

Rajasthan Legislative Assembly Members (Prevention of Disqualification) Act, 2017

RAJASTHAN

India

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Act 36 of 2017

- Published on 1 January 2017
- Commenced on 1 January 2017
- [This is the version of this document from 1 January 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Legislative Assembly Members (Prevention of Disqualification) Act, 2017(Rajasthan Act No. 36 of 2017)Statement of Object and Reasons. - At present there are two laws declaring the offices of profit in the State which shall not disqualify their holders for being, or for being chosen as, members of the Legislative Assembly viz. the Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956 (Act No. 7 of 1957) and the Rajasthan Legislative Assembly Members (Prevention of Disqualification) Act, 1969 (Act No. 5 of 1969). As a part of the State Government's initiative to consolidate multiple laws on the same subject into one law, it is proposed to consolidate the above two Acts into a single Act.The Bill seeks to achieve the aforesaid objectives.Hence the Bill.[Received the assent of the Governor on the 9th day of November, 2017]An Act to declare certain offices of profit not to disqualify their holders for being, or for being chosen as, members of the Legislative Assembly of the State.Whereas it is expedient to consolidate and amend the laws declaring the offices of profit in the State which shall not disqualify their holders for being, or for being chosen as, members of the Legislative Assembly of the State;Be it enacted by the Rajasthan State Legislature in the Sixty-eighth Year of the Republic of India, as follows:-

1. Short title and commencement.

(1)This Act may be called the Rajasthan Legislative Assembly Members (Prevention of Disqualification) Act, 2017.(2)It shall come into force at once.

2. Interpretation.

(1)In this Act unless the subject or context otherwise requires, "State" means the State of Rajasthan as formed by section 10 of the States Re-organisation Act, 1956 (Central Act No. 37 of 1956).(2)The provisions of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955) shall, as far as may be,

apply mutatis mutandis to this Act.

3. Removal and prevention of disqualification for membership of the State Legislative Assembly.

- It is hereby declared that the following offices shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of the State Legislative Assembly, namely:-(a)the office of a Minister of State or a Deputy Minister;(b)the office of the Government Chief Whip;(c)the office of the Deputy Government Chief Whip;(d)the office of a Parliamentary Secretary or a Parliamentary Under Secretary;(e)the office of the Leader of Opposition in the Rajasthan Legislative Assembly;(f)the office of a chairman or a vice-chairman or the member of a committee set up 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 enquiry into, or collecting statistics in respect of, any such matter or for planning, coordinating or implementing any programme of the Government or any other authority;(g)the office held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act No. xxxi of 1948) or in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act No. LVI of 1948) or in the Auxiliary Air Force or the Air Defence Reserve raised under the Reserve and Auxiliary Air Force Act, 1952 (Central Act No. LXII of 1952);(h)the office of a chairman or a member of the committee other than any such committee as is referred to in clause (f);(i)the office of a chairman, director, member or any officer of a statutory body, where the power to make any appointment to any such office or the power to remove any person therefrom is vested in the Government;(j)the 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 No. 9 of 1956);(k)the office of a Government Pleader, or Special Government Pleader, or Advocate for the Government, appointed specially to conduct any particular suit, case or other proceeding by or against the State Government before any court, tribunal, arbitrator or other authority;(l)the office of a Government Pleader, Special Government Pleader, or Advocate for the State Government, appointed specially to assist the Advocate General, Government Advocate or Pleader, Special Government Pleader, or Advocate for Government, in any particular suit, case or other proceeding by or against the State Government before any court, tribunal, arbitrator or other authority; and(m)the office of a panel lawyer if the holder of such office is not entitled to any retainer or salary, by whatever name called.Explanation. - In this section, unless the subject or context otherwise requires,-(i)"committee" means any committee, commission, council, board or any other body of persons whether a statutory body or not, set up by Government;(ii)"compensatory allowance" means such sum of money as the Government may determine as being payable to the chairman or any other member of a committee by way of travelling allowance, daily allowance, conveyance allowance or house rent allowance for the purpose of enabling the chairman or other member to recoup any expenditure incurred by him in attending any meeting of a committee or performing any other function as a member of the committee;(iii)"daily allowance" means such daily allowance as shall not exceed the amount of daily allowance admissible to a Member of the State Legislative Assembly in accordance with the provisions of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956, as amended from time to time, and the rules made thereunder;(iv)"insurer" means an insurer as defined in clause (5) of section 2 of the Life

Insurance (Emergency Provisions) Act, 1956 (Central Act No. 9 of 1956);(v)"statutory body" means any corporation, board, company, society or any other body of persons, whether incorporated or not, established, registered or formed by or under any law for the time being in force or exercising powers and functions under any such law.

4. Repeal.

- The Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956 (Act No. 7 of 1957) and the Rajasthan Legislative Assembly Members (Prevention of Disqualification) Act, 1969 (Act. No. 5 of 1969) are hereby repealed.