

# The Parliament (Prevention Of Disqualification) Act, 1959

UNION OF INDIA

India

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### Act 10 of 1959

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1. [Amended by THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT Act, 2006 (Act 31 of 2006) on 18 August 2006]
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The Parliament (Prevention Of Disqualification) Act, 1959[4th April, 1959.](10 OF 1959)An Act to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament.BE it enacted by Parliament in the Tenth Year of the Republic of India as follows :—

#### 1. Short title.—

This Act may be called the Parliament (Prevention of Disqualification) Act, 1959.

#### 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 such allowance not exceeding the amount of daily allowance to which a member of Parliament is entitled under the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954), 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;(c)“non-statutory body” means any body of persons other than a statutory body.

### 3. Certain offices of profit not to disqualify.—

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 any State, shall disqualify the holder thereof for being chosen as, or for being, a member of Parliament, namely:—(a)any office held by a Minister, Minister of State or Deputy Minister for the Union or for any State, whether ex officio or by name;(aa)the office of a Leader of the Opposition in Parliament;(ab)the office of Deputy Chairman, Planning Commission;(ac)the office of each leader of a recognised party and a recognised group in either House of Parliament;(ad)the office of the Chairperson of the National Advisory Council constituted by the Government of India in the Cabinet Secretariat vide Order No. 631/2/1/2004-Cab., dated the 31st May, 2004;(b)the office of Chief Whip, Deputy Chief Whip or Whip in Parliament or of a Parliamentary Secretary;(ba)the office of chairperson of—(i)the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992 (19 of 1992);(ii)the National Commission for the Scheduled Castes constituted under clause (1) of article 338 of the Constitution;(iia)the National Commission for the Scheduled Tribes constituted under clause (1) of article 338A of the Constitution;(iii)the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990 (20 of 1990);(c)the office of member of any force raised or maintained under the National Cadet Corps Act, 1948 (31 of 1948), the Territorial Army Act, 1948 (56 of 1948), or the Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952);(d)the office of a member of a Home Guard constituted under any law for the time being in force in any State;(e)the office of sheriff in the city of Bombay, Calcutta or Madras;(f)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;(g)the office of a member of any delegation or mission sent outside India by the Government for any special purpose;(h)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;(i)the office of chairman, director or member of any statutory or non-statutory body other than any such body as is referred to in clause (h), if the holder of such office is not entitled to any remuneration other than compensatory allowance, but excluding (i) the office of chairman of any statutory or non-statutory body specified in Part I of the Schedule, and (ii) the office of chairman or secretary of any statutory or non-statutory body specified in Part II of the Schedule;(j)the office of village revenue officer, whether called a lambardar, malguzar, patel, deshमुख or by any other name, whose duty is to collect land revenue and who is remunerated by a share of, or commission on, the amount of land revenue collected by him, but who does not discharge any police functions;(k)the office of Chairman, Deputy Chairman, Secretary or Member (by whatever name called) in any statutory or non-statutory body specified in the Table;(l)the office of Chairperson or trustee (by whatever name called) of any Trust, whether public or private, not being a body specified in the Schedule;(m)the office of Chairman, President, Vice-President or Principal Secretary or Secretary of the Governing Body of any society registered under the Societies Registration Act, 1860 (21 of 1860), or under any other law relating to registration of societies, not being a body specified in the Schedule.

Explanation 1 — For the purposes of this section, the office of chairman, deputy chairman or secretary shall include every office of that description by whatever name called.

Explanation

2.—In clause (aa), the expression “Leader of the Opposition” shall have the meaning assigned to it in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977).Explanation

3.— In clause (ac), the expressions “recognised party” and “recognised group” shall have the meanings assigned to them in the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1988.

#### **4. Temporary suspension of disqualification in certain cases.—**

If a person being a member of Parliament who immediately before the commencement of this Act held an office of profit declared by any law repealed by this Act not to disqualify the holder thereof for being such member, becomes so disqualified by reason of any of the provisions contained in this Act, such office shall not, if held by such person for any period not extending beyond a period of six months from the commencement of this Act disqualify him for being a member of Parliament.

#### **5. Repeals.—**

The Parliament (Prevention of Disqualification) Act, 1950 (19 of 1950), the Parliament Prevention of Disqualification Act, 1951 (68 of 1951), the Prevention of Disqualification Act, 1953 (1 of 1954), and any provision in any other enactment which is inconsistent with this Act are hereby repealed.

### **See section 3(i)**

## **Part I**

Bodies Under the Central GovernmentAir-India International Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953).Air Transport Council constituted under section 30 of the Air Corporations Act, 1953 (27 of 1953).Board of Directors of the Export Risks Insurance Corporation Limited.Board of Directors of the Heavy Electricals Limited.Board of Directors of the Hindustan Cables Limited.Board of Directors of the Hindustan Insecticides Limited.Board of Directors of the Hindustan Machine Tools Limited.Board of Directors of the Hindustan Shipyard Limited.Board of Directors of the Hindustan Chemicals and Fertilizers Limited.Board of Directors of the National Coal Development Corporation (Private) Limited.Board of Directors of the National Industrial Development Corporation Limited.Board of Directors of the National Instruments Limited.Board of Directors of the National Small Industries Corporation Limited.Board of Directors of the Neyveli Lignite Corporation (Private) Limited.Board of Directors of the Sindri Fertilizers and Chemicals Limited.Board of Directors of the State Trading Corporation of India Limited.Central Warehousing Corporation established under section 17 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956).Coal Board established under section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952).Coal Mines Labour Housing Board constituted under section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947).Commissioners for the Port of Calcutta.Committee for the allotment of land in the township of Gandhidham.Company Law Advisory Commission constituted under section 410 of the Companies Act, 1956 (1 of 1956).Cotton Textiles Fund Committee constituted under the Textile

Funds Ordinance, 1944 (Ord. 34 of 1944). Dock Labour Board, Bombay, established under the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948). Dock Labour Board, Calcutta, established under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948). Dock Labour Board, Madras, established under the Madras Dock Workers (Regulation of Employment) Scheme, 1956, made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948). Forward Markets Commission established under section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952). Indian Airlines Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953). Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948). Licensing Committee constituted under rule 10 of the Registration and Licensing of Industrial Undertakings Rules, 1952, made under the Industries (Development and Regulation) Act, 1951 (65 of 1951). Mining Boards constituted under section 12 of the Mines Act, 1952 (35 of 1952). National Co-operative Development and Warehousing Board established under section 3 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956). Rehabilitation Finance Administration constituted under section 3 of the Rehabilitation Finance Administration Act, 1948 (12 of 1948). Tariff Commission established under section 3 of the Tariff Commission Act, 1951 (50 of 1951). Trustees of the Port of Bombay. Trustees of the Port of Madras. Trustees or Commissioners of any major port as defined in the Indian Ports Act, 1908 (15 of 1908), other than the Port of Calcutta, Bombay or Madras. Bodies Under State Governments Andhra Pradesh Agricultural Improvement Fund Committee constituted under section 3 of the Hyderabad Agricultural Improvement Act, 1952. Co-operative Agricultural and Marketing Development Fund Committee. Livestock Purchasing Committee. Assam Adhi Counciliation Boards constituted under section 2A of the Assam Adhiars Protection and Regulation Act, 1948. Assam Evacuee Property Management Committee constituted under section 12 of the Assam Evacuee Property Act, 1951. Assam Text Book Committee. Bihar Mining Board for Coal Mines. Text Book and Education Literature Committee. Bombay Allocation Committee (Allopathic) under the Employees' State Insurance Scheme. Allocation Committee (Ayurvedic) under the Employees' State Insurance Scheme. Board to conduct over-all supervision of the business and affairs of the Narsinggiriji Mills, Sholapur. Bombay Housing Board constituted under section 3 of the Bombay Housing Board Act, 1948. Bombay State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948). Bombay State Electricity Consultative Council constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948). Medical Service Committee under the Employees' State Insurance Scheme. Pharmaceutical Committee under the Employees' State Insurance Scheme. Regional Transport Authority for Ahmedabad, Aurangabad, Bombay, Nagpur, Poona, Rajkot and Thana constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939). Saurashtra Housing Board constituted under section 3 of the Saurashtra Housing Board Act, 1954. State Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939). Vidarbha Housing Board constituted under section 3 of the Madhya Pradesh Housing Act, 1950. Kerala Board of Examiners appointed under rule 8 of the Travancore-Cochin Boiler Attendants Rules, 1954. Panel of Assessors constituted under rule 63 of the Travancore-Cochin Boiler Attendants Rules, 1954. Panel of Assessors constituted under the Travancore-Cochin Economiser Rules, 1956. Madhya Pradesh Madhya Pradesh Housing Board constituted under section 3 of the Madhya Pradesh Housing Board Act, 1950. Mahakoshal Housing Board. Tamil Nadu Committee to

select Books for Study for S.S.L.C. Examination. Landing and Shipping Fees Committees for Minor Ports. Local Committee constituted under regulation 10A of the Employees' State Insurance (General) Regulations, 1950. Madras Board of Transport. Tamil Nadu Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948). Madras State Electricity Consultative Council constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948). Port Conservancy Boards. Port Trust Boards of Minor Ports. State Board of Communications. Text Books Committee. Karnataka Board of Management, Mysore Iron and Steel Works, Bhadravathi. Board of Management of Industrial Concerns. Orissa Appeal Committee under the Board of Secondary Education. Orissa Board of Communications and Transport. Regional Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939). State Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939). Punjab Punjab State National Workers (Relief and Rehabilitation) Board. Rajasthan City Improvement Trust, Kota, constituted under the City of Kota Improvement Act, 1946. Excise Appellate Board, Ajmer. Rajasthan State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948). Urban Improvement Board, Jaipur. Uttar Pradesh Government Cement Factory Board. Local Committees for Agra, Kanpur, Lucknow and Saharanpur appointed under section 25 of the Employees' State Insurance Act, 1948 (34 of 1948). Sub-Committee to select books for Educational Expansion Department. Uttar Pradesh Sugar and Power Alcohol and Labour Housing Board constituted under section 10 of the Uttar Pradesh Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1950. West Bengal Licensing Board constituted under the regulations made under rule 45 of the Indian Electricity Rules, 1956. West Bengal Housing Board constituted under the West Bengal Development Corporation Act, 1954. Bodies in Union Territories Delhi Development Authority constituted under section 3 of the Delhi Development Act, 1957 (61 of 1957). Delhi Electricity Power Control Board constituted under section 5 of the Bombay Electricity (Special Powers) Act, 1946, as applied to Delhi. Delhi State Electricity Council constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948).

## Part II

Bodies Under the Central Government Advisory Committee for the Air-India International Corporation appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953). Advisory Committee for the Indian Airlines Corporation appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953). Central Silk Board constituted under section 4 of the Central Silk Board Act, 1948 (61 of 1948). Coffee Board constituted under section 4 of the Coffee Act, 1942 (7 of 1942). Coir Board constituted under section 4 of the Coir Industry Act, 1953 (45 of 1953). Development Council for Acids and Fertilizers established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Alkalis and Allied Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Bicycles established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Drugs, Dyes and Intermediates established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Food Processing Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Heavy Electrical Engineering

Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Internal Combustion Engines and Power Driven Pumps established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Light Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Machine Tools established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Non-ferrous Metals including alloys established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Oil-based and Plastic Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Sugar Industry established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Textiles made of artificial silk including artificial silk yarn established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Development Council for Textiles made of wool including woollen yarn, hosiery, carpets and druggets established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951). Durgah Committee, Ajmer, constituted under section 4 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955). Indian Central Arecanut Committee. Indian Central Coconut Committee constituted under section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944). Indian Central Cotton Committee constituted under section 4 of the Indian Cotton Cess Act, 1923 (14 of 1923). Indian Central Jute Committee. Indian Central Oilseeds Committee constituted under section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946). Indian Central Sugarcane Committee. Indian Central Tobacco Committee. Indian Lac Cess Committee constituted under section 4 of the Indian Lac Cess Act, 1930 (24 of 1930). Rubber Board constituted under section 4 of the Rubber Act, 1947 (24 of 1947). Tea Board constituted under section 4 of the Tea Act, 1953 (29 of 1953). Bodies Under State Governments Andhra Pradesh Market Committee constituted under section 4 of the Hyderabad Agricultural Market Act No. II of the 1339F. Market Committee constituted under section 4A of the Madras Commercial Crops Markets Act, 1933. Bihar Bihar State Board of Religious Trusts. Bihar Subai Majlis Awqaf. Bodh Gaya Temple Advisory Committee constituted under section 15 of the Bodh Gaya Temple Act, 1949. Bodh Gaya Temple Management Committee constituted under section 3 of the Bodh Gaya Temple Act, 1949. Kerala Administration Committee for Coir Purchase Scheme. Malabar Market Committee constituted under section 4A of the Madras Commercial Crops Markets Act, 1933. Tapioca Market Expansion Board. Tamil Nadu Area Committee for Hindu Religious and Charitable Endowments constituted under section 12 of the Madras Hindu Religious and Charitable Endowments Act, 1951. Madras State Waqf Board constituted under section 9 of the Waqf Act, 1954 (29 of 1954). Punjab State Marketing Board constituted under section 3 of the Patiala Agricultural Produce Markets Act, 200. TABLE See section 3(k)

S.No. Name of body

- 1 The Tripura Khadi and Village Industries Board, a body constituted under the Tripura Khadi and Village Industries Act, 1966.
- 2 The Uttar Pradesh Development Council.
- 3 The Irrigation and Flood Control Commission, Uttar Pradesh.

- 4 The Indian Statistical Institute, Calcutta.
- 5 The West Bengal Handicrafts Development Corporation Limited.
- 6 The West Bengal Small Industries Development Corporation Limited.
- 7 The West Bengal Industrial Development Corporation Limited.
- 8 The Sriniketan Santiniketan Development Authority, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979).
- 9 The Haldia Development Authority, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979).
- 10 The West Bengal Minorities Development and Finance Corporation, a body constituted under the West Bengal Minorities Development and Finance Corporation Act, 1995.
- 11 The Hooghly River Bridge Commissioners, constituted under the Hooghly River Bridge Act, 1969 (West Bengal Act No. 36 of 1969).
- 12 The Board of Wakf, West Bengal, a body constituted under the Wakf Act, 1995 (43 of 1995).
- 13 The State Fisheries Development Corporation Limited, West Bengal.
- 14 The West Bengal State Haj Committee, constituted under the Haj Committee Act, 2002 (35 of 2002).
- 15 The Asansol Durgapur Development Authority, West Bengal, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979).
- 16 The West Bengal Pharmaceutical and Phytochemical Development Corporation Limited.
- 17 The West Bengal Handloom and Powerloom Development Corporation Limited.
- 18 The West Bengal Khadi and Village Industry Board.
- 19 The Society for Self-employment for Urban Youth, a society registered under the West Bengal Societies Registration Act, 1961 (West Bengal Act No. 26 of 1961).
- 20 The Tirumala Tirupathi Devasthanams Board.
- 21 The Agricultural and Processed Food Products Export Development Authority, an authority constituted under section 4 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 (2 of 1986).
- 22 The National Agricultural Co-operative Marketing Federation of India Limited (NAFED).
- 23 The Indian Farmer: Fertilizers Co-operative Limited (IFFCO).
- 24 The Krishak Bharati Co-operative Limited (KRIBHCO).
- 25 The National Co-operative Consumers Federation of India Limited (NCCF).
- 26 The Auroville Foundation established under sub-section (1) of section 10 of the Auroville Foundation Act, 1988 (54 of 1988).
- 27 The National Commission of Enterprises in the Unorganised Sector.
- 28 The Planning Board (Asiatic Society) established under sub-section (1) of section 8 of the Asiatic Society Act, 1984 (5 of 1984).
- 29 The Delhi Rural Development Board.

- 30 The Maulana Azad Education Foundation.
- 31 The Indira Gandhi National Centre for Arts.
- 32 The Dr. Ambedkar Foundation.
- 33 The Bihar State Board of Religious Trust, a body constituted under the Bihar Hindu Religious Trust Act, 1950 (Bihar Act No. 1 of 1951).
- 34 The Research and Information System for the Non-Aligned and Other Developing Countries.
- 35 The Indian Institute of Psychometry.
- 36 The Uttar Pradesh Film Development Council.
- 37 The Uttar Pradesh Provincial Co-operative Federation.
- 38 The Uttar Pradesh Co-operative Federation Limited.
- 39 The National Co-operative Union of India.
- 40 The Uttar Pradesh Krishi and Gram Vikas Bank.
- 41 The Uttar Pradesh Co-operative Bank Limited.
- 42 The Indian Council for Cultural Relations.
- 43 The Board of Control—A.N. Sinha Institute of Social Studies, Patna.
- 44 All India Council for Sports.
- 45 The Howrah Improvement Trust.
- 46 The Dalit Sena, 12, Janpath, New Delhi.
- 47 The Social Justice Trust, 12, Janpath, New Delhi.
- 48 The Bahujan Foundation (Charitable Trust), Lucknow, Uttar Pradesh.
- 49 The Bahujan Prerna Charitable Trust, Delhi.
- 50 The Central Wakf Council, established under section 9 of the Wakf Act, 1995 (43 of 1995).
- 51 The Nehru Memorial Museum and Library (NMML).
- 52 The Jalianwala Bagh Memorial Trust.
- 53 The Haj Committee of India constituted under section 3 of the Haj Committee Act, 2002 ( 35 of 2002).
- 54 The Mallickghat Phoolbazar Parichalan Committee.
- 55 The West Bengal Fisheries Corporation Limited.