

CHAPER-X

26. 'The Punjab State Legislature (Prevention of Disqualifications) Act, 1952 (Punjab Act No. 7 of 1952)'

An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the State Legislature.

Statement of Objects and Reasons.- "Article 191(1)(a) of the Constitution of India provides that a person shall be disqualified for being chosen as, and for being a Member of the House of Legislature of a State if he holds any office of profit under the Government of India or Government of any State specified in the First Schedule to the Constitution, otherwise than an office declared by the Legislature of the State by law not to disqualify its holder.

This Bill accordingly seeks to save from disqualification Members of the first Legislature of the State following the first general elections under the Constitution of India who held an office under the State Government which was not a whole-time office and to which no regular salary was attached. For the future, the Legislation will secure that the electorate will not be debarred from choosing as Members of the State Legislature, persons who, though they hold certain offices which might be called offices of profit under the State Government, are not whole time Government servants. It is also intended to save from disqualification persons who might be appointed to legislative offices such as Parliamentary Secretaries' etc," (vide Punjab Government Gazette Extraordinary, dated the 10th July, 1952, pages 548-49).

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Punjab State Legislature (Prevention of Disqualifications) Act, 1952.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. Prevention of disqualification for membership of the State Legislature.- A person shall not be disqualified for being chosen as, and for being, a Member of the Punjab State Legislature by reason only of the fact that he holds any of the following offices of profit under the Government of India or under the Government of the State of Punjab, namely, :-

(a) Lambardar ;

²(b) Sub-Registrar, whether departmental or honorary, notary

¹Received the assent of the Governor of Punjab on the 7th August, 1952, and was first published in the Punjab Government Gazette Extraordinary, dated the 9th August, 1952.

²Inserted by Punjab Act 23 of 1954, Section 2.

public, oath commissioner, or official receiver who is not whole time salaried Government servant, or any person who holds any office of profit under an insurer, the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 [Central Act 9 of 1956];]

¹[(c) Officers, non-commissioned officers and persons enrolled under the Territorial Army Act, 1948, (Act VI of 1948), persons enrolled under the National Cadet Corps Act, 1948 (Act XXI of 1948); and persons of the Auxiliary Force Act or the Air and Defence Reserve under the Reserve and Auxiliary Air Force Act, 1952 (Act XII of 1952);]

²[(cc) the office of a Member of the Punjab Home Guards constituted under the Punjab Home Guards Act, 1947, or the office of a Member of the Civil Defence Service deemed to be constituted under Section 7 of the Defence of India Act, 1962;]

(d) Officer in the Army Reserve of Officers;

³[(e) Chairman, Vice-Chairman, President, Vice-President, Director or Member of any statutory or non-statutory body; or of any committee, whether he is or is not in receipt of any remuneration or compensatory allowance by virtue of holding such office;]

⁴[(f) A Chief Parliamentary Secretary or a Parliamentary Secretary or a Parliamentary Under Secretary;]

⁵["(ff) Political Secretary to the Chief Minister, Punjab;

(fff) Chairman of the State Level Committee for Fiscal Reforms and Economic Restructuring;]

⁶[(g) a Deputy Minister,]

⁷[(gg) Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in the Legislative Assembly Act, 1978;]

⁸[(h) the office of the Advisor and Coordinator (Prohibition) set up temporarily for the period commencing on the 11th June, 1963, and ending on the 7th November, 1963, and the office of the Honorary Advisor to the State Government, Co-operation Department, or any other Department.]

⁹[2-A. Office of Chairman or Vice-Chairman of Regional

¹Subs. by Punjab Act 41 of 1956, Section 2.

²Added by Punjab Act 3 of 1963, Section 2.

³See Punjab Act 23 of 1981.

⁴Inserted vide Punjab Act 4 of 2005.

⁵Inserted vide Punjab Act 10 of 2002.

⁶Added vide Punjab Act 25 of 1956, Section 2.

⁷Inserted vide the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978-Punjab Act 12 of 1978.

⁸Added by Punjab Act 8 of 1964, Section 2.

⁹Omitted by Punjab Adaptation of Laws (State and Concurrent Subject) Orders 1968.

Committees not to disqualify its holder. It is hereby further declared that the office of the Chairman or Vice-Chairman of a Regional Committee for the Punjabi Region or Hindi Region shall be deemed never to have disqualified and shall not disqualify the holder thereof for being chosen as, or for being a Member of the Punjab State Legislature.]

3. Repeal- The Punjab Legislative Assembly (Removal of Disqualifications) Act, 1937 and the Punjab Provisional Legislature (Prevention of Disqualifications) Act, 1950, are hereby repealed.



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PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 1st November, 2018

No.28-Leg./2018.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 31st day of October, 2018, is hereby published for general information:-

**THE PUNJAB STATE LEGISLATURE (PREVENTION OF
DISQUALIFICATION) AMENDMENT ACT, 2018.**

(Punjab Act No. 25 of 2018)

AN

ACT

further to amend the Punjab State Legislature (Prevention of Disqualification) Act, 1952.

BE it enacted by the Legislature of the State of Punjab in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab State Legislature (Prevention of Disqualification) Amendment Act, 2018. Short title and commencement.

(2) It shall be deemed to have come into force on and with effect from the 26th day of January, 1950.

2. In the Punjab State Legislature (Prevention of Disqualification) Act, 1952 (hereinafter referred to as the principal Act), after section 1, the following section 1-A shall be inserted, namely:- Insertion of new section 1-A of Punjab Act 7 of 1952.

"1-A. In this Act, unless the context otherwise requires,-

Definition (a) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a Member of Legislative Assembly is entitled under the Punjab Legislative Assembly (Salaries and Allowances of Members) Act, 1942), any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office;

(b) "statutory body" means any corporation, committee, commission, council, board or other body of persons,

whether incorporated or not, established by or under any law for the time being in force; and

- (c) "non-statutory body" means anybody of persons other than a statutory body."

3. In the principal Act, in section 2,-

- (i) clauses (e), (g) and (h) shall be omitted; and
(ii) in clause (i), at the end, for sign ".", the sign ";" shall be substituted, and thereafter, the following clauses shall be added, namely:-

Amendment in
section 2 of
Punjab Act 7 of
1952.

- "(j) any office held by a Minister (including the Chief Minister), Minister of State or Deputy Minister, whether ex-officio or by name;
- (k) the office of Chairman, Vice-Chairman, Deputy Chairman of the State Planning Board;
- (l) the office of each leader and each deputy leader of a recognised party and a recognised group in the Punjab State Legislature;
- (m) the office of Chief Whip, Deputy Chief Whip or Whip in the Punjab State Legislature;
- (n) the office of chairman or member of the syndicate, senate, executive committee, council or court of a university or any other body connected with a university;
- (o) the office of chairman or member of a committee (whether consisting of one or more members), set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance; and
- (p) the office of chairman, director or member (by whatever name called) of any statutory or non-statutory body other than any such body as is referred to in clause (o), if the holder of such office is not entitled to any remuneration other than compensatory allowance."

VIVEK PURI,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.