

JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

EIGHTH REPORT

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



**LOK SABHA SECRETARIAT
NEW DELHI**

January, 2004/Pausa, 1925 (Saka)

Price :

**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 Moinul 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 Nilotpall Basu
14. Dr. M. N. Das
- \$15. Shri Eduardo Faleiro

SECRETARIAT

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

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- # Elected by Lok Sabha on 24 August, 2001 vice Shri Braja Kishore Tripathi resigned.
& Elected by Rajya Sabha on 17 August, 2000 vice Shri E. Balanandan retired.
** Retired from Rajya Sabha on 2 April, 2000 and Re-elected by Rajya Sabha on 9 May, 2002.
@ 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. 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 Report to the Committee.

2. The matters covered by the Report were considered by the Joint Committee on Offices of Profit at their sittings held on 4 December, 2002, 27 March, 2003, 13 August, 2003 and 18 December, 2003. The Minutes of the sittings of the Committee are at *Appendices II to VI*.

3. The Committee examined the composition, character, functions, emoluments and allowances payable to their members and non-official Members of the Committees/Commission constituted by the Union/State Governments and considered 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 Union/State Governments. The Committee wish to express its appreciation to the Union/State Governments for furnishing the information desired by the Committee.

5. The Committee considered and adopted this Report at their sitting held on 7 January, 2004. (Appendix-VII)

6. The observations/recommendations of the Committee in respect of the matters considered by them are given in the respective chapters of this report.

NEW DELHI;
7 January, 2004
17 Pausa, 1925 (Saka)

VIRENDRA
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Joint Committee on Offices

CHAPTER-I

REPORT

APPOINTMENT OF MEMBERS OF PARLIAMENT AS PART-TIME MEMBERS OF THE SPACE COMMISSION

A proposal from Department of Space regarding appointment of Members of Parliament (Dr. K. Kasturirangan, M.P. and Dr. Bimal Jalan, M.P., Members of Rajya Sabha), as Members of the Space Commission was received through Rajya Sabha Secretariat [U.O. Note No. RSS 12(1)/2003-Coord. dated 18th November, 2003].

1.2 The Joint Committee on Offices of Profit had examined the Space Commission earlier and recommended in their Eleventh Report (in the year 1974 - 5th Lok Sabha) that the membership of the Commission ought not to be exempt from disqualification. The matter has been re-examined by the Joint Committee on Offices of Profit in the light of the present scope and executive, financial and legislative functions of the Space Commission.

1.3 The details regarding constitution of Space Commission, its function and other related details as furnished by the Department of Space (O.M. No. 12/5/5/2003-I dated 25 November, 2003) are as follows:—

- A. The Space Commission was set up by a Resolution of Government of India, (Cabinet Secretariat) No. 83/1/1/72-CF dated 1.6.1972 with full executive and also financial powers. The Space Commission is reconstituted at the end of each calendar year and also whenever there is any change in the incumbent of the members, with the approval of Minister in charge of the Department of Space.
- B. The Space Commission is responsible:
 - (a) for formulating the policy of the Department of Space for the consideration and approval of the Prime Minister.
 - (b) for preparing the budget of the Department of Space for each financial year and getting it approved by Government; and
 - (c) for the implementation of Government's policy in all matters concerning outer Space.

Within the limits of the budget provision, approved by Parliament, the Commission has the powers of the Government of India, both administrative and financial, for carrying out the work of the Department of Space.

The Commission has power to frame its own rules of procedures.

- C. The Committee consists of full-time and part-time members. It has been stated that there is no classification of Members of the Space Commission as officials and non-officials.
- D. Dr. K. Kasturirangan and Dr. Bimal Jalan, Members, Rajya Sabha are proposed to be appointed as part-time members of the Space Commission. Appointment/removal of Members of the Space Commission is done with the approval of the Minister-in-charge of the Department of Space.
- E. The Department of Space have stated that Part-time members of the Space Commission are paid Travelling Allowance and Daily Allowance as admissible, at the highest rate entitled for Grade-I Officer of the Central Govt. whenever they are required to attend the meetings of the Space Commission, away from the station of their residence.
- F. The following type of cases, *inter-alia* are brought before the Commission:—
 - (i) Proposals for legislation or promulgation of rules and orders in the exercise of statutory powers conferred on the Department.
 - (ii) Budget proposals.
 - (iii) Proposals for acceptance of any rules and procedures which involve significant deviations from the normal rules and procedures of Government.

1.4 The Joint Committee on Offices of Profit considered the matter at their sitting held on 18 December, 2003. (APPENDIX-VI)

1.5 The Committee observe that the Members of Parliament (Dr. K. Kasturirangan and Dr. Bimal Jalan, Members of Rajya Sabha) who are proposed to be appointed as part-time members of the Space Commission will be paid Travelling Allowance and Daily Allowances admissible, at the highest rate entitled for Grade-I Officer of the Central Govt. whenever they are required to attend the meetings of the Space Commission, away from the station of their residence. The allowances to be provided to them are covered under Compensatory Allowance as defined in Clause 2 (a) of Parliament (Prevention of Disqualification) Act, 1959. As regards functions of the Space Commission, the Committee note that the Space Commission is responsible among others for preparing the budget of the Department of Space and for the implementation of Government's policy in all matters concerning outer Space. As stated in the resolution regarding Constitution of the Space Commission, it has full executive and financial powers. It also has legislative functions in promulgating rules and orders. Thus, the functions of the Space Commission are administrative, financial and legislative in nature.

1.6 One of the criteria adopted by the Committee for deciding the question as to which of the offices should disqualify and which should not disqualify a person for being chosen as and for being a Member of Parliament is whether the body in which an Office is held exercises executive, legislative, judicial and financial powers and if the reply is in affirmative then the office in question will entail disqualification. Since the Space Commission exercises executive, legislative and financial powers, the Committee feel that the proposed appointment of Members of Parliament

(Dr. K. Kasturirangan and Dr. Bimal Jalan, Members of Rajya Sabha) as part-time Members of the Space Commission appear to entail disqualification for being chosen as, or for being a Member of Parliament as already recommended in their Eleventh Report (5th Lok Sabha).

CHAPTER-II

NOMINATION OF MEMBERS OF PARLIAMENT TO THE STATE LEVEL VIGILANCE AND MONITORING COMMITTEE AND DISTRICT LEVEL VIGILANCE AND MONITORING COMMITTEES IN RAJASTHAN

The Govt. of Rajasthan sent a proposal for nomination of Members of Parliament to the State Level Vigilance and Monitoring Committee, Rajasthan to be constituted under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. In this connection, the Government of Rajasthan (Department of Parliamentary Affairs) furnished the following information:—

- | | |
|--|---|
| 1. Name of the Committee, Board Council, etc. | State Level Vigilance and Monitoring Committee. |
| 2. Names of Act, Resolutions, Rules etc. under which Constituted | Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1995. |
| 3. Term of office of members | Till they are the members of Rajya Sabha and the Lok Sabha. |
| 4. Salary, travelling allowances, etc. | The Members are not being nominated on the offices of Profits. Therefore, facilities available to them as the Members of Parliament will continue as usual. |
| 5. Composition of the Committee Board, Council etc. | <p>The Committee will be a high powered committee comprising of maximum 25 Members in the following manner:—</p> <ol style="list-style-type: none">1. Chief Minister/Administration Chairman2. Home Minister, Finance Minister and Welfare Minister — Members3. Members of Parliament and Members of State Legislative Assembly belonging to Scheduled Castes and Scheduled Tribes — Members4. Chief Secretary, Home Secretary, Director General of Police, Director/Deputy Director of National Scheduled Tribes Commission — Members |

- | | |
|--|---|
| | 5. Secretary in-charge of welfare and development of Scheduled Castes and Scheduled Tribes—Convenor. |
| 6. Mode of appointment of the Members to the Committee, Council, Board etc. | Under the provision of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1995; State Government has the right to appoint/remove the Members of the Committee. |
| 7. Qualification for membership/ Chairmanship in the Committee Board, Council etc. | As per the provision of Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1995. |
| 8. Functions and Powers of the Committee, Council Board etc. | Implementation of the provisions of the State Level Vigilance and Monitoring Committee Act; to provide relief and Rehabilitation facilities to the affected and other issues related to them; prosecution under the provisions of the Act; to consider the role of various officers and agencies responsible for the implementation of the provisions of the Act and various reports received by the State Government.

Under the said Act, the main function of the Committee is of monitoring at State Level. |

2.2 The Committee considered the matter at their sitting held on 4.12.2002 and 27 March, 2003. (Appendix-II & III). The Committee noted that the salary, travelling allowance etc., payable to the non-official members (including Members of Parliament) of the State Level Vigilance and Monitoring Committee were as per the facilities which were being available to them as Members of Parliament. The Committee noted that the functions of the said Committee were to implement the provisions of the State Level Vigilance and Monitoring Committee Act; to provide relief and rehabilitation facilities to the affected and other issues related to them; prosecution under the provisions of the Act; to consider the role of various officers and agencies responsible for the implementation of the provisions of the Act and various reports received by the State Government. The Committee observed that the functions of the Committee were executive and financial in nature. The Committee, however, felt at their sitting held on 27 March, 2003 that it was not clear whether the role and functions of the State level Vigilance and Monitoring Committee were restricted only to the cases relating to Scheduled Castes and Scheduled Tribes or extended to all the cases.

2.3 In the meantime, the Government of Rajasthan forwarded proposal for nomination of Members of Parliament to the District Level Vigilance and Monitoring Committees.

2.4 Section 21 (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for setting up of Committees at such appropriate levels as the State Government might think fit to assist the Government in formulation or implementation of such measures. The rules framed by the Central Government in pursuance of this Act, viz. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, provide for nomination of Members of Parliament to the State Level Vigilance and Monitoring Committee and District Level Vigilance and Monitoring Committees. Rule 16 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 provides for constitution of State Level Vigilance and Monitoring Committee to review the implementation of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the State Government. Rule 17 provides for constitution of District Level Vigilance and Monitoring Committee.

2.5 The matter was again considered by the Joint Committee on Offices of Profit at their sitting held on 13.8.2003. (Appendix-V).

2.6 The Committee note that the State Level Vigilance and Monitoring Committee and District Level Vigilance and Monitoring Committee are proposed to be 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 note that the Members of these Committees would get TA/DA and other facilities as admissible to Members of Parliament. Since these nominations are covered by the provisions of the Rules framed by the Central Government in pursuance of the Act passed by Parliament, the Committee feel that the nomination of non-official members (including Members of Parliament) to the proposed State Level Vigilance and Monitoring Committee and District Level Vigilance and Monitoring Committees in Rajasthan do not appear to attract disqualification.

CHAPTER-III

NOMINATION OF MEMBERS OF PARLIAMENT TO THE ZILA MAHILA SAHAYATA SAMITIS OF THE DISTRICTS OF RAJASTHAN

A proposal has been received from the Government of Rajasthan for nomination of Members of Parliament to the Zila Mahila Sahayata Samitis of the Districts of Rajasthan. As the proposal was not accompanied by relevant details, the Government of Rajasthan were requested to furnish the same. The Rajasthan Government *inter-alia* informed (letter No. F19()WDA/Stat./ZMSS/2002/18080 dated 30.12.2002—Appendix-I) that the remuneration payable to the non-official Chairman/members of the Samitis had not been decided.

3.2 Since the Rajasthan Government had not given any information regarding remuneration payable to the non-official Chairman and Members of the Samitis, and remuneration being one of the criteria to determine whether the membership could be construed as an "Offices of Profit", they were requested to furnish further information. The information furnished by them point-wise (letter dated 22.3.2003) is as under:—

Information sought	Reply
1. Please specify clearly whether the role of the Zila Mahila Sahayata Samiti is advisory or executive or judicial or legislative in nature.	The nature of proposed Mahila Sahayata Samitis is of <i>advisory and executive nature</i> . These Samitis are being constituted to help women in need of care and protection and to provide them social, legal or financial support in their dignified rehabilitation.
2. Are the recommendations or decisions of the Samitis binding in nature?	The Samitis would determine suitable action in the interest of the victim women and would direct the concerned agencies to take appropriate measure in the matter.
3. Please specify the official members and non-official members in the Samitis.	District Collector, CJM, Superintendent of Police, Joint Director, Social Welfare Department, DWDA will be the official members and rest will be in the category of the non-official members.
4. It has been stated that question of remuneration has not been decided. Remuneration is one of the criteria which determines whether membership of Samitis could be	No remuneration is to be paid to any Member of the Committee for functioning as Member of the Committee. Therefore, it may not be construed as "Office of Profit".

Information sought	Reply
<p>construed as an "Office of Profit". This information is a prerequisite to enable the Committee on Offices of Profit to consider the matter regarding the membership of MPs in Zila Mahila Sahayata Samitis. Government of Rajasthan are, therefore, requested to furnish details in this regard immediately.</p>	
<p>5. It has been stated that the functions of the Samiti are:—</p> <p>(i) to take action against physical, mental, ethical, social, sexual character, financial or any kind of exploitation with the women, girl and women's representatives,</p> <p>(ii) arrangements for rehabilitation, arrangements of short period accommodation, food security, education, financial assistance etc., and</p> <p>(iii) legal assistance.</p>	<p>The functions are of advisory and executive nature.</p>
<p>Are not the functions spelt out above executive in nature?</p>	
<p>6. What would be the role of non-official member of a Samiti in taking executive actions cited above?</p>	<p>The Committee will deliberate on various aspects of the case and will decide about the suitable measure which may need to be taken in the interest of the victim (women). Based on the decision of the Committee, the District Collector will take necessary action in providing assistance/support in favour of the victim. Since public representatives and non-officials are close to public their advice and experience in the matter will help in bringing sensitivity & human approach to such decisions and actions.</p>

3.3 The Joint Committee on Offices of Profit considered the matter at their sitting held on 30 May, 2003 (Appendix-IV). The Committee noted from the information furnished by the Government of Rajasthan that no remuneration would be paid to any member of the Committee for functioning as a member of the Committee. The Committee also noted that the functions of the Samitis were to help women in need of care and

protection and to provide them social, legal or financial support. The Committee further observed that the functions of the Samitis involved taking action on cases of exploitation, violence and discrimination against women, girl child and woman's representatives, making arrangements for rehabilitation; short period accommodation, food, security, education, financial assistance etc. for women/girl child victims providing legal assistance and dealing with policy matters to strengthen the position and solve problems of women of the district. The Committee felt that it was not certain from the information furnished by the Rajasthan Government whether the functions of the Samitis were executive or advisory in nature. The Committee, therefore, decided to seek further clarification from the State Government of Rajasthan in that regard.

3.4 The Government of Rajasthan (Department of Women & Child Development) in their response (letter No.F19()WDP/Stat./ZMSS/2002/123172) dated 14.11.2003 stated as follows:—

"Zila Mahila Sahayata Samitis are being constituted under the Chairmanship of the respective District Collectors. It is therefore expected that he would guide the Samiti in taking suitable decision which could be implemented at the district level to mitigate the sufferings of the victims. Besides it would be his responsibility to see that the decisions of the Samiti get implemented. However, there may be certain directions which the Samiti may like to record as long-term measure for rehabilitation of the victim. These directions could be of advisory nature depending upon the circumstances afflicting the woman concerned.

The Committee would also review the status of decisions taken by it from time to time. Thus a pressure for implementation of decisions would constantly be there.

The Zila Mahila Sahayata Samiti, however, will be the best Judge to see that in which case its decision will be mandatory and in which case the decisions would be of advisory nature.

The Samiti may, wherever required, provide legal advice to the victim or to the agency concerned. In this case the member having legal knowledge may guide the Committee or the Committee may arrange legal advisory to assist the victim.

As far as financial assistance is concerned the Samiti, keeping the conditions of the victim in view, may decide about the nature and quantum of immediate financial assistance which the District Collector could provide or arrange to provide. But in view of the long-term perspective, Samiti may make suitable recommendations to the State Government/District Administration to arrange the financial assistance and suitable support.

Actual disbursement or payment of the money will, however, be done through the established channel or as per the directions of the District Magistrate, as the case may be."

3.5 The Joint Committee on Offices of Profit again considered the matter at their sitting held on 18.12.2003. (Appendix-VI)

3.6 The Committee note that the main functions of the Samitis are to help women in need of care and protection and to provide them social, legal or financial support in their dignified rehabilitation. The Committee also note that no remuneration would be paid to any member of the Samitis for functioning as a Member of the Samiti. The Committee observe that the functions of the Samitis are advisory and executive in nature and the Samitis enjoy financial powers as they decide about the nature and quantum of financial assistance to be provided to the victims. Although, going strictly by the criteria laid down by the Committee in the past, the nomination of Members to the Samitis could be regarded as attracting disqualification, yet after some deliberation the Committee feel that for proper implementation, of Women welfare programme, it is essential to associate Members of Parliament with the working of such Samitis. The Committee also feel that Members of Parliament being the representatives of the people can play a very useful and constructive role in this respect and they should not be deprived of their membership of such bodies purely on technical considerations. The Committee note that they had taken a similar stand in regard to nomination of a Member of Parliament as Director of Himachal Pradesh Ex-Servicemen Corporation, Simla (1st Report, 10th Lok Sabha). The Committee therefore, recommend that non-official members (including Members of Parliament, if nominated) of the Zila Mahila Sahayata Samitis of the Districts of Rajasthan might be exempted from disqualification for being chosen as, or for being a Member of Parliament.

Sd/-

NEW DELHI;
7 January, 2004
17 Pausa, 1925 (Saka)

VIRENDRA KUMAR
Chairman,
Joint Committee on Offices of Profit.

APPENDIX-I

(Vide para 3.1 of Chapter-III)

GOVERNMENT OF RAJASTHAN
Women and Child Development Department
2, Jal Path, Gandhi Nagar, Jaipur

No.F19()WDA/Stat./ZMSS/2002/18080

Dated 30 Dec., 2002

To
Sh. Ashok Bajwani,
Under Secretary
Lok Sabha Secretariat,
Parliament House Annexe,
New Delhi-110001

Sub.:- Joint Committee on Offices of Profit (Thirteenth Lok Sabha)—
Approval for nomination of Members of Parliament in the Zila Mahila
Sahyata Samitis of the Districts of Rajasthan.

Ref.:- Your letter No.21/14/4/2002/CII dated 17 December, 2002.

Sir,

With reference to the above I am directed to enclose herewith the information*, as desired. This may also be informed that the separate letter in this connection has already been addressed to the Secretary General, Lok Sabha vide this office letter No.F19()WDA/Stat./ZMSS/2002/18068 dated 27.12.2002.

Sd/-

(Jagdish Chandra)
Director cum Deputy Secretary

***Annexure**

ANNEXURE

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|---|--|
| (i) Act, Rule or order under which the Samitis have been constituted (copies to be enclosed). | The constitution of Zila Mahila Sahayata Samitis is for specific purpose and is not covered under any Act or Rules. The Zila Mahila Sahayata Samitis are being constituted as per the decision of the Government and orders in this regard will be issued after the approval of Hon'ble Speaker of the Lok Sabha in regard to Hon'ble M.P.s. |
| (ii) Composition of the Samitis (number of officials and non-officials and whether Chairman and Secretary are officials or non-officials). Please state specifically the position regarding nomination of MPs. | The list is enclosed at Annexure-A |
| (iii) The terms of office of the Chairman/ members of the Samitis. | This is permanent committee and no tenure is fixed for any member. |
| (iv) The remuneration payable to the non-official Chairman/members of the Samitis including pay, travelling allowance, daily allowance, compensatory allowance, sitting fee, etc. (Actual rates of payment may be specified). | Not decided. |
| (v) Mode of appointment/removal of Chairman/members. | As per the nature of committee no conditions for removal of Chairman who is the District Collector and the Members of the Samiti has been prescribed. |
| (vi) Qualifications for membership/ Chairmanship. | Membership as per list. |
| (vii) Functions and powers of the Samitis (Detailed functions stating <i>inter-alia</i> whether they perform executive, legislative, or judicial functions and whether they have financial powers) may be given. | The proposed functions of the committee shall be as per Annexure-B |
| (viii) Capital structure, shareholding, annual turnover of the Company etc. in case the body is a public undertaking. | Does not relates to Zila Mahila Sahayata Samitis. |

ANNEXURE-A

The list of the Members of the proposed Zila Mahila Sahayata Samitis is as follows:—

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|--|------------|
| 1. District Collector | - Chairman |
| 2. CJM(Chief Judicial Magistrate) | - Member |
| 3. M.P. | - Member |
| 4. MLAs | - Member |
| 5. Zila Pramukh | - Member |
| 6. Superintendent of Police | - Member |
| 7. Joint Director, SWD | - Member |
| 8. Senior and experienced legal advisor
(selection by Chairman) | - Member |
| 9. 3 NGOs (devoted for women)
representatives (selection by Chairman) | - Member |
| 10. Psychiatrist | - Member |
| 11. Superintendent of Jail | - Member |
| 12. Project Director, DWDA | - Member |

ANNEXURE-B

The jurisdiction of the Zila Mahila Sahayata Samiti will be as follows:—

1. To take action against physical, mental, ethical, social, sexual ~~character~~ financial or any kind of exploitation, violence and discrimination with the women, girl child and woman's representative.
2. Arrangements for rehabilitation, management of short period accommodation, food, security, education, financial assistance etc. for women/girl child victims.
3. Legal Assistance.
4. Policy matters, strengthening the position and solving the problems of women of the district.
5. Zila Mahila Sahayata Samiti should not remain limited to an agreement but strict action should be taken against the culprits.

The Working-System of the meeting of the Zila Mahila Sahayata Samiti

1. The sittings of the Zila Mahila Sahayata Samiti could be held at the District Headquarters or in the district of at a place decided by the chairman.
2. If the Member of Parliament or any member of Legislative Assembly of the district is a minister then the meeting would be presided over by the honourable Minister.
3. The concerned Chairman of the Panchayat Samiti, the Chairman of the Municipality and the sub-divisional officer of the Area to which the case is brought before the Municipality/municipal council and the sub-division belongs should be the special invitees in the meeting.
4. The officers of the concerned Department should specially be invited to the meeting.
5. The meeting of the Zila Mahila Sahayata Samiti ~~should be held once in each month.~~ in each month. There date should be wide publicity so that woman/girl child victims would know about the venue and the date of the sitting where their cases would be heard.
6. The minutes of the proceedings of the sitting of the Zila Mahila Samiti will be issued by the Member Secretary and ensured strict action should be taken immediately on it.
7. A copy of the minutes and the action taken report of the sitting of the committee would be forwarded to Director, Department of women and child welfare in addition to the concerned departments and members.

8. A permanent register for the sittings of Zila Mahila Sahayata Samiti would be maintained in which details of each sitting of the Samiti would be recorded.
9. Member Secretary will send the information regarding Zila Mahila Sahayata Samiti in a prescribed proforma regularly on monthly basis by the prescribed date.
10. Information about Zila Mahila Sahayata Samiti should be given to District Board and Panchayat Samiti and in the sittings of the village Panchayat and Ward/village sabha and cases of women and girl should be discussed.
11. Information about action taken must be given to beneficiary.
12. Complaint box should be arranged for complaints and every citizen has the right to drop the complaint letter in this complaint box. Complaints so received should be discussed during the meeting of the committee.

Disposal of cases pertaining to women in sub-divisional headquarters

1. All cases pertaining to women and girls should be discussed as a permanent agenda point during the meeting of public Grievances and vigilance committee constituted at present at sub-divisional level in the chairmanship of sub-Divisional officer.
2. The concerned sub-divisional officer should take immediate action in the cases pertaining to women and girls and provide all possible help to the victims.
3. The child Development Project officer of the concerned area and Development officer of the Panchayat Samiti should take immediate action in the cases pertaining to women/girl and provide them all possible help.

APPENDIX-II

(Vide para 2.2 of Chapter II)

EXTRACT OF THE MINUTES OF THE TWENTY FIRST SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (2002-2003)

The Committee sat on Wednesday, 4 December, 2002 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 K.A. Sangtam
4. Shri Kharabela Swain

Rajya Sabha

5. Shri Nilotpal Basu

SECRETARIAT

1. Shri Ram Autar Ram — *Joint Secretary*
2. Shri A.K. Singh — *PCPI*
3. 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.39

Nomination of Hon'ble Members of Parliament to the State Level Vigilance and Monitoring Committee, Rajasthan

The Committee noted that the ~~Salary, travelling allowance etc.~~, payable to the non-official members (including Members of Parliament) of the State Level Vigilance and Monitoring Committee as per the facilities which were being available to them at present as Members of Parliament.

The Committee also noted that the functions of the said Committee were to implement the provisions of the State Level Vigilance and Monitoring Committee Act; to provide relief and rehabilitation facilities to the affected and other issues related to them; prosecution under the provisions of the Act; to consider the role of various officers and agencies responsible for the implementation of the provisions of the Act and various reports received by the State Government. As such, the functions of the Committee were executive and financial in nature.

In view of, the above, the Committee recommended that the non-official members (including Members of Parliament) of the State Level Vigilance Committee might not be exempted from disqualification for being chosen as, or for being a Member of Parliament.

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The Committee then adjourned.

APPENDIX-III

(Vide para 2.2 of Chapter-II)

MINUTES OF THE TWENTY THIRD SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

The Committee sat on Thursday, 27 March, 2003 from 1200 to 1230 hours in Chairman's Room No. 129, First Floor, Parliament House Annexe, New Delhi.

PRESENT

- Shri Virendra Kumar — *Chairman*
2. Shri Nand Kumar Singh *Chairman*
 3. Shri Moinul Hassan
 4. Shri K.A. Sangtam
 5. Shri Kunwar Sarvaraj Singh
 6. Shri Kharsela Swain
 7. Shrimati Kumudini Patnaik

SECRETARIAT

1. Shri A. Louis Martin — *Deputy Secretary*
2. Shri Ashok Batwani — *Under Secretary*

2. At the outset, the Chairman welcomed the Members of the Committee. Thereafter, the Committee took up the draft Sixth Report for consideration.

3. The draft Sixth Report contained the following four chapters:—

- | | |
|--------------------|---|
| CHAPTER I | Nomination of Members of Parliament to the State Level Standing Committee on Pradhan Mantri Gram Sadak Yojna, (PMGSY), Himachal Pradesh. |
| CHAPTER II | Nomination of Members of Parliament (Lok Sabha) as non-official members to State Level Kol Dam Oustees Rehabilitation and Advisory Committee, Himachal Pradesh. |
| CHAPTER III | Nomination of Members of Parliament to the State Level Vigilance and Monitoring Committee, Rajasthan. |
| CHAPTER IV | Punjab State Warehousing Corporation, Chandigarh. |

The Committee considered and approved the Chapters I, II and IV mentioned above. As regards Chapter III, the Committee felt that further clarification was necessary as indicated in the succeeding para and decided to omit this Chapter from this report. Thereafter, the Committee adopted the draft Sixth Report and authorised the Chairman to present the same to Parliament.

4. As regards Chapter-III, nomination of Members of Parliament to the State Level Vigilance and Monitoring Committee, Rajasthan, the Committee felt that it was not clear whether the scope of the functions of State Level Vigilance and Monitoring Committee was restricted only to the cases relating to Scheduled Castes and Scheduled Tribes or extended to all the cases. The Committee decided that further clarification might be sought from the Government of Rajasthan in this regard.

The Committee then adjourned

APPENDIX-IV

(Vide para 3.3 of Chapter-III)

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

(THIRTEENTH 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 Annexe, New Delhi.

PRESENT

Shri Virendra Kumar—*Chairman*

MEMBERS

Lok Sabha

2. Shri Nand Kumar Singh Chauhan
3. Shri G. Putta Swamy Gowda
4. Shri 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 Balwani — *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 Members of Parliament to the Zila Mahila Sahayata Samiti of the Districts of Rajasthan.

4(i) The Committee then took up for consideration Memorandum No. 44 regarding nomination of Members of Parliament to the Zila Mahila Sahayata Samiti of the Districts of Rajasthan. The Committee noted from information furnished by the Government of Rajasthan that no remuneration would be paid to any member of the Committee for functioning as a member of the Committee. According to information received from the Government of Rajasthan the functions of the Samiti were advisory and executive in nature. The Samitis were to help women in need of care and protection and to provide them social, legal or financial support. The Committee further observed that the functions of the Samiti involved taking action on cases of exploitation, violence and discrimination against women, girl child and woman's representatives; making arrangements for rehabilitation; short period accommodation, food, security, education, financial assistance etc. for women/girl child victims providing legal assistance and dealing with policy matters to strengthen the position and solve problems of women of the district.

(ii) The Committee felt that it was not certain from the information furnished by the Rajasthan Government whether the functions of the Samitis were executive or advisory in nature. The Committee, therefore, decided to seek further clarification from the State Government of Rajasthan in this regard.

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The Committee then adjourned.

APPENDIX-V

(Vide para 2.5 of Chapter-II)

EXTRACT OF THE 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 Virendra 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

1. Shri A. Louis Martin — *Deputy Secretary*
2. Shri Ashok Bajwani — *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.

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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 Schedules Tribes (Prevention of Atrocities) Rules, 1995 framed by Government in terms of the provisions of the Scheduled Castes and Schedules 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.

APPENDIX-VI

(Vide paras 1.4 and 3.5 of Chapter I and III)

MINUTES OF THE TWENTY SEVENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

The Committee sat on Thursday, 18 December, 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 Nand Kumar Singh Chauhan
3. Shri G. Ganga Reddy
4. Shri Kharabela Swain
5. Shri K.A. Sangtam

Rajya Sabha

6. Dr. M.N. Das

SECRETARIAT

1. Shri A. Louis Martin — *Director*
2. Shri Ashok Batwani — *Under Secretary*

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

3. Thereafter, the Committee took up for consideration MEMORANDUM NO. 49 regarding the proposed appointment of Dr. K. Kasturirangan and Dr. Bimal Jalan, Members, Rajya Sabha, as Members of the Space Commission. The Committee noted that the allowances to be provided to Dr. K. Kasturirangan and Dr. Bimal Jalan were covered under Compensatory Allowance as defined in Clause 2(a) of Parliament (Prevention of Disqualification) Act, 1959. The Committee further noted that the Space Commission also noted that they had examined the Space Commission earlier also and recommended (11th Report, 5th Lok Sabha) that the Membership of Commission ought not to be exempt from disqualification. Since, the Space Commission is a body having

administrative, financial and legislative functions, the Committee decided to recommend that the Members of Parliament if appointed as Members of the Space Commission might not be exempted from disqualification for being chosen as, or being a Member of Parliament.

4. Thereafter, the Committee took up for consideration the MEMORANDUM No. 50 regarding nomination of Members Parliament to the Zila Mahila Sahayata Samitis of the Districts of Rajasthan. The main functions of the Samitis are to help women in need of care and protection and to provide them social, legal or financial support in their dignified rehabilitation. The Committee noted that no remuneration would be paid to any member of the Samitis for functioning as a Member of the Samiti. The Committee observed that the functions of the Samitis were advisory and executive in nature and the Samitis enjoyed financial powers as they decide about the nature and quantum of financial assistance to be provided to the victims. Although, going strictly by the criteria laid down by the Committee in the past, the nomination of Members to the Samitis could be regarded as attracting disqualification yet after some deliberation the Committee felt that for proper implementation of Women welfare programme, it was essential to associate Members of Parliament with the working of the such Samitis. It was emphasized that Members of Parliament being the representatives of the people could play a very useful and constructive role in promoting the social welfare of workers and they should not be deprived of their membership of such bodies purely on technical considerations. The Committee also noted that they had taken a similar stand in regard to nomination of a Member of Parliament as Director of Himachal Pradesh Ex-Servicemen Corporation, Simla (1st Report, 10th Lok Sabha).

The Committee therefore decided to recommend that non-official members (including Members of Parliament, if nominated) of the Zila Mahila Sahayata Samitis of the Districts of Rajasthan might be exempted from disqualification for being chosen as, or for being a Member of Parliament.

The Committee then adjourned.

APPENDIX-VII

MINUTES OF THE TWENTY EIGHTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRTEENTH LOK SABHA)

The Committee sat on Wednesday, 7 January, 2004 from 1400 to 1430 hours in
Chairman's Room No. 129, First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Virendra Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Nand Kumar Singh Chauhan
3. Shri K.A. Sangtam
4. Shri Kunwar Sarvaraj Singh
5. Shri Kharabela Swain
6. Smt. Kumudini Patnaik

Rajya Sabha

7. Shri Nilotpal Basu

SECRETARIAT

1. Shri A. Louis Martin — *Director*
2. 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 Eighth Report for consideration and adopted the same without any modification. Thereafter, the Committee authorized the Chairman to present the same to Parliament.

3. The Committee also placed on record their appreciation of the valuable assistance in their work rendered to them by the staff and officers attended to the Committee.

The Committee then adjourned.