembly            | Member           |
| 4. | Zila Pramukh   | Member           |
| 5. | Pradhan of concerned Panchayat Samiti                | Member           |
| 6. | District Level Officers of the concerned departments | Member           |
| 7. | Chief Executive Officer, District Council            | Member Secretary |

3. The State Government state that as per the survey conducted by the Aravalli Institute, 12 Panchayat Committees of Ajmer, Rajasmand, Bhilwara and Pali in the State were included in the Margra Region for the time being. Demands for the inclusion of some other districts were also received and they were under examination. It was also stated by the Government of Rajasthan that the aforesaid Committee was to be constituted with the approval of Hon'ble Chief Minister of the State and the Members of Parliament from the concerned area were to be nominated as member in the said committee.

4. As regard salary, Travelling Allowance, Daily Allowance, House Rent Allowance, Compensatory Allowance and sitting fee etc. payable to the Members Government of Rajasthan stated that no remuneration would be paid to them. The tenure of the members in the Committee was also not fixed but they would continue till the period of the scheme is over.

5. The Committee considered the matter at their sitting held on 25 July, 2007.

**6. The Committee note that the functions of the District Level Magra Regional Development Committee relate to economic and social development of the region and also for development of agriculture, animal husbandry, irrigation, water conservation, community utility etc. The functions of the Magra Regional Development Committee are advisory in nature. The Committee also note that the members of the District Level Magra Regional Development Committee will not be paid any remuneration.**

**7. The Committee feel that the Member of Parliament should be associated with the developmental activities which are to be undertaken in their own constituencies. Having considered all aspects of the matter, the Committee recommend that the member of Parliament, if nominated as member of the District**

**Level Magra Regional Development Committee may be exempted from disqualification for being chosen as, or for being, a member of Parliament.**

## CHAPTER-II

**Subject: Nomination of Members of Parliament to the State Level Steering Committee constituted under Jawahar Lal Nehru National Urban Renewal Mission (JNNURM) in the State of Rajasthan.**

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The Government of Rajasthan (Department of Local Self Government) requested on 21 March 2006 for prior approval of Hon'ble Speaker, Lok Sabha for nomination of Shri Girdhari Lal Bhargava, M.P. (Jaipur) and Shri Rasa Singh Rawat, M.P. (Ajmer and Pushker) to the State Level Steering Committee. It was stated by the Government of Rajasthan that the said Committee was constituted under Jawahar Lal Nehru National Urban Renewal Mission (JNNURM), launched by the Government of India. The cities of Jaipur, Ajmer and Pushker were selected from Rajasthan State under this mission and the members of Parliament of these cities were nominated as members of the Steering Committee by an administrative order dated 6.3.2006(Annexure-I).

2. As the information furnished by the Government of Rajasthan was not sufficient to examine the matter from the angle of office of profit, they were requested again to furnish some further information in this regard. In response, the Committee were informed that the Steering Committee was a Standing Committee, whose function was advisory in nature and the nomination of Members was on ex-officio basis. It was stated that the Steering Committee would not exercise any executive, legislative or judicial power nor it would be conferred power of disbursement of funds, allotment of land etc. It was also reported that the Committee would not have the power of appointment.

2. When asked whether the Committee would wield influence or power by way of patronage, the reply of the Government of Rajasthan was in the negative. The Committee



were also informed that no remuneration would be given to the Members. As regards the functions of the Steering Committee the Government of Rajasthan stated that the proposed Committee would determine priority of the works to be selected or undertaken under JNNURM and would submit its recommendations to the Ministry of Housing and Urban Development and Poverty Alleviation, Government of India.

4. In this connection it may be mentioned that the Joint Committee on Offices of Profit in their 3<sup>rd</sup> Report (10<sup>th</sup> Lok Sabha) had recommended exemption of non-official members from disqualification in respect of the following bodies of Dadra and Nagar Haveli and Daman & Diu:-

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

4. The Committee considered the matter at their sitting held on 25-07-2007.

**5. The Committee note that the function of the Steering Committee constituted under Jawahar Lal Nehru National Urban Renewal Mission (JNNURM) is to determine priority of the works to be selected under JNNURM. It would neither wield influence or power by way of patronage nor be conferred with powers of disbursement of funds, allotment of lands etc. Thus the functions of the Steering**

Committee are advisory in nature. Further no remuneration will be paid to the members of Parliament as non-official members of the steering committee

6. The Committee in their 3<sup>rd</sup> Report (10<sup>th</sup> Lok Sabha) had earlier recommended exemption of non-official members from disqualification in respect of certain bodies in Daman and Diu and Dadra and Nagar Haveli whose main function was to play a significant role in implementation of various programmes namely, Nehru Rozgar Yojana, Jawahar Rozgar Yojana, Integrated Rural Development Programme etc.

7. In the opinion of the Committee the Members of Parliament being the representatives of the people can play a very useful and constructive role in the developmental activities in various fields such as economic, social, environmental, etc. particularly in their own constituency and they should not be deprived of membership on the Committees/bodies promoting such activities. Having considered all aspects of the matter, the Committee recommend that a Member of Parliament, if nominated as member of the Steering Committee, should be exempted from disqualification for being chosen as, or for being, a member of Parliament.

ANNEXURE  
(Fide Para 2.1 of Chapter-II) GOVERNMENT OF  
RAJASTHAN  
DEPARTMENT OF ADMINISTRATIVE REFORMS  
(SECTION-3)

No. P-6(18)A.R\Sec.-3\2006

Jaipur, 6-3-2006

ORDER

The approval of Her Excellency the Governor of Rajasthan for constitution of the State Level Steering Committee (S.L.S.L.) to monitor the functioning of the Jawaharal Nehru National Urban Renewal Mission (J.N.N.U.R.M.) is hereby accorded:—

1. The Chief Minister, Rajasthan/Minister, Urban Development and Local Self Government — *Chairman*
2. Minister, Urban Development and Local Self Government — *Deputy Chairman*
3. Member of Parliament, Jaipur — *Member*
4. Member of Parliament, Ajmer — *Member*
5. Two M.L.A's nominated by the State Government from the Jaipur Municipal Corporation Territory — *Member*
6. One M.L.A. nominated by the State Government from the Municipal Corporation Territory of Ajmer — *Member*
7. M.L.A., Pushkar — *Member*
8. Mayor, Jaipur Municipal Corporation — *Member*
9. Chairman, Municipal Council, Ajmer — *Member*
10. Chairman, Municipality, Pushkar — *Member*
11. Principal Secretary—Finance and Planning — *Member*
12. Principal Secretary—Town Development — *Member*
13. Secretaries, Public Health and Engineering Department — *Member*
14. Commissioner, Jaipur Development Authority — *Member*
15. Chief Executive Officer, Municipal Corporation Jaipur — *Member*
16. District Collector Ajmer — *Member*
17. Urban Development Experts (Two) nominated — *Member*
18. Secretary, Department of Local Self Government — *Member*

Secretary-cum-Mission Director

This Committee will select and fix priorities regarding the works to be undertaken under the Jawahar! Nehru National Urban Renewal Mission. The Administrative department of this Committee will be the department of the Local Self Government.

By order  
Deputy  
Secretary

Copy to

1. Principal Secretary to Her Excellency the Government of Rajasthan/Principal Secretary to the Hon'ble Chief Minister of Rajasthan, Jaipur.
2. Personal Assistant, the Minister of State in the Ministry of Self Government and Urban Development, Jaipur.
3. Personal Secretary to the Chief Secretary.
4. Personal Secretary to the Principal Secretary, the Department of Administrative Reforms.
5. The members concerned (through the Department of Local Self Government)
6. Director, Department of Information and Public Relations.
7. Deputy Secretary, the Department of Local Self Government with the request to forward and distribute additional copies to all concerned.
8. Record File. : -

Deputy Secretary.

Note: The nomination of the Members of Parliament and the Members of Legislative Assembly will be done only after obtaining prior approval from the Speaker, Lok Sabha/Speaker Rajasthan Vidhan Sabha, as the case may be.

### CHAPTER - III

**Subject: Nomination of Member of Parliament to the State Board for Wildlife, Rajasthan.**

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The Government of Rajasthan (Forest Department) vide their letter No. F/7(30) Forest/98/Part dated 9.5.2007 (Annexure – I) requested for permission of Hon'ble Speaker, Lok Sabha for nomination of Shri Mahaveer Bhagora, M.P. as a member of the State Board for Wildlife.

2. As the information furnished in this regard by the Government of Rajasthan was incomplete to be examined from the angle of 'office of profit', they were requested to furnish some more information. The Government of Rajasthan furnished the desired information vide their letter No.F.7(30) Forest/98 dated 26 May, 2007 (Annexure-II).

3. The Committee were informed that the Board was proposed to be constituted to advise the State Government on issues pertaining to protection, conservation and management of wildlife.

4. It was also stated that Hon'ble Member of Parliament would only be entitled for daily allowance in respect of expenses incurred in the performance of his duties. No remuneration would however, be admissible to him.

5. Asked to state whether the Board would exercise executive, legislative or judicial powers, and whether the Board was conferred with powers of disbursement of funds, allotment of land etc. the reply of the Government was in the negative. The Government also clarified that the Board would not wield influence or power by way of patronage.

6. The Committee had earlier examined the Rajasthan Wildlife Advisory Board and it was recommended in their 5<sup>th</sup> Report (8<sup>th</sup> Lok Sabha) that the non official Members of the Board should be exempted from disqualification as they were not paid any remuneration.

7. The Joint Committee on Offices of Profit considered the above matter at their sitting held on 25 July, 2007.

**8. The Committee note that the functions of the Rajasthan Wildlife Advisory Board are advisory in nature and would not wield influence or power by way of patronage. The Board is also not conferred with the powers of disbursement of funds, allotment of lands etc. The Committee are of the opinion that Members of Parliament being the representatives of the people can play a very useful and constructive role in the social, environmental, developmental activities etc. and they should not be deprived of the membership of bodies undertaking such activities. The Committee further note that during 8<sup>th</sup> Lok Sabha the matter regarding nomination to the Rajasthan Wild Life Advisory Board was examined and the nomination of non-official members to the Board was recommended to be exempted from disqualification. The Committee therefore, recommend that Members of Parliament, if nominated as a member of the State Board for Wild Life, Rajasthan be exempted from disqualification for being chosen as, or for being Members of Parliament.**

**ANNEXUR&-I**  
(Vide Para 3.1 of Chapter III)  
GOVERNMENT OF RAJASTHAN  
(Forest Department)

No. F/7(30)Forest/98/Part/ . - Jaipur, dated: 9th May, 2007

To

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

Sub:— Nomination of a Member of Parliament to the State Board for Wildlife,  
Rajasthan.

Sir, - \* . ■ ■ ■ .■

The Wildlife Protection Act, 1972 envisages to constitute a State Board for Wildlife under the Chairmanship of the Chief Minister. As per Section 6(1) (e) of the Act at least two representatives of the Scheduled Tribes are to be nominated to the Board out of 10 persons from amongst eminent Conservationists, Ecologists and Environmentalists. The State Government of Rajasthan proposes that Shri Mahaveer Bhagora, Member of Parliament to be a member of the State Board for Wildlife.

The duty of the State Board for Wildlife is to advise the State Government on issues pertaining to protection, conservation and management of wildlife and its habitat. The Board shall be holding at least two meetings in a year.

Member of State Board for Wildlife is not a post of Office of Profit. Members will only be entitled to receive travelling and daily allowances in respect of expenses incurred in the performance of their duties. The travelling allowance, halting allowance, conveyance allowance to a Member of Parliament appointed to serve on Board will be admissible as per rule 32 of Rajasthan Travelling Allowance Rules 1971 (copy enclosed Appendix). All such allowances fall within the definition of compensatory allowances as defined under section 2 (a) of Parliament (Prevention of disqualification) Act, 1959. No other allowances or remunerations are admissible. The term of office of a member of the State Board for Wildlife will be three years from the date of his appointment

\*\* \*\* \* \*\*

Your Sincerely,

**End.:** As above

**Sd/-**  
**(Rukmani Haldea)**  
Principal Secretary.

**APPENDIX \***

EXTRACTS FROM RAJASTHAN TRAVELLING ALLOWANCE  
RULES, 1971

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

**(A) Travelling Allowance**

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

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

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

- (a) When a journey is performed by taking a single seat in public conveyance, the lower rate of road mileage *viz.* 10 paise per kilometre but total limited to rail mileage admissible will apply.
- (b) When the Journey is performed otherwise road mileage @ 32 paise per kilometre but total limited to rail mileage admissible will apply.

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



(iii) Journey by Air.—Air travel should not be permitted as a matter of course, Each case will be examined on merits by the Finance Department and permission for air travel will be granted only if it can be certified that air travel was urgent and necessary in public interest and the public interest served is recorded in the bill. In case where air travel is authorized a Member of Parliament will be entitled to the standard air fare plus 1/5 thereof subject to 2 maximum of Rs. 20/- for each single journey.

(B) Halting Allowance:

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

(C) Conveyance Allowance:

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

*ANNEXURE-H*  
(Vide para 3.2 of Chapter III)  
GOVERNMENT OF RAJASTHAN  
(Forest Department)

No. F7(30)Forest/98

Jaipur, dated: 26 May, 2007.

Shri K Jena  
Deputy Secretary,  
Lok Sabha Secretariat,  
149, Parliament House Annexe,  
New Delhi 110 001

Sub: Joint Committee Offices of Profit— Nomination of a Member of Parliament  
to the State Board for Wildlife, Rajasthan.

Ref:— Your letter No. 21/2/2/(12)2007/CII dated 21.5.2007.

Sir,

Reference to above subject and letter, the required point-wise information is  
as below for your consideration:

Sl. No.	List of points	Comments
<b>3</b>		
1.	Please state whether the State	State Board of Wildlife is a board constituted under Section 6 of the
		period is not prescribed. For other members the period is prescribed by State Government. Presently it is 3 years in Rajasthan.
2(i)	Whether the Board exercises Executive, Legislative or Judicial powers.	The Board is a advisory body and its procedure & duties are defined in Sections 7 & 8 of the Wildlife Act (Copies enclosed).
(ii)	Whether the Board Confers powers of disbursement of funds, allotment of lands etc,	No
(iii)	Whether it would have powers of appointment.	No
(iv)	Whether the Board would wield influence or power by way of patronage.	No

- 
- |   |  |
|---|--|
| 3. Please specify the role of the Member of Parliament in the Board.  | Shri Mahaveer Bhagora, Member of Parliament is being nominated u/s 6(e) of the Act to represent the Scheduled Tribes.  |
| 4. Please state whether any material change has taken place in the character and composition of the board since it was last examined in August, 1987. | Due to the amendment of Wildlife Act, 1972 in 2002 only the number of members have been changed. There is no material change regarding procedure of Board u/s 7 and duties of Board u/s 8 of Wildlife Act, 1972 and in amended Act 2002. |
- 

Yours' faithfully,

Sd/—  
(Rukmani Ha idea)  
Principal Secretary.

## THE WILDLIFE (PROTECTION) ACT, 1972

6. Constitution of State Board for Wild Life<sup>1</sup>—

(1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 constitute a State Board for Wild Life consisting of the following members, namely:—

- (a) the Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be— Chair person;
- (b) the Minister in-charge of Forests and Wild Life—Vice-Chairperson;
- (c) three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;
- (d) three persons to represent non-governmental organisations dealing with wild life to be nominated by the State Government;
- (e) ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;
- (f) the Secretary to the State Government or the Government of the Union territory, as the case may be in-charge of Forests and Wild life;
- (g) the Officer-in-charge of the State Forest Department;
- (h) the Secretary to the State Government Department of Tribal Welfare;
- (i) the Managing Director, State Tourism Development Corporation;
- (j) an officer of the State Police Department not below the rank of Inspector-General;
- (k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;
- (l) the Director, Department of Animal Husbandry of the State;
- (m) the Director, Department of Fisheries of the State;
- (n) an officer to be nominated by the Director, Wild Life Preservation;
- (o) a representative of the Wild Life Institute of India, Dehradun;
- (p) a representative of the Botanical Survey of India;

- (q) a representative of the Zoological Survey of India;
- (r) the Chief Wild Life Warden, who shall be the Member-Secretary.

(2) The term of office of the members other than those who are members *ex-officio* and the manner of filling vacancies referred to in clauses (d) and (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.

(3) The member (except members *ex-officio*) shall be entitled to receive such allowance's in respect of expenses incurred in the performance of their duties as may be prescribed."

#### ■ Comments

As **per** the guidelines issued by the Central Government the appointments of Regional Representatives of Indian Board for Wild Life in the Wild Life Advisory Boards of States/Union Territories should be covered by the provisions of section 6(1) (g) of the Act. Whereas establishment of Wild Life Advisory Boards in States and Union Territories has statutory support under this Act, such support is not available to the Indian Board for Wild Life which is the highest advisory body to the Central Government in matters of Wild Life.

7. Procedure to be followed by the Board—

- (1) The Board shall meet atleast twice a year at such place as the State Government may direct.
- (2) The Board shall regulate its own procedure (including the quorum).
- (3) No Act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein any defect in the constitution thereof or any irregularity in on the procedure of the Board affecting the merits' of the case.

8. Duties of the State Board for Wild Life — It shall be the duty of State Board for Wild Life to advise the State Government,

- (a) in the selection and management of areas to be declared as protected areas;
- (b) in formulation of the policy of protection and conservation of Wild Life and specified plants;

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♦Sec. 6(1) (d) "Chief Conservator of Forests, *ex officio*" substituted by Act 44 of 1991, sec- 7.

•(g) such other officials and n on -officials not excluding fifteen who in the opinion of the State Government are interested in the protection prosecution of Wild Life substituted by Act 44 of 1991, sec. 7 and original sub-section renumbered as \*h\

(IA) inserted by Act 44 of 1991, sec 7.

• Sec 6(2) The State Government shall appoint the Chief Wild Life Warden or the Chief Conservator of Forest as the Secretary to the Board, substituted Act 44 of 199V, sec. 7.

(c) in any matter relating to any schedule;

[(cc) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and\*]

(d) in any matter that may be referred to it by the State Government.

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Sec. 6 (3) "in Cl. (g)" should have been substituted by Cl. "{h}" under the amended verdict. Sec, 8 and 8 (a) amended *vide* notification dated 17.1.2003 effective from 1.4,2003.

•Sec. 8(b) "in the formulation of the policy in granting licences and permits under this Act," substituted by Act 44 of 199L sec. 8.

Sec. 8 (cc) inserted by Act of 1991, sec. 8.

**CONFIDENTIAL**

**APPENDIX-I**

**XIII**

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

The Committee sat on Wednesday, 25 July, 2007, from 1520 hrs. to 1600 hrs in Committee Room No. 'D', Parliament House Annexe, New Delhi.

**PRESENT**

Shri Chandra Bhushan Singh - Chairman

**MEMBERS(LOK SABHA)**

2. Shri Ananth Kumar
3. Shri Ashok Argal
4. Shri S.K. Kharventhan
5. Shri G. Nizamuddin
6. Shri Nikhilanda Sar

**MEMBERS(RAJYA SABHA)**

7. Shri Silvius Condpan
8. Dr. Abhishek Manu Singhvi
9. Shri Arun Jaitley

**SECRETARIAT**

Shri P.K. Grover - Joint Secretary  
Shri K. Jena - Deputy Secretary

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

3. Thereafter, the Committee took up for consideration the following Memoranda relating to the State Government of Rajasthan.

- (i) Memoranda No.11: Nomination of Members of Parliament to the District Level Magra Regional Development Committee, Rajasthan.
- (ii) Memoranda No.12: Nomination of Members of Parliament to the State Level Steering Committee (SLSC) for monitoring of Jawahar Lal Nehru National Urban Renewal Mission (JNNURM) of Rajasthan.
- (iii) Memoranda No.13: Nomination of a Members of Parliament to State Board For Wild Life, Rajasthan.

4. The Committee observed that the main function of the District Level Magra Regional Development Committee was to approve the proposals of work for the development of economic, social and basic facilities in the area. The State Level Steering Committee would determine priority of the works to be selected or undertaken under JNNURM and the function of State Board for Wildlife was to advise the State Government on issues pertaining to protection, conservation and management of wildlife and its habitat.



5. The Committee felt that the functions of the above bodies are advisory/recommendatory in nature and would not wield influence or power by way of patronage. They are also not conferred with the powers of disbursement of funds, allotment of lands etc. It was emphasised that Members of Parliament being the representatives of the people could play a very useful and constructive role in the social, environmental, developmental activity etc. and they should not be deprived of their membership of such bodies.

6. The Committee further felt that the criteria laid down by JCOP are only the determinants. The Committee observed that the independence of Members of Parliament be ensured when developmental activities are undertaken in their own constituencies. The Committee felt that it would amount to negating democracy if the elected members were completely eliminated from the process of decision making in their own constituencies.

7. The Committee also felt that the distinction should not be made between the executive or administrative functions associated with the bodies. The important factor to be considered should be the kind of remuneration received by the Members/Chairman from the Government.

8. The Committee noted that no remuneration would be paid to the members of the (i) District Level Magra Regional Development Committee and (ii) State Level Steering Committee whereas in case of State Board for wildlife, the TA/DA including halting allowance, conveyance allowance etc were to be paid as per rule 32 of Rajasthan Travelling Allowance Rules, 1971 which fall within the limits of 'Compensatory

Allowance” defined under Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

9. Keeping in view of the above, the Committee decided to recommend that nomination of Members of Parliament to the abovesaid bodies should be exempted from disqualification for being chosen as, or for being a Member of Parliament.

The Committee then adjourned.

**XIV**

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

The Committee sat on Monday, 8 October, 2007, from 1500 hrs. to 1610 hrs in Committee Room No. 'B', Parliament House Annexe, New Delhi.

**PRESENT**

Shri Chandra Bhushan Singh - Chairman

**MEMBER (LOK SABHA)**

2. Shri Ashok Argal
3. Shri Rajiv Ranjan 'Lalan' Singh
4. Shri Mohan Jena
5. Shri S.K. Kharventhan
6. Shri Nikhilananda Sar
7. Shri Sita Ram Yadav

**MEMBERS (RAJYA SABHA)**

8. Shri Silvius Condpan

**SECRETARIAT**

Shri P.K. Grover - Joint Secretary  
Shri R.S. Misra - Director  
Shri K. Jena - Deputy Secretary

At the outset, the Chairman welcomed the members to the sitting of the Committee. The Committee then kept a minute silence on the sad demise of its member Shri Ajit K. Singh. Subsequently, the Chairman also welcomed Shri Rajiv Ranjan 'Lalan' Singh, the newly elected member to the Committee. Thereafter, the Committee took up the draft Fifth Report for consideration.

2. The draft Fifth Report contained the following three Chapters:-

**CHAPTER-I** Nomination of Member of Parliament to District Level Magra Regional Development Committee, Rajasthan

**CHAPTER-II** Nomination of Members of Parliament to the State Level Steering Committee (SLSC) for monitoring of Jawahar Lal Nehru National Urban Renewal Mission (JNNURM) of Rajasthan.

**CHAPTER-III** Nomination of Member of Parliament to the State Board for Wild Life, Rajasthan

While deliberating on Chapter-I and II regarding (i) District Level Magra Rational Development Committee and (ii) Jawahar Lal Nehru National Urban Renewal Mission (JNNURM), Rajasthan, some of the members of the Joint Committee observed that the reply of the State Government relating to remuneration was not clear with respect to specific heads such as pay/salary, Travelling Allowance, Daily Allowance, House Rent Allowance, Compensatory Allowance and sitting fee, etc. The Committee, therefore, desired to have a clear-cut explanation of the word 'remuneration' from the State Government.

The Committee then considered Chapter-III regarding State Board for Wildlife, Rajasthan and noted that the traveling allowance, halting allowance, conveyance allowance to a member of Parliament appointed to serve on Board would be admissible as per rule 32 of Rajasthan Travelling Allowance Rules, 1971. The Committee expressed their dismay over the fact that the Rajasthan Travelling Allowance Rules, 1971 was still applicable for providing allowances at very cheap rates to the members of the Board. The Committee, therefore, desired from the State Government to know whether the T.A. payable to members was sufficient for them to attend the sittings of the Board.

In view of the above, the Committee while adopting Chapters I & II decided to undertake an on the spot study visit to Jaipur on 5 November, 2007 to examine in detail the facts relating to remuneration, functions, powers, appointment, etc. relating to aforementioned bodies.

3. The Committee then considered and approved Memorandum No.14 regarding forwarding their views on the definition of “Office of Profit” and evolving uniform principles in regard to Articles 102(1) and 191(1) of the Constitution to the Joint Committee to examine the constitutional and legal position relating to Office of Profit.

The Committee then adjourned.

