### **CONFIDENTIAL**

CB-II No.

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

### **EIGHTH REPORT**

Presented to Lok Sabha on 22.10.2008 Laid in Rajya Sabha on 22.10.2008

S

Е

A

L

LOK SABHA SECRETARIAT NEW DELHI

September, 2008/Asvina, 1930 (Saka) Price:

### **CONTENTS**

	PAGE		
COMPOSITION (	OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (iii)		
INTRODUCTION	J (v)		
REPORT			
CHAPTER-I	Appointment/Nomination of members of Parliament in the District Planning and Development Boards constituted by Government of Punjab.		
CHAPTER-II	Nomination of Dr. P.P. Koya, M.P. to the Committee for identification of potential locations for deployment and designing of Fish Aggregation Devices (FADs)		
CHAPTER-III	Nomination of members of Parliament to the State Level Committees for implementation of the Mid-Day Meal Programme.		
APPENDICES			
APPENDIX-I	Minutes of the sitting held on 9 July, 2008.		
APPENDIX-II	Extracts of the Minutes of the sitting of the Committee held on 3.10.2008		

### **JOINT COMMITTEE ON OFFICES OF PROFIT**

### 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**

Shri P.K. Grover - Joint Secretary

Shri R.S. Misra - Director

Shri K. Sarkar - Deputy Secretary

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

<sup>&</sup>amp; Elected to the Committee on 4.5.2007 vice Shri Chittabrata Majumdar passed away on 20.2.2007.

<sup>#</sup> 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 Eighth Report of the Committee.

- 2. The matters covered in the Report were considered by the Joint Committee on Offices of Profit at their sitting held on 9 July, 2008. 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 District Planning and Development Boards constituted by the Government of Punjab, Committee for identification of potential locations for deployment and designing of Fish Aggregation Devices (FADs), Lakshadweep and State Level Committees for implementation of the Mid-Day Meal Programme, Rajasthan with a view to considering whether the holders of the offices of membership in these bodies would incur disqualification under Article 102 of the Constitution.
- 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 Punjab, Union Territory of Lakshadweep and Government of Rajasthan The Committee wish to express their thanks to the Government of Punjab, Union Territory of Lakshadweep and Government of Rajasthan for furnishing the information desired by the Committee.
- 5. The Committee considered and adopted this Report at their sitting held on 3.10.2008.
- 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.

**NEW DELHI**;

CHANDRA BHUSHAN SINGH,
Chairman,
Joint Committee on Offices of Profit

September, 2008 Asvina, 1930 (Saka)

#### REPORT

### **CHAPTER-I**

## APPOINTMENT/NOMINATIONS OF MEMBERS OF PARLIAMENT IN THE DISTRICT PLANNING AND DEVELOPMENT BOARDS CONSTITUTED BY THE GOVERNMENT OF PUNJAB.

\_\_\_\_\_

Rajya Sabha Secretariat (Committee Co-ordination Section) vide their note RS.I.D.No.12(i)/2003-Coord. dated 30 November, 2007 have forwarded a request from Shri Naresh Gujral, M.P. (Rajya Sabha) regarding the query as to whether holding of membership of the District Planning and Development Boards constituted by the Government of Punjab falls under office of profit.

1.2 Since the information on the aforesaid matter was not sufficient to examine it from the angle of 'office of profit', the Government of Punjab were requested to furnish further information in this regard. The State Government have since furnished the desired information vide their letter Nos.2/1-PSPB/RO(LPD)/08/916 dated 24 January, 2008 and 2/1-PSPB/RO(CPD)/08/3476 dated 3 April, 2008. The extracts of the information are given below:-

### **CONSTITUTION AND COMPOSITION**

- the composition of DPDB is done as per the revised guidelines for constitution of DPDBs issued vide Planning Departments No.2/1/PSPB/LPD/07/8729 dated 3.9.2007 (Annexure)

#### **TERM**

- The term of an elected member shall be the duration of his tenure in respective capacity

#### REMUNERATION

- No remuneration including allowance of any kind is payable to MPs or any other members of DPDBs.
- No facilities of any kind are given or proposed to be given to the MPs in the DPDBs.

### **FUNCTIONS:**

The DPDBs have full powers to efficiently and cost effectively implement the district level schemes and also identify the areas and groups of people at the grassroots level, which need special attention for equitable socio-economic growth. They also have the powers for according administrative approval of works upto Rs.20.00 lacs.

The detailed functions of the District Planning and Development Boards are as follows:-

- (i) To formulate a long term district perspective plan and to evolve a strategy of planned development for the district on the basis of felt needs of the people and local priorities.
- (ii) To prepare priority-wise list of schemes/programmes taking into account the resources available from Plan Fund, State MandiKarna Board, State Rural Development Board and Community Contribution well before the beginning of each year;
- (iii) To take appropriate measures for proper implementation of schemes/programmes and projects;
- (iv) To monitor the progress of projects; and for this purpose the District Planning and Development Board may meet as frequently as necessary. The Board will send performance reports to the State Planning Board at regular intervals.
- (v) To encourage the panchayats and other local bodies to take up implementation of development projects themselves with a view to ensure maximum involvement of people and to maximize the confidence in their leadership and implementing capability. The involvement should be both in terms of financial and physical parameters.
- (vi) To make efforts to generate additional resources for developmental works with the cooperation of people, NGOs, NRIs and other agencies and;
- (vii) Any other related function that may be assigned by the State Planning Board.

The State Government has also furnished specific comments on some of the functions which are reproduced as follows:-

- **Formulation of Plan** – The function of formulation of plan is purely advisory.

- Implementation of schemes/projects DPDBs are responsible for proper implementation of schemes/projects. They are involved in selection of the location for schemes/projects, their execution and supervision. They are also responsible for monitoring the progress of these schemes/projects. Besides, they are engaged in allotment of funds, maintaining the account of releases and utilization of funds and collecting the Utilisation Certificates from the executing agencies. Similarly DPDBs are empowered to accord administrative approval for works up to Rs.20.00 lac per individual work. These functions are of administrative nature and not advisory.
- Selection of executing agencies As indicated in the guidelines of decentralized Planning, the DPDBs are competent to select the executing agencies as may be deemed appropriate for implementing the schemes and executing the works. No approval of State Government is required for selection of executing agencies. In case, some problem arises for selection of the agencies, DPDBs may approach the State Planning Department for guidance. As such, this function is also of administrative nature and not advisory.
- DPDBs are competent to select the executing agencies Local Body agencies viz. PRIs, Zila Parishads, Municipal Councils & Municipal Corporations, other agencies viz. all the Government Departments, Boards and Corporations of the State Government viz. Mark fed, Mandi Board, Punjab State Tubewell Corporation, Punjab State Electricity Board etc.
- As per guidelines of Decentralised Planning, funds are not to be provided to Private Institutions/Voluntary Organisations/Religious Bodies for executing works.
- DPDBs have no powers for allotment of land. If any land is required for any District Plan Scheme then it is the responsibility of the concerned Administrative Department to arrange for land. DPDB doesn't come into picture at all as regards allotment of land. As such, DPDBs have no concern with allotment of land to any agency/corporation.
- 1.3 The Committee considered the matter at their sitting held on 9 July, 2008 (APPENDIX-I)
- 1.4 The Committee note from the information furnished by the Government of Punjab that the office of membership of District Planning and Development Board is an office 'under the Government'. The Committee also note that no remuneration including allowance of any kind is payable to Members of Parliament

in the DPDBs. The Committee further observe that functions of the Board are advisory in nature and the Board would not have powers of appointment/removal of members and also would not wield influence or power by way of patronage. The Committee observe that although the Board confers powers of disbursement of funds, the same are not to be provided to private institutions/voluntary organisations/religious bodies for executing works. Also, it does not have powers for allotment of land.

1.5 The Committee therefore, feel that the appointment/nomination of MPs to the DPDB as members would not attract disqualification for being chosen as, or for being, a Member of Parliament under Article 102 (1) (a) of the Constitution.

### **CHAPTER-II**

# NOMINATION OF DR. P.P. KOYA, MEMBER OF PARLIAMENT TO THE COMMITTEE FOR IDENTIFICATION OF POTENTIAL LOCATIONS FOR DEPLOYMENT AND DESIGNING OF FISH AGGREGATION DEVICES

-----

The Administration of U.T. of Lakshadweep, Kavaratti <u>vide</u> their letter No. F.No. 27/1/2007-FY/188 dated 30.1.2008 requested for consideration and approval of Joint Committee on Offices of Profit, Lok Sabha for nomination of Dr. P.P. Koya, Member of Parliament as member in the committee constituted by the Administrator, U.T. of Lakshadweep for the identification of prospective locations for the deployment of Fish Aggregation Devices in Lakshadweep waters.

- 2.2 As the information furnished in this regard by the U.T. of Lakshaweep was incomplete to be examined from the angle of 'office of profit', they were requested to furnish some more information. The Government of Lakshadweep furnished the desired information vide their letter No.F No. 27/1/2007-FY/501 dated 03.4.2008.
- 2.3 The Committee have been informed that the Fish Aggregation Devices Committee has been constituted for the specific purpose of identification of the location for deployment of fish Aggregation Devices and designing the same in Lakshadweep water. This Committee would recommend the prospective locations for deployment of FADs near various islands and the feed backs of the fishermen with respect to design and other features. Hence the functions of the Committee are purely advisory in nature.
- 2.4 It has been stated that the nomination of member is on ex-officio basis. To the queries whether the Committee would exercise executive, legislative or judicial powers, whether the Committee confers powers of disbursement of funds, whether the members

are paid any remuneration including salary, House rent allowance, compensatory allowance and meeting fee etc. or are provided any special facilities while working as special invitees of these Committees, the reply of the Administration of U.T. of Lakshadweep was in the negative.. It has also been informed to the Committee that the Committee sittings are proposed to be held when the hon'ble MP is available at Kavarattti and only local transport will be provided to the members.

- 2.5 The Committee The Committee considered the matter at their sitting held on 9 July, 2008 (APPENDIX-I)
- 2.6 The Committee note that the proposal of the Administration of U.T. of Lakshadweep to nominate Member of the Parliament as Member of the Fish Aggregation Devices Committee is on ex-officio basis by virtue of being Member of Parliament.
- 2.7 The Committee also note that the Fish Aggregation Devices Committee neither exercises any executive, legislative or judicial powers nor would it wield any influence by way of patronage. It has been stated that the members of the Committee will not be paid remuneration or be provided any special facilities except local transport.
- 2.8 The Committee feel that participation of MP as member in the Fish Aggregation Devices Committee could hardly be construed as holding office of profit in the U.T. of Laksahdweep. The Committee, therefore, recommend that MP nominated as member of the Fish Aggregation Devices Committee, U.T. of Lakshadweep should be exempted from disqualification for being chosen as, or for being, Member of Parliament under Article 102(1) (a) of the Constitution.

### CHAPTER-III

## NOMINATION OF MEMBERS OF PARLIAMENT TO THE STATE LEVEL COMMITTEE FOR IMPLEMENTATION OF THE MID-DAY-MEAL PROGRAMMES, RAJASTHAN.

-----

The Government of Rajasthan (Department of Parliamentary Affairs) <u>vide</u> their letter No. F/15(3) Parliament/2006 dated 23-5-2007 requested for consideration and approval of Joint Committee on Offices of Profit, Lok Sabha for nomination of Sarvashri Nihal Chand, and Srichand Kriplani, Members of Parliament to the State Level Committee for implementation of the Mid-Day-Meal Programmes.

- 3.2 On being requested, the Government of Rajasthan have furnished the requisite information vide their letter No.F 4(5)(149/MDM/SLC/08/14 dated 4-4-2008 to examine the matter from 'angle of office of profit'
- 3.3 The Committee have been informed that the Mid-Day-Meal Committees are Standing Committees constituted by Department of Administrative Reforms on 31.1.2006 with the permission of Hon'ble Governor, Government of Rajasthan. These Committees are basically constituted for the effective implementation of the Mid-Day-Meal Programme at District and State levels. The Committee perform the following functions:
  - (i) Providing guidance to various implementation agencies.
  - (ii) Monitoring the implementation of programme and issuance of directions for qualitative growth as per requirement and assessment of the impact of the programme.

- (iii) Ensuring mutual coordination among various Departments.
- (iv) Ensuring action taken on the report submitted by the independent implementation/assessment institutions.
- (v) To organize meeting at least twice in a year at state level and once in a month at block level.
- 3.4 It has been stated that the nomination of Members to State Level Committee for implementation of Mid-Day-Meal Programme are on ex-officio basis. To the queries whether the Committees would exercise executive, legislative or judicial powers, whether the Committees confer powers of disbursement of funds, allotment of land etc., whether the members are paid any remuneration including salary, travelling allowance, house rent allowance, sitting fee etc. the reply of Government of Rajasthan was in the negative.
- 3.5 The Committee considered the matter at their sitting held on 9 July, 2008 (APPENDIX-I)
- 3.6 The Committee note that the proposal of the Government of Rajasthan to nominate Members of Parliament to the State Level Committees for Mid-Day Meal Programme is on ex-officio basis by virtue of being Members of Parliament. The Committee further note that the functions of the aforesaid Committees are advisory in nature and the members of Parliament will not be paid remuneration and allowance etc.
- 3.7 The Committee also note that the State Level Committees for implementation of Mid-Day Meal Programme neither exercise any executive, legislative or judicial powers nor would they wield any influence by way of patronage.

3.8 The Committee, therefore, feel that participation of MPs as members in the State Level Committees for Mid-Day Meal Programme Committees could hardly be construed as holding office of profit under the State Government. The Committee therefore, recommend that Members of Parliament nominated to the State Level Committees for Mid-Day Meal Programme, Rajasthan should be exempted from disqualification for being chosen as, or for being, Members of Parliament under Article 102 (1) (a) of the Constitution.

**NEW DELHI**;

CHANDRA BHUSHAN SINGH,
Chairman,
Joint Committee on Offices of Profit

September, 2008 Asvina, 1930 (Saka)

# Annexure Government of Punjab Department of Planning

(Local Plan Division)

### No.2/1/PSPB/LPD/07/ the 3 September, 2007

1.1. In supersession of the Punjab Government Notifications No.2/1/PSPB/LPD/03/2402 dated 22md April, 2003, NO.2/1/PSPB/LPD/06/6601 dated 8<sup>th</sup> May, 2006, NO.2/1/PSPB/CPD/06/10973 dated 3<sup>rd</sup> August, 2006 and NO.2/1/PSPB/LPD/06/18195 dated 8<sup>th</sup> December, 2006 the Governor of Punjab is pleased to issue the consolidated composition of District Planning and Development Boards as under:-

1.	Cabinet/Minister of State	Chairman
2.	All sitting members of Lok Sabha/Rajya Sabha whose Constituency wholly or partially lies within the district Are members of these Boards. In case, an area more than 10% of a particular constituency of MP (LS) falls in a district, the concerned MP, as the case may be, can nominate one member from each of the district (s) for the respective DPDB. Rajya Sabha MPs who are registered voters in the district can nominate their representative from the district for the respective DPDB to attend the meetings in their place from their constituencies.	Member
3.	One member to be nominated by the Speaker, Deputy Speaker of Punjab Vidhan Sabha and Ministers in their place from their constituencies. In case an area more than 10% of a particular constituency of a Minister of the State Government, Speaker and Deputy Speaker of Punjab Vidhan Sabha falls in a district, the concerned Minister of the State Government, Speaker and Deputy Speaker of Punjab Vidhan Sabha falls In a district, the Speaker of Punjab Vidhan Sabha, as the case may be, can nominated one member from each of such districts for the respective District Planning and Development Board.	Member
4.	One member to be nominated by the Union Ministers from the State in their place from their constituencies.	Member

.....Member

5.

All sitting MLAs of the District

- 6. Chairman Zila Parishad .....Member
- 7. (Amended) Twelve Non-official Members\* including one ....Member Ex-Serviceman to be nominated by the State Government on the recommendations of the District Administration.
- 8. One Sarpanch or Samiti Member of Zila Parishad Member ....Member (The Zila Parishad Member nominated from the block should be one who has his name in the voters list of that block) from each block of the District to be nominated by the State Government on the recommendations of the District Administration.
  - \* Note Adequate representatives of Bajigar, Rai Sikh, Vimukat Jati, Muslim, Christian, Kamboj (BC) etc. communities, wherever these have sizable population in the districts, to be nominated.
- 9. Mayor of the Municipal Corporation falling in the District ....Member
- 10. Presidents of Class 'A" Municipal Councils in the District .....Member
- 11. One or two Presidents of Class 'B' and 'C' MCs falling in the District, depending on the number of such councils in the District. One member to be nominated in case number of Class 'B' and 'C' Municipal Councils is up to 7 and two members in case number of Class 'B' and 'C' Municipal Councils is more than 7.
- 12. Deputy commissioner Member Secretary
- 13. Additional Deputy Commissioner (Dev.)

  Additional Secretary
- 14. Deputy Economic & Statistical Adviser in the district Additional Secretary
- 1.2 (Amended) While making nominations of the non-official members, the State Government will ensure that due representation in the District Planning and Development Board is given to the members belonging to Industry, Trade, Scheduled Castes, Backward Classes, Women and other Minorities in the district. In addition, adequate representation may be given to BAJIGAR, Rai Sikh, Vimukat Jati, Muslim, Christian, Kamboj (BC) etc. communities, wherever these have sizable population in the districts.

- 1.3 In case of nominations made by the Speaker, Deputy Speaker, Ministers or Union Minister(s) in their place, only the nominee will attend the meetings. In case, at some time, Speaker, Deputy Speaker, Ministers or Union Minister(s) wishes to attend the meetings in person, the nominated member in their place will not attend such meeting(s).
- 1.4 In the absence of Chairman, Vice Chairman will preside over the meeting.

### 2. Term:

- 2.1 The term of an elected members shall be the duration of his tenure in the respective capacity, whereas the term of a nominated and non-official member(s) shall be at the discretion of the State Government. If any nominated member fails to attend three consecutive meetings of the Board without sufficient cause/prior intimation to the Chairman, he/she shall be deemed to have ceased to be the member of the Board and a new member will be nominated in his/her place.
- 2.2 It shall be the duty of the Member Secretary to intimate the Government in the Department of Planning the name(s) of the member (s) who fail to attend the meetings of the Board in term of clause 2.1 above.
- 2.3 All the concerned district level officers will remain in attendance in the meetings of the District Planning and Development Board. Deputy Economic and Statistical Adviser of the district would ensure necessary Secretariat assistance for the functioning of District Planning and Development Board and ensure that all the instructions issued by the State Planning Department from time to time are brought to the notice of the members of the District Planning and Development board for compliance. He will have the authority to respect all the works/schemes and sent regular reports to the Planning Department.

### 3. Functions:

The functions of the District Planning and Development Boards shall be as follows:-

(i) To formulate a long term district perspective plan and to evolve a strategy of planned development for the district on the basis of felt needs of the people and local priorities.

- (ii) To prepare priority-wise list of schemes/programmes taking into account the resources available from plan fund, State MandiKaran Board, State Rural Development Board and Community contribution well before the beginning of each year.
- (iii) To take appropriate measures for proper implementation of schemes/programmes and projects;
- (iv) To monitor the progress of projects; and for this purpose the District Planning and Development Board may meet as frequently as necessary. The Board will send performance reports to the State Planning Board at regular intervals.
- (v) To encourage the panchayats and other local bodies to take up implementation of development projects themselves with a view to ensure maximum involvement of people and to maximize the confidence in their leadership and implementing capability. The involvement should be both in terms of financial and physical parameters;
- (vi) To make efforts to generate additional resources for developmental works with the cooperation of people; NGOs, NRIs and other agencies and;
- (vii) Any other related function that may be assigned by the State Planning Board.
- 4. District Planning and Development Board shall meet from time to time at a place to be decided by the Chairman of the District Planning and Development Board.

Satish Chandra
Secretary to Government, Punjab
Department of Planning

### **APPENDIX-I**

(Vide para 1.3, 2.5 and 3.5 of Chapter-I, II and III respectively)

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

The Committee sat on Wednesday, 9 July, 2008, from 1500 hrs. to 1540 hrs in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

### **PRESENT**

Shri Chandra Bhushan Singh - Chairman

### **MEMBER (LOK SABHA)**

- 2. Shri Ananth Kumar
- 3. Shri Ashok Argal
- 4. Shri Mohan Jena
- 5. Shri Nikhilananda Sar
- 6. Shri Bharatsinh M. Solanki

### MEMBER (RAJYA SABHA)

7. Shri Silvius Condpan

### **SECRETARIAT**

Shri P.K. Grover - Joint Secretary

Shri R.S. Misra - Director

Shri Kusal Sarkar - Deputy Secretary - II

- 2. At the outset, the Chairman welcomed the members to the sitting of the Committee.
- 3. Thereafter, the Committee considered Memorandum No.21 regarding appointment/nomination of Members of Parliament in the District Planning and Development Boards constituted by Government of Punjab. The Committee noted that the office of membership of District Planning and Development board is an office 'under the Government'. The Committee also noted that no remuneration including allowance of any kind is payable to Members of Parliament in the DPDBs. The Committee further observed that functions of the Board are advisory in nature and the Board would not have powers of appointment/removal of members and also would not wield influence or power by way of patronage. The Committee observed that although the Board conferred powers of disbursement of funds, the same were not to be provided to private institutions/voluntary organisations/religious bodies for executing works. Also, it did not have powers for allotment of land.

The Committee therefore, felt that the appointment/nomination of MPs to the DPDB as members would not attract disqualification for being chosen as, or for being, a Member of Parliament.

4. Thereafter, the Committee considered Memoranda No.22 regarding nomination of Dr.P.P. Koya, M.P. Lakshadweep to the Committee for deployment and monitoring of Fish Aggregation Devices (FADs). The Committee observed that the office of membership of the Committee for deployment and monitoring of Fish Aggregation Devices (FADs) is an office under the Government. The Committee also

noted that the functions of the Committee are advisory in nature and do not exercise judicial or legislative powers.

The Committee also noted that the Committee for deployment and monitoring of FADs did not confer powers of disbursement of funds, allotment of lands, etc. and also did not have powers of appointment/removal etc. Further, the Committee for deployment and monitoring of FADs would not also wield influence or power by way of patronage. The Committee further observed that no remuneration and other allowances would be payable to the members of Committee.

The Committee therefore, felt that nomination of members of Parliament (Shri P.P. Koya, M.P.) as member in the Committee for deployment and monitoring of the Fish Aggregation Devices would not attract disqualification for being chosen as, or for being a member of Parliament.

5. Thereafter, the Committee considered Memoranda No.23 regarding nomination of Members of Parliament to the State Level Committees for implementation of the Mid-Day Meal Programme.

The Committee noted that the office of membership of the State Level Committees for implementation of the Mid-Day Meal Programme is an office under the Government. The Committee also noted that the functions of the Committee are advisory in nature and do not exercise judicial or legislative powers.

The Committee also noted that the State Level Committee did not confer powers of disbursement of funds, allotment of lands, etc. and did not have powers of appointment/removal etc. Further, the State Level Committee would not wield influence or power by way of patronage. The Committee further observed that no remuneration and other allowances would be payable to the members of Committee.

The Committee therefore, felt that nomination of members of Parliament as members to the State Level Committees for implementation of the Mid-Day Meal Programme would not attract disqualification for being chosen as, or for being a member of Parliament.

The Committee then adjourned.

### **APPENDIX-II**

### XIX

# EXTRACTS OF THE NINETEENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (FOURTEENTH LOK SABHA)

The Committee sat on Friday, 3 October, 2008, from 1500 hrs. to 1610 hrs in Committee Room 'B', Ground Floor, 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 G. Nizamoddin
- 7. Shri Nikhilananda Sar

### **MEMBER (RAJYA SABHA)**

8. Shri Silvius Condpan

### **SECRETARIAT**

Shri R.S. Misra - Director

Shri Kusal Sarkar - Deputy Secretary-II

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

 9. The Committee, then took up the draft Seventh and Eighth Reports for consideration and adopted the same without any modification. Thereafter, the Committee authorized the Chairman to present the same to Parliament.

The Committee then adjourned.