

The Haryana State Legislature (Prevention of Disqualification) Act, 1974

HARYANA

India

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Act 41 of 1974

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The Haryana State Legislature (Prevention of Disqualification) Act, 1974 Haryana Act No. 41 of 1974 Received the assent of the Governor of Haryana on the 13th December, 1974, and first published in Haryana Government Gazette (Extraordinary), Legislative Supplement, Part I of December 16, 1974 An Act to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being elected as, or for being, members of the Legislature of the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Twenty-fifth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Haryana State Legislature (Prevention of Disqualification) Act, 1974.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance, 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)"non-statutory body" means any body of persons other than a statutory body;(c)"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.

3. Certain offices of profit not to disqualify.

(1) It is hereby declared that none of the following offices, in so far as it is an office of profit under the Government of India or the Government of State of Haryana, shall disqualify the holder thereof for being elected as, or for being, a member of the Legislature of the State of Haryana, namely :- (a) Lambardar; (b) Sub-Registrar, whether departmental or honorary, notary, Oaths Commissioner, Official Receiver, not being a wholetime salaried Government employee, or any other person who is serving under an insurer, the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 (Parliament Act 9 of 1956); (c) member of any force raised, maintained or constituted, as the case may be, under the National Cadet Corps Act, 1948 (Central Act 50 of 1948), the Territorial Army Act, 1948 (Central Act 31 of 1948), or the Reserve and Auxiliary Air Forces Act, 1952 (Parliament Act 62 of 1952), the Haryana Home Guards Act, 1974 (Haryana Act 31 of 1974); (d) officer, in the Army Reserve of Officers; (e) [chairman, vice-chairman, president, vice-president, director or member, whether elected, nominated or appointed either by the Union Government or the State Government or any of its officers, of any statutory or non-statutory body, whether he is or is not, in receipt of any remuneration including compensatory allowance, during the performance of his duties;] [Substituted by Haryana Act No. 4 of 1981.] (f) Parliamentary Secretary or Parliamentary Under-Secretary; (g) honorary adviser to the State Government in any department thereof; (h) chairman of an Improvement Trust constituted under the Punjab Town Improvement Act, 1922 (Punjab Act 4 of 1922), and the Chairman of the Haryana State Agricultural Marketing Board constituted under Section 3 of the Punjab Agricultural Produce Markets Act, 1961 (Punjab Act 23 of 1961); (i) chairman of the Haryana State Minor Irrigation (Tubewells) Corporation Limited and the chairman of the Haryana Agro-Industries Corporation Limited; and (j) chairman or the vice-chairman or the deputy chairman or any member of the Haryana State Planning Board or the Haryana Khadi and Village Industries Board or the Haryana Harijan Kalyan Nigam or the Haryana State Social Welfare Advisory Board. (k) [an advocate appointed by the State Government to conduct any particular suit, case or other proceeding by or against the State Government before any Court, tribunal or other authority, or to assist the Commission of Inquiry, or to assist or represent any of the parties before the Commission of Inquiry, appointed under the Commissions of Inquiry Act, 1952, or any other law for the time being in force.] [Inserted by Haryana Act 24 of 1980 and shall always be deemed to have been inserted.] (2) It is hereby further declared that none of the following offices, in so far as it is an office of profit under the Government of India, the Government of the State of Haryana or the Government of any other State, shall disqualify the holder thereof for being elected as, or for being, a member of the Legislature of the State of Haryana, namely :- (a) Minister; (b) State Minister;

4. Repeal.

- The Punjab State Legislature (Prevention of Disqualification) Act, 1952, in its application to the State of Haryana, is hereby repealed.