

Rajasthan Panchayati Raj Prabodhak Service Rules, 2008.

RAJASTHAN

India

Rajasthan Panchayati Raj Prabodhak Service Rules, 2008.

Rule

RAJASTHAN-PANCHAYATI-RAJ-PRABODHAK-SERVICE-RULES-2008 of 2008

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Rajasthan Panchayati Raj Prabodhak Service Rules, 2008.G.S.R. 21. In exercise of the powers conferred by Section 102 read with Section 89 of the Rajasthan Panchayati Raj Act, 1994 (Act, No. 13 of 1994) and all other powers enabling it, in this behalf, the State Government hereby makes the following rules, namely:

Part I

1. Short title and Commencement.

(1) These rules may be called the Rajasthan Panchayati Raj Prabodhak Service Rules, 2008.(2)They shall come into force at once.

2. Definitions.

In these rules unless the context otherwise requires. (a)"Appointing Authority" means the Additional Chief Executive Officer-cum-District Education Officer (Elementary Education) of concerned district or Authority to whom powers in this behalf may be delegated by Government by a special or general order and subject to such conditions as it may deem fit;(b)"Committee" means a committee constituted under Rule 20 in reference to direct recruitment;(c)"Direct recruitment" means recruitment made in accordance with Part IV of these rules;(d)"Government" means the Government of Rajasthan;(e)"State" means the State of Rajasthan;(f)"Member of the Service" means a person appointed to a post in the service on the basis of regular selection under the provisions of these rules;(g)"Promotion committee" means a committee constituted under Rule 28

in reference to promotion;(h)"Service" means the Rajasthan Panchayat Raj Prabodhak Service;(i)"Schedule" means the schedule appended to these rules;(j)"Substantive Appointment" means an appointment made under the provisions of these rules to a substantive post after due selection by any of the methods of recruitment prescribed under these rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period;(k)"Teaching Experience" for the purpose of direct recruitment includes the experience gained in supervisory capacity in any recognized educational institution or project;(l)"Service" or "Experience" wherever prescribed in these rules as a condition for promotion from one Service to another or within from one category to another or to senior posts, in the case of a person holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with rules promulgated;Note.- Absence during service e.g. training leave and deputation etc. which treated as "duty" under the Rajasthan Service Rules, 1951 shall also be counted as service for computing experience or service required for promotion; and(m)"Year" means financial year.

3. Interpretation.

Unless the context otherwise requires, the Rajasthan General Clause Act, 1955 shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.Part - IICadre

4. Composition and Strength of the Service.

(1) The service shall consist of the posts specified in column 2 of the schedule.(2)The strength of posts in the service shall be such, as may be determined by the Government, from time to time:Provided that the Government may (a)create any post, permanent or temporary, from time to time as may be found necessary, and(b)leave unfilled or hold in abeyance or abolish any post, permanent or temporary, from time to time, without thereby entitling any person to any compensation or creating any compulsion to recruit against any post.

5. Constitution of the Service.

The service shall consist of persons recruited to the service in accordance with the provisions of these rules.Part - IIIMethods Of Recruitment

6. Methods of Recruitment.

Recruitment to the service after the commencement of the rules shall be made by the following methods: (a)by direct recruitment in accordance with Part IV of these rules,(b)by promotion in accordance with Part V of these rules.

7. Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes.

(1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with the orders of the Government for such reservation in force at the time of recruitment i.e. by direct recruitment and by promotion.(2)In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Castes and Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list prepared for direct recruitment by the Committee and in the case of promotion by the Promotion Committee, irrespective of their relative rank as compared with other candidates.(3)Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst Scheduled Castes and Scheduled Tribes, as the case may be, in a particular year, the vacancy so reserved for them shall be carried forward until the suitable Scheduled Castes and the Scheduled Tribes candidate(s), as the case may be, are available. In any circumstances no vacancy reserved for Scheduled Castes and the Scheduled Tribes candidates shall be filled by promotion as well as by direct recruitment from General Category candidates. However, in exceptional cases where in the public interest the Appointing Authority feels that it is necessary to fill up the vacant reserved post(s) by promotion from the General category candidates on urgent temporary basis, the Appointing Authority may make a reference to the Promotion Committee and after obtaining prior approval of the State Government, they may fill up such Post(s) by promoting the General Category candidate(s) on urgent temporary basis clearly stating in the promotion order that the general category candidate(s) who are being promoted on urgent temporary basis against the vacant post reserved for Scheduled Castes or the Scheduled Tribes candidates, as the case may be, shall have to vacate the post as and when the candidate(s) of that category become available.

8. Reservation of vacancies for the Other Backward Classes.

Reservation of vacancies for Other Backward Classes shall be in accordance with the orders of the Government for such reservation in force at the time of direct recruitment. In the event of non-availability of eligible and suitable candidate amongst Other Backward Classes in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.

9. Reservation of vacancies for woman candidates.

Reservation of vacancies for woman candidates shall be 30% category-wise, in direct recruitment out of which 5% shall be for widow candidates. In the event of non-availability of eligible and suitable widow candidates in a particular year, the vacancies so reserved for widow candidates shall be filled by other women candidates and in the event of non-availability of eligible and suitable women candidates, the vacancies so reserved for them shall be filled up by male candidates and such vacancies shall not be carried forward to the subsequent year.

10. Determination of Vacancies.

(1) Subject to the provisions of these rules, the Appointing Authority shall determine on 15th April every year, the actual number of vacancies occurring during the financial year. (2) The vacancies so determined shall be filled in by the method prescribed in the rules. (3) The Appointing Authority shall also determine vacancies of earlier years, year wise, which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.

11. Nationality.

A candidate for appointment to the service must be : (a) a citizen of India, or (b) a citizen of Nepal, or (c) a subject of Bhutan, or (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently setting in India, or (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently setting in India. Provided that a candidate belonging to categories (b) (c) (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government in the Department of Home Affairs and Justice after proper verification.

12. Conditions of eligibility of persons migrated from other countries to India.

Notwithstanding anything contained in these provisions regarding eligibility for recruitment to the Service with regard to nationality, age limit and fee or other concession to a person, who may migrate from other countries to India with the intention of permanently setting in India, shall be regulated by such orders or instructions as may be issued by the State Government from time to time and the same shall be regulated mutatis mutandis according to the instructions issued on the subject by the Government of India.

13. Age.

A candidate for direct recruitment to a post enumerated in the Schedule must have attained the age of 23 years and must not have attained the age of 35 years on the first day of January following the last date fixed for receipt of applications : Provided (i) that the upper age limit mentioned above, shall be relaxed by 5 years in the case of male candidates belonging to the Scheduled Castes, Scheduled Tribes and the Other Backward classes. (ii) that the upper age limit mentioned above shall be relaxed by 5 years in case of women candidates belonging to General Category. (iii) that the upper age limit mentioned above shall be relaxed by 10 years in case of women candidates belonging to the Scheduled Castes, Scheduled Tribes and the Other Backward classes. (iv) that the upper age limit mentioned above shall be relaxed by 50 years in the case of Ex-service personnel and the reservists, namely the Defence Service Personnel who were transferred to the reserve. (v) that the person serving under the educational project in the State viz Rajiv Gandhi Pathshala/Shiksha Karmi Board/Lok Jumbish Pariyojana/Sarva Shiksha Abhiyan/District Primary Education Programme

shall be deemed to be within age limit, had they been within the age limit when they were initially engaged even though they may have crossed the age limit at the time of direct recruitment.(vi)that the upper age limit mentioned above shall be relaxed by a period equal to the service rendered in the NCC in the case of Cadet instructors and if the resultant age does not exceed the prescribed maximum age limit by more than three years, they shall be deemed to be within the prescribed age limit.(vii)that the Released Emergency Commissioned Officers and Short Service Commissioned Officers after release from the Army shall be deemed to be within the age limit even though they have crossed the age limit when they appear before the Committee had they been eligible as such at the time of their joining the Commission in the Army.(viii)that there shall be no upper age limit in the case of widows and divorced women.Explanation. That in the case of widow, she will have to furnish a certificate of death of her husband from the Competent Authority and in case of divorce, she will have to furnish the proof of divorce.

14. Academic and Professional Qualifications.

A candidate for direct recruitment to the posts specified in the Schedule shall, in addition to such experience as is required shall possess (i)the qualification and experience given in column 6 of the scheduled, and(ii)working knowledge of Hindi written in Devnagri Scripts and knowledge of Rajasthan culture.

15. Character.

The character of a candidate for direct recruitment to the service must be such as to qualify him for employment in the service. He must produce a certificate of good character from the Principal/Academic Officer of the University or College in which he was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with the College or University and not related to him.Note. (1) A convictions by a court of law need not be in itself the ground for refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement, which has as its object the overthrow by violent means of the Government established by law, the mere conviction need not be regarded as a disqualification.(2)Ex-Prisoners, who by their disciplined life while in prison and by their subsequent good conduct have proved to be completely reformed, should not be discriminated against on grounds of their previous conviction for purpose of employment in service. Those, who are convicted of offences not involving moral turpitude or violence, shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent, After Care Home or if there are no such Homes in a particular district, from the Superintendent of Police of that district.(3)Those convicted of offences involving moral turpitude or violence shall be required to produce a certificate from Superintendent, After Care Home endorsed by the Inspector General of Prison, to the effect that they are suitable for employment as they have proved to be completely reformed by their disciplined life while in prison and by their subsequent good conduct in an After Care Home.

16. Physical Fitness.

A candidate for direct recruitment to the Service, must be in good mental or bodily health and free from any mental or physical defect likely to interfere with the efficient performance of his duties as a member of service and if selected must produce a certificate to that effect from a Medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate in the case of candidate promoted in the regular line of promotion, or who is already serving in connection with the affairs of the State, if he has already been medically examined for the previous appointment and the essential standards of medical examination of the two posts held by him are to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

17. Disqualifications for appointment.

(1) No male candidate, who has more than one wife living, shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds for doing so, exempt any candidate from the operation of this rule. (2) No female candidate, who is married to a person having already a wife living, shall be eligible for appointment to the service unless the Government after being satisfied that there are Special grounds for doing so, exempt any female candidate from the operation of this rule. (3) No married candidate shall be eligible for appointment of the service if he/she had a time of his/her marriage accepted any dowry. Explanation.- For the purpose of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act 28 of 1961). (4) No candidate shall be eligible for appointment to the service who has more than two children on or after 01.06.2002: Provided that the candidate having more than two children shall not be deemed to be disqualified for appointment so long as the number of children he/she has on 01.06.2002 does not increase: Provided further that where a candidate has only one child from earlier delivery but more than one child are borne out of a single subsequent delivery, the children so borne shall be deemed to be one entity while counting the total number of children. Provided also that the provisions of this sub-rule shall not be applicable to the appointment of a widow to be made under the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996.

18. Employment by irregular or improper means.

A candidate, who is or has been declared by the Government or Committee guilty of impersonation or of submitting fabricated documents which have been tampered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or appearing at any interview may, in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for specified period. (a) by the Government or Committee as the case may be from admission to any examination or appearance at any interview held by the Government or Committee for selection of candidates, and (b) by the Government from employment under the Government.

19. Canvassing.

No recommendation for direct recruitment either written or oral, other than that required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his/her candidature by any means, may disqualify him/her for recruitment.

Part - IV Procedure for Direct Recruitment

20. Constitution of Committee.

Direct recruitment to the post of Prabodhak shall be made by the Committee at district level consisting of the following, namely:

- [Any officer of the Rajasthan Administrative Service nominated by the District Collector.] [Substituted by the Rajasthan Panchayati Rajasthan Prabodhak Service (Second Amendment) Rules, 2008 : Rajasthan Gazette Extraordinary Part IV-C(I) dated 19.8.2008.]
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| 1. | Chairman |
| 2. | Member Secretary |
| 3. | Member |

21. Inviting of applications.

Application for direct recruitment to posts in the Service shall be invited by the Member-Secretary of the committee by advertising the vacancies to be filled, in the official Gazette or in such other manner, as may be deemed fit by the Government. The advertisement shall contain a clause that a candidate who accepts the assignment on the post being offered to him/her shall be paid monthly fixed remuneration at the rate fixed by the State Government from time to time during the period of probation and the scale of pay as shown else-where in the advertisement shall be allowed only from the date of successful completion of the period of probation mentioned in these rules. Provided that while selecting candidates for the vacancies so advertised, the Committee may, if they receive intimation of additional requirement not exceeding 50% of the advertised vacancies, before the selection, also select suitable persons to meet such additional requirement.

22. Form of Application.

The application shall be made in the form prescribed by the Government and obtainable from the office of concerned District Education Officer (Elementary Education) on payment of such fee, if any, as may be fixed by the Government.

23. Application Fee.

A candidate for direct recruitment to a post in the Service shall pay to the concerned District Education Officer (Elementary Education) such fees as may be fixed by the Government from time

to time, in such manner as may be indicated by it.

24. Scrutiny of applications.

The concerned District Education Officer (Elementary Education) shall scrutinize the applications received by him and require as many candidates qualified for appointment under these rules as seem to him desirable to appear before the Appointing Authority for interview. Provided that the decision of the committee regarding the eligibility or otherwise of a candidate shall be final.

25. Recommendation of the Committee.

The committee shall prepare a list of the candidates whom, they consider suitable for appointment to the posts concerned, arranged in the order of merit and forward the same to the Appointing Authority: Provided that the Committee may, to the extent of 50% of the advertised vacancies, keep names of suitable candidates on the reserve list. The names of such candidates may, on requisition, be recommended in the order of merit to the Appointing Authority within 6 months from the date on which the Committee forwards the original list to the Appointing Authority.

26. Selection by Appointing Authority.

Subject to the provisions of Rules 7, 8, 9 and 10, the Appointing Authority shall select candidates who stand highest in the order of merit in the list prepared by the [Committee under Rule 25] [Substituted by the Rajasthan Panchayati Rajasthan Prabodhak Service (Third Amendment) Rules, 2008 : Rajasthan Gazette Extraordinary Part IV-C(I) Dated 18.9.2008.]: Provided that inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied after such inquiry as may be considered necessary, that such candidates are suitable in all other respects for appointment to the posts concerned. Part - V Procedure for Recruitment by Promotion

27. Criteria for selection.

The persons enumerated in column 4 of the Schedule, shall be eligible, on the basis of seniority-cum-merit for promotion to posts specified in column 2 subject to their possessing the minimum qualifications and experience on the first day of the month of April of the year of selection specified in column 5.

28. Constitution of the Promotion Committee.

Recruitment by promotion under these rules shall be made by the promotion committee at district level consisting of the following, namely:

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| 1. Zila Pramukh | — Chairman |
| 2. Chief Executive Officer | — Member |

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| 3. District Education Officer(Elementary Education) | — Member Secretary |
| 4. Addl. District Education Officer/Addl. District Education Officer cum Senior Deputy District Education Officer. | — Member |

29. Criteria, Eligibility and procedure for Promotion.

(1) As soon as the Appointment Authority determines the number of vacancies under rule regarding determination of vacancies of these rules and decides that a certain number of posts are required to be filled in by promotion, it shall subject to provisions of sub-rule (6), prepare a correct and complete list of the senior most persons who are eligible and qualified under these rules for promotion.(2)The persons enumerated in the relevant column regarding post from which promotion is to be made of the Schedule shall be eligible for promotion to posts specified against them in column 2 thereof, to the extent indicated in column 3, subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of selection as specified in the relevant column regarding qualifications and experience for promotion.(3)No person shall be considered for promotion in the service unless he is regularly selected on the post from which promotions to be made in accordance with the methods of recruitment prescribed under the provisions of these rules.(4)No person shall be considered for promotion for five recruitment years from the date on which his promotion becomes due, if he/she has more than two children on or after 1st June, 2002 :Provided that (i)the person having more than two children shall be deemed to be disqualified for promotion so long as the number of children he/she has on 1st June 2002 does not increase;(ii)where a Government servant has only one child from the earlier delivery but more than one child are out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.(5)Selection for promotion on the post included in the service shall be made on the basis of seniority cum merit.(6)The zone of consideration of persons eligible for promotion shall be as under :-

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| (i) Number of vacancies | Number of eligible persons to be considered |
| (a) for one vacancy | five eligible person |
| (b) for two vacancies | eight eligible person |
| (c) for three vacancies | ten eligible person |
| (d) for four or more vacancies | three times eligible person |

(ii)where, the number of eligible person for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.(iii)where, adequate number of the candidates belonging to the Scheduled Tribes as the case may be, are not available within the zone of consideration specified above, the zone of consideration may be extended up to seven times the number of vacancies and the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.(7)Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the promotion Committee and procedure for selection shall be the same as prescribed else-where in these rules.(8)The Promotion Committee shall consider the cases of all the senior most Persons who are eligible and qualified for promotion to the class of post concerned under these rules and shall prepare a list containing names

of the persons found suitable for promotion equal to the number of vacancies determined under these rules. The list so prepared shall be arranged in the order of seniority of the category of post from which selection is made.(9)The Promotion Committee may also prepare a list on the basis of seniority-cum-merit containing names of person not exceeding the number of person selected in the list prepared under sub-rule (8) above to fill temporary or permanent vacancies which may occur subsequently. The list so prepared shall be arranged in the order of the seniority in their category of post from which selection shall be made. Such a list shall be reviewed and revised by the promotion Committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the year for which the meeting of the Promotion Committee is held.(10)Lists prepared under sub-rule (8) and (9) shall be sent to the appointing authority together with Annual Confidential Reports/Annual Performance Appraisal Reports and other Service Records of all the candidates included in the List as also of those not selected, if any.(11)If in any subsequent year, after promulgation of these rules vacancies relating to any earlier year are determined under these rules which were required to be filled in by promotion, the Promotion Committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Promotion Committee is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year to which the vacancies relate and the service/experience of an incumbent who has been so promoted, for promotion to higher post for any period during ,which he has not actually performed the duties of the post to which he would have been promoted, shall be counted. The pay of a person who has been so promoted shall be re-fixed at the pay, which he would have derived at the time of his promotion but no arrears of pay shall be allowed to him.(12)The Government or the Appointing Authority may order for the review of the proceeding of the Promotion Committee held earlier on account of a factual error substantially affecting the decision of the Promotion committee or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgment/direction of any court or tribunal, or where adverse entries in the confidential reports of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced. The concurrence of the Government shall always be obtained before holding the meeting of the review promotion Committee.(13)The lists prepared by the promotion Committee shall be forwarded to the Appointment Authority along with the personal files and Annual Confidential Rolls/Annual Performance Appraisal Report of all the person whose names have been considered by the promotion Committee.(14)The Appointing Authority shall consider the lists prepared by the promotion committee along with other relevant documents received from the promotion Committee and unless any change is considered necessary, shall approved the lists. In case the Promotion Committee considers it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of the change proposed by it. After taking into account the comments of the promotion committee, if any, the Appointing Authority may approve the lists finally with such modifications as may, in it's opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government, the lists approved by the Committee shall be disturbed only with approval of the Government.(15)Appointments shall be made by the Appointing Authority taking persons out of the list finally approved under the preceding sub-rule(14) in the order in which they have been placed in the list, till such lists are exhausted or reviewed and revised or remained in force, as the case may be.(16)The Government may issue instructions for provisionally dealing with the promotions, appointments or other

ancillary matters in an equitable and fair manner in case of person who may be under suspension, or against whom departmental proceeding is under progress, at the time promotions are considered to a post to which they are eligible or would have been eligible but for such suspension or pendency of such enquiry or proceedings.(17)The provisions of this rule shall have effect notwithstanding anything to the contrary contained in any provisions of these rules.

30. Restriction of promotion of persons foregoing promotions.

- In case a person on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendations of the Promotion Committee, forgoes such an appointment through his written request, and if the Appointing Authority accepts his/her request, the person concerned shall be debarred for consideration for promotion (both on the basis of urgent temporary appointment or on regular basis) for subsequent two recruitment years for which the meeting of the Promotion Committee is held and the name of such persons who fore goes promotion shall not be included in the seniority-cum-eligibility list to be placed before the Promotion Committee for subsequent two recruitment years.Part - VIAppointment, Probation and Confirmation

31. Urgent Temporary Appointment.

(1) A vacancy in the Service which can not be filled in immediately by direct recruitment or by promotion under the rules may be filled by the authority competent to make appointment, by appointing in an officiating capacity thereto an officer eligible for appointment to the post by promotion or by appointing temporarily thereto a person eligible for direct recruitment to the Service, where such direct recruitment has been provided under the provisions of these rules provided that such an appointment will not be continued beyond a period of one year without referring the case to the Government for concurrence, and shall be terminated immediately on its refusal to concur.(2)In the event of non availability of suitable persons, fulfilling the requirement of eligibility for promotion, Government may, notwithstanding the condition of eligibility for promotion required under sub-rule (1) above, lay down general instructions for grant of permission to fill the vacancies on urgent temporary basis subject to such conditions and restrictions regarding pay and other allowances as it may direct. Such appointments shall however be subject to concurrence of the Promotion Committee as required under the said sub-rule.

32. Seniority.

Seniority of persons appointed to the post encadred in the service shall be determined from the date of appointment on the post after regular selection in accordance with the provisions of these rules. Appointment on adhoc or urgent temporary basis shall not be deemed to be appointment after regular selection.

33. Period of Probation.

(1) A Person entering the service by direct recruitment against a clear vacancy shall be placed as Probationer-trainee for a period of 2 years. Provided that any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation. (2) During the period of probation specified in sub-rule (1) each probationer trainee may be required to pass such Departmental Examination and to undergo such training as the Government may, from time to time, specify.

34. Confirmation in certain cases.

(1) Notwithstanding anything to the contrary contained in the preceding rule, a person appointed to a post in the service temporarily or on officiating basis, who after regular recruitment by anyone of the methods of recruitment prescribed under these rules has not been confirmed, within a period of six months on completion of a period of two years service in case he is appointed by direct recruitment shall be entitled to be treated as confirmed in accordance with his seniority if (i) he has worked on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training; (ii) he fulfils conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these rule: and (iii) Permanent vacancies available. (2) If an employee referred to in sub-rule (1) above fails to fulfil the conditions mentioned in the said sub-rule, the period mentioned in sub-rule (1) above, may be extended as prescribed for a probationer or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and any other rules or by one year whichever is longer. If the employee still fails to fulfil the conditions mentioned in sub-rule (1) above, he will be liable to be discharged or terminated from such post in the same manner as a probationer or reverted to his substantive or lower post, if any, to which he may be entitled. (3) The employee referred to in sub-rule (1) above, shall not be debarred from confirmation after said period of service if no reasons to contrary about the satisfactory performance of his work are communicated to him within said period of service. (4) The reasons for not confirming of any employee referred in sub-rule (1) above shall be recorded by the Appointing Authority in his service book and Annual Performance Appraisal Report.

35. Unsatisfactory progress during probation.

(1) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation, that a member of the service has not made sufficient use of his opportunities or that he has failed to give satisfaction, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service: Provided that (i) The Appointing Authority may, if it so thinks fit in any case or class of cases, extend the period of probation of any member of service by a specified period not exceeding two years in case of persons appointed to a post in the Service by direct recruitment and one year in the case of persons appointed by promotion, to such post. (ii) The Appointing Authority may, if it so thinks fit in case of persons belonging to Scheduled Castes or Scheduled Tribes, as the case may be, extend the period of probation by a period not exceeding one year at a time and a total extension not exceeding three

years.(2)Notwithstanding anything contained in the above provision during the period of probation, if a probationer is placed under suspension, or disciplinary proceeding are contemplated or started against him, the period of his Probation may be extended till such period the Appointing Authority thinks fit in the circumstances.(3)A probationer reverted or discharged from service during or at the end of the period of probation under sub-rule (1) shall not be entitled to any compensation.

36. Confirmation.

(1) A Probationer shall be confirmed in his appointment at the end of his period of probation if (a)he has passed the departmental examination, if any,(b)he has passed departmental test of proficiency in Hindi: and(c)the Government is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.(2)Notwithstanding anything contained sub-rule (1) a probationer shall be confirmed in his appointment at the end of his period of probation, if the prescribed Departmental Examination/Training/proficiency test in Hindi, if any, are not held during the period of probation, laid down in the rules, if he is otherwise fit for confirmation.Part - VIIIPay

37. Pay during probation.

A probationer trainee appointed to the service by direct recruitment shall be paid monthly fixed remuneration during the period of probation at such rates as may be fixed by the Government from time to time.

37A. [Fixation of initial pay of Prabodhak having experience of beyond 5 years. A Prabodhak appointed as probationer-trainee of fixed remuneration, on successful completion of period of probation, shall be granted one increment for every additional three years of continuous teaching experience gained before his appointment, beyond the required minimum 5 years continuous teaching experience without any break in any recognized educational institution/educational project.]

[Added by the Rajasthan Panchayat Raj Prabodhak Service (Third Amendment) Rules, 2008 : Rajasthan Gazette Extraordinary, Part IV-C(I) dated 18.9.2008.]

38. Regulations of pay, leaves, allowances, contributory pension etc.

Except as provided in these rules, the pay, allowances, contributory pension, leave and other conditions of service of the member of the Service, shall be regulated by -(i)The Rajasthan Service Rules, 1951, as amended from time to time.(ii)The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, as amended from time to time,(iii)The Rajasthan Travelling Allowance Rules, 1971, as amended from time to time.(iv)The Rajasthan Civil Services (Revise Pay Scales) Rules, 1998, as amended from time to time(v)The Rajasthan Civil Services (Contributory Pension)

Rules, as amended from time to time.(vi)The Rajasthan Civil Services (Conduct) Rules, 1971, as amended from time to time.

39. Removal of doubts.

If any doubt arises relating to the application and scope of these rules, it shall be referred to the Government whose decision thereon shall be final.

40. Power to relax rules.

In exceptional cases where the Appointing Authority is satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment cause undue hardship in any particular case or where the Appointing Authority is of the opinion that it is necessary or expedient to relax any of the provisions of these rules with respect to age or experience of any person, it may with the concurrence of the Government, by order dispense with or relax the relevant provisions of these rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall not be less favourable than the provisions already contained in these rules: Provided that relaxation in the prescribed period of service or experience under this rule shall only be granted to the extent of 1/3 period of service or experience prescribed for promotion to any post before holding the meeting of the Department Promotion Committee.

[Substituted by the Rajasthan Probodhak Service (Amendment) Rules, 2008 : Rajasthan Gazette Extraordinary Part IV-C(I) dated 21.6.2008.]

Sr. No.	Name of Post	Method of Recruitment with percentage	Post from which promotion is to be made	Qualifications and experience for Promotion	Qualification and experience for direct Recruitment
1	2	3	4	5	6
1.	Sr. Prabodhak (5000-8000) (1)Samanya Shiksha	100% by Promotion	Prabodhak (Samanya Shiksha)	Bachelor of Elementary Education (B.El. Ed.) or Graduation with Bachelor of Education (B.Ed) or its equivalent and must have 9 years experience on the post mentioned in column No. 4	-
				-	-

(2) Shareerik Shiksha	100% by Promotion	Prabodhak (Shareerik Shksha)	Graduation with Bachelor of Physical Education (B.P. Ed.) or its equivalent and must have 9 Years experience on the post mentioned in column No. 4
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2.	Prabodhak (4500-7000)(1) Samanya Shiksha	100% by Promotion	-	-
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Senior Secondary School Certificate or Intermediate Certificate or its equivalent, with Diploma or certificate in basis teachers training of a duration of not less than two years or Diploma or certificate in elementary teachers training of a duration of not less than two years. or Bachelor of Elementary Education (B. El. Ed.) or Graduation with Bachelor of Education (B. Ed.) or its equivalent and Must have 5 year continuous teaching experience without any break in an recognized educational institution/educational

(2) Shareerik Shiksha	100% by Promotion	Intermediate or its equivalent, with Certificate in Physical Education (C.P. Ed) of a duration of not less than two years or equivalent. or Graduation with Bachelor of Physical Education (B.P. Ed.) or its equivalent. and Must have at least 5 years continuous teaching
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experience without any
break in any
recognized educational
Institution/Educational
project.

Annexure - I Constitution (Seventy-Third Amendment) Act, 1992 [20th April 1992] An Act further to amend the Constitution of India Be it enacted by Parliament in the Forty-third year of the Republic of India as follows :

1. Short title and commencement. (1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

2. It shall come into force on such date [Vide S.O. 267(E), dated 24.4.1993, Gazette of India, E.O., Part-II, Section 3(ii), dated 24.4.1993.] as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Part IX. After Part VIII of the Constitution, the following part shall be inserted, namely:

Part-IX The Panchayats

243. Definitions.- In this part, unless the context otherwise requires.

(a) "district" means a district in a State; (b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level; (c) "intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part; (d) "Panchayat" means an institution (by whatever name called) of self-government constituted under Art. 243B. for the rural areas; (e) "Panchayat area" means the territorial area of a Panchayat; (f) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published; (g) "village" means a village specified by the Governor by the public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. Gram Sabha. A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may by law, provide.

243B. Constitution of Panchayats.- (1) There shall be constituted in every State, Panchayats at the village, intermediate and district level in accordance with the provisions of this Part.

(2)Notwithstanding anything in Clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243C. Composition of Panchayats. (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats :

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.(2)All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and; for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.(3)The Legislature of a State may, by law, provide for the representation (a)of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;(b)of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;(c)of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such panchayat;(d)of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within(i)a Panchayat area at the intermediate level, in Panchayat at the intermediate level;(ii)a Panchayat area at the district level, in Panchayat at the district level.(4)The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.(5)The Chairperson of (a)a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and(b)a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243D. Reservation of seats. (1) Seats shall be reserved for

(a)the Scheduled Castes; and(b)the Scheduled Tribes,in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.(2)Not less than one-third of the total number of seats reserved under Clause (1) (shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.(3)Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.(4)The offices of the Chairperson in the Panchayats at the village or any other level shall

be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide :Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State :Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women :Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.(5)The reservation of seats under Clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under Clause (4) shall cease to have effect on the expiration of the period specified in Art. 334.(6)Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243.

-E. Duration of Panchayats etc. Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and so longer.(2)No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in Clause (1).(3)An election to constitute a Panchayat shall be completed (a)before the expiry of its duration specified in Clause (1);(b)before the expiration of a period of six months from the date of its dissolution :Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.(4)A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under Clause (1) had it not been so dissolved.

243.

-F. Disqualification for membership. (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat -(a)if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned :Provided that no person shall be disqualified on the ground that he is less than twenty-five years age, if he has attained the age of twenty-one years;(b)if he is so disqualified by or under any law made by the Legislature of the State.(2)If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in Clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243.

-G. Powers, authority and responsibilities of Panchayats. Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect of

(a)the preparation of plans for economic development and social justice;(b)the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243.

-H. Powers to impose taxes by, and Funds of the Panchayats. The Legislature of a State may, by law (a)authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;(b)assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;(c)provide for making such grants-in-aid to the Panchayats from the Consolidated Fund to the State; and(d)provide for constitution of such Funds for crediting all moneys received respectively, by or on behalf of the Panchayats and also for the withdrawal of such money therefrom, as may be specified in the law.

243.

-I. Constitution of Finance Commission to review financial position. (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to: (a)the principles which should govern (i)the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;(ii)the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by, the Panchayats;(iii)the grants-in-aid to the Panchayats from the Consolidated Fund of the States;(b)the measures needed to improve the financial position of the Panchayats;(c)any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.(2)The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.(3)The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may be, by law, confer on them.(4)The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243.

-J. Audit of accounts of Panchayats. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243.

-K. Elections to the Panchayats. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.(2)Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine :Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.(3)The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by Clause (1).(4)Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243.

-L. Application to Union territories. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were reference to the Administrator of the Union territory appointed under Art. 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly :Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243.

-M. Part not to apply to certain areas. Nothing in this Part shall apply to the Scheduled Areas referred to in Clause (1), and the tribal areas referred to in Clause (2), of Art. 244.(2)Nothing in this Part shall apply to (a)the States of Nagaland, Meghalaya and Mizoram;(b)the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.(3)Nothing in this part (a)relating to the Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;(b)shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.(4)Notwithstanding anything in this Constitution(a)the Legislature of a State referred to in Sub-clause (a) of Clause (2) may, by law,

extend this Part to that State, except the areas, if any, referred to in Clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;(b)Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in Clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of Art. 368.

243.

-N. Continuance of existing laws and Panchayats.- Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority, or until the expiration of one year from such commencement, whichever is earlier :Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243.

-O. Bar to interference by Courts in electoral matters. Notwithstanding anything in this Constitution (a)the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under Art. 243-K, shall not be called in question in any Court;(b)no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

3. Amendment of Art. 280. In Clause (3) of Art. 280 of the Constitution, after Sub-clause (b), the following sub-clause shall be inserted, namely:

"(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State."

4. Addition of Eleventh Schedule. After the Tenth Schedule to the Constitution the following Schedule shall be added, namely:-

"Eleventh Schedule(Article 243-G)

- 1. Agriculture, including agricultural extension.**
- 2. Land improvement, implementation of land reforms, land consolidation and soil conservation.**
- 3. Minor irrigation, water management and watershed development.**
- 4. Animal husbandry, dairying and poultry.**
- 5. Fisheries.**
- 6. Social forestry and farm forestry.**
- 7. Minor forest produce.**
- 8. Small scale industries, including food processing industries.**
- 9. Khadi, village and cottage industries.**
- 10. Rural housing.**
- 11. Drinking water.**
- 12. Fuel and fodder.**
- 13. Roads, culverts, bridges, farriers, waterways and other means of communication.**
- 14. Rural electrification, including distribution of electricity.**
- 15. Non-conventional energy sources.**
- 16. Poverty alleviation programme.**
- 17. Education, including primary and secondary schools.**
- 18. Technical training and vocational education.**

19. Adult and non-formal education.

20. Libraries.

21. Cultural activities.

22. Markets and fairs.

23. Health and sanitation, including hospitals, primary health centres and dispensaries.

24. Family welfare.

25. Women and child development.

26. Social welfare, including welfare of the handicapped and mentally retarded.

27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.

28. Public distribution system.

29. Maintenance of community assets."

Annexure-II Provisions Relating to Membership of State Legislature The State Legislature

173. Qualification for membership of the State Legislature. A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he

(a)[is a citizen of India, and makes and subscribes before some persons authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;] [Substituted by the Constitution (Sixteenth Amendment) Act, 1963, Section 4 Clause (a)](b)is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and(c)possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

191. Disqualifications for memberships. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State

(a) If he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder; (b) If he is of unsound mind and so declared by a competent Court; (c) If he is an undischarged insolvent; (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State; (e) If he is so disqualified by or under any law [See the Representation of the People Act, 1951 (43 of 1951), Section 7 in Part II, infra.] made by parliament. [Explanation. For the purposes of this clause] [Substituted by the Constitution (Fifty-second Amendment) Act, 1985 purposes of this article (w.e.f. 1.3.1985).] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union or for such State. (2) [A person shall be disqualified for being a member of the Legislative or Legislative Council of a State if he is so disqualified under the Tenth Schedule.] [Inserted by Section 5, by Constitution (52nd Amendment) Act, 1985, Section 5 (w.e.f. 1.3.1985).]

192. [Decision on questions as to disqualifications of members. (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in Clause (1) of Art. 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion. [Substituted by the Constitution (Forty-Fourth Amendment) Act, 1978, Section 25, for Article 192 (w.e.f. 20.6.1979).] Elections

329. Bar to interference by Courts in electoral matters. [Notwithstanding anything in this Constitution.] [Substituted by the Constitution (Thirty-ninth Amendment) Act, 1975, Section 3, for Notwithstanding anything in this Constitution (w.e.f. 10.8.1975).] [xxx]

[Certain words omitted by the Constitution (Forty-fourth Amendment) Act, 1978, Section 35 (w.e.f. 20.6.1979).] (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Art. 327 or Art. 328, shall not be called in question in any Court; (b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature. Special Provisions Relating to Certain Classes

334. Reservation of seats and special representation to cease after [fifty years]. Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assembly of the States; and (b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the State by nomination, shall cease to have effect on the expiration of [fifty years] from the commencement of this Constitution : Provided that nothing in this article shall affect any representation in the House of People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

341. Scheduled Caste. (1) The President [may with respect to any State [or Union Territory] [Substituted by the Constitution (First Amendment) Act, 1951, Section 10, for may, after consultation with the Governor or Rajasthan Pramukh of a State.] and where it is a State [*] [The words and letters * 'specified in Part A or Part B of the First Schedule' omitted by Section 29 and Schedule.] after consultation with the Governors [*] [The words 'or Rajpramukh' omitted by Section 29 and Schedule] thereof,] by public notification, specify the castes races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes relation to that State [or Union Territory, as the case may be.]

[Inserted by the Constitution (Seventh Amendment) Act, 1956, Section 29 and Schedule.](2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under Clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. Scheduled Tribes. (1) The President [may with respect to any State [or Union territory] [Substituted by the Constitution (First Amendment) Act, 1951, Section II, for may, after consultation with the Governor or Rajpramukh of a State.], and where it is a State [*] [The words and letters * 'specified in Part A or Part B of the First Schedule' omitted by Section 29 and Schedule.], after consultation with the Governor [*] [The Words 'or Raj Pramukh' omitted by Section 29 and Schedule.] thereof,] by public notification, specify the tribes or tribal communities parts of or groups within tribes or tribes communities which shall for the purposes of this Constitution be deemed to be Scheduled

Tribes in relation to that State [or Union territory, as the case may be].

[Inserted by the Constitution (Seventh Amendment) Act, 1956, Section 29 and Schedule.](2)Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under Clause (1) any tribe, race of tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification. Annexure - III Provision as to Disqualification on Ground of Defection [Tenth Schedule [Substituted by the Constitution (52nd Amendment) Act, 1985, Section 6 (w.e.f. 1.3.1985).] [Articles 102(2) and 191(2)]

1. Interpretation. In this Schedule, unless the context otherwise requires

(a) "House" means either House of Parliament or Legislative Assembly or, as the case may be, either House of the Legislature of a State; (b) "Legislature Party", in relation to a member of a House belonging to any political party in accordance with the provisions of Paragraph 2 or paragraph 3 or, as the case may be, paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions; (c) "original political party", in relation to a member of a House, means the political party to which he belongs for the purposes of Sub-paragraph (1) of Paragraph 2; (d) "Paragraph" means a paragraph of this Schedule.

2. Disqualification on ground of defection. (1) Section to the provisions of paragraphs 3, 4 and 5, a member of a House belonging to

(a) if he has voluntarily given up his membership of such political party; or (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention. Explanation. For the purposes of this sub-paragraph (a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member; (b) a nominated member of a House shall (i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party; (ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of Art. 99 or, as the case may be, Art. 188. (2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election. (3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party the expiry of six months from the date on which he takes his seat after complying with the requirements of Art. 99 or, as the case may be, Art. 188. (4) Notwithstanding anything contained in the foregoing provisions of this paragraph a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a

member of a House (whether elected or nominated as such) shall (i)where he was a member of a political party immediately before such commencement, be deemed, for the purposes of Sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;(ii)in any other case, be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of Sub-paragraph (2) of this paragraph or, as the case may be, be deemed to be a nominated member of the House for the purposes of Sub-paragraph (3) of this paragraph.

3. Disqualification on ground of defection not to apply in case of split.

Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party

(a)he shall not be disqualified under Sub-paragraph (1) of Paragraph (2) on the ground (i)that he has voluntarily given up his membership of his original political party; or(ii)that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and(b)from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of Sub-paragraph (1) of Paragraph 2 and to be his original political party for the purposes of this paragraph.

4. Disqualification on ground of defection not to apply in case of merger. (1)

A member of a House shall not be disqualified under Sub-paragraph (1) of Paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party

(a)have become members of such other political party or, as the case may be, of a new political party formed by such merger; or(b)have not accepted the merger and opted to function as a separate group and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of Sub-paragraph (1) of Paragraph 2 and to be his original political party for the purposes of this sub-paragraph.(2)For the purposes of Sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

5. Exemption. Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule

(a)if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not so long as he continues. to hold such office thereafter, rejoin that political party or become a member of another political party; or(b)if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

6. Decision on questions as to disqualification on ground of defection. (1) If any question arises as to whether a member of a House has become subject to disqualification under this referred for the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final :

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.(2)All proceedings under Sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of Art. 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of Art. 212.

7. Bar of jurisdiction of Courts. Notwithstanding anything in this Constitution, no Court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8. Rules. (1) Subject to the provisions of Sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may be provide for

(a)the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;(b)the report which the leader of a legislature party in relation to a

member of a House shall furnish with regard to any condonation of the nature referred to in Clause (b) of Sub-paragraph (1) of Paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;(c)the reports, which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House of whom such reports shall be furnished; and(d)the procedure for deciding any question referred to in Sub-paragraph (1) of Paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.(2)The rules made by the Chairman or the Speaker of a House under Sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive session and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modification or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.(3)The Chairman or the Speaker of a House may, without prejudice to the provisions of Art. 105 or, as the case may be, Art. 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.]Annexure - IVThe Constitution (Scheduled Castes) Order, 1950 [Published with the Ministry of Law Notification No. S.R.O. 385, dated the 10.8.1950. Gazette of India, Extraordinary, 1950, Part II, Section 3, page 163.](C.O. 19)In exercise of the powers conferred by Clause (I) of Article 341 of the Constitution of India, the President, after consultation with the Governors and Raj Pramukhs of the States concerned, is pleased to make the following Order, namely: -

- 1. This Order may be called the Constitution (Scheduled Castes) Order, 1950.**
- 2. Subject to the provisions of the Order, the castes, races or tribes or parts of, or groups within, castes or tribes, specified in [parts to [xxii] [Substituted by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.]] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those Parts of that Schedule.**
- 3. [Notwithstanding anything contained in Paragraph 2, no person who professes a religion different from the Hindu [, the Sikh or the Buddhist] [Substituted by Act 63 of 1956, Section 3 and First Scheduled, for paragraph 3.] religion shall be deemed to be a member of a Scheduled Caste].**
- 4. [Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district of other territorial division as constituted on the 1st day of May, 1976]**

[Substituted by Act 108 of 1976, Section 3 and First Scheduled for paragraph 4 (w.e.f. 27.7.1977).][Schedule [Substituted by Act 108 of 1976, Section 3 and First Scheduled for the former Schedule (w.e.f. 27.7.1977).]

Part XV – Rajasthan

1. Adi Dharmi
3. Badi
5. Bairwa. Berwa
7. Balai
9. Baori
11. Bawaria
13. Bhand
15. Bidakia
Chamar. Bhambni, Bambhi, Bhambi. Jatia, Jatav, Jatava, Mochi, Raidas, Rohidas, Regar, Raigar. Ramdasia, Asadaru,
17. AsodiChamadia, Chambhar, Charngar, Haralayya, Harali, Khalca, MachigaiMochigar, Madar, Madig, Telugu Mochi, Kamati Mochi, Ranigar, RohSamgar
19. Dabgar
21. Dhankia
23. Dholi
25. Gandia
27. Garo, Garura, Gurda, Garoda
29. Godhi
31. Kalbelia, Sopera
33. Kanjar. Kunjar
35. Khangar
37. Koli, Keri
39. Koria
41. Mahar, Tarar, Dhegumegu
43. Majhabi
45. Mang Ganodi, Mang Garudi
2. Aheri
4. Bagri, Bagdi
6. Bajgar
8. Bansphor, Bansphod
10. Bargi, Vargi, Birgi
12. Bedia, Beria
Bhangi, Chura, Mehtar, Olgana, Rukhi,
14. Malkana, Halalkhor, Lalbegi, Blamiki, Valmiki, Korar, Zadmalli.
16. Bola
20. Dhanak, Dhanuk
22. Dhobi
24. Dome, Dom
26. Garancha, Gancha
28. Gavaria
30. Jingar
32. Kamad, Kamadia
34. Kapadia Sansi
36. Khatik
38. Kooch Band, Kuchband
40. Madari, Bazigar
Mahayavanshi, Dhed, Dheda,
42. Vankar, Maru Vankar
44. Mang, Matang, Minimadig
Megh, Meghval, Meghwal,
46. Menghvar

- 47. Mehar
- 49. Pasi
- 51. Salvi
- 53. Santia, Satia
- 55. Sargara
- 57. Thori, Nayak
- 59. Turi

- 48. Nat, Nut
- 50. Rawal
- 52. Sansi
- 54. Sarbhangi
- 56. Singiwala
- 58. Tirgar, Tirbanda

Annexure - V The Constitution (Scheduled Tribes) Order, 1950 [Published with the Ministry of Law Notification No. S.R.O. 510. dated the 6th September, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3, page 597.](C.O. 22) In exercise of the powers conferred by Clause (1) of Art. 342 of the Constitution of India, the President, after consultation with the Governors and Raj Pramukhs of the States concerned, is pleased to make the following Order, namely: -

1. This Order may be called the Constitution (Scheduled Tribes) Order, 1950.

2. The Tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in, [Parts I to [XIX] [Substituted by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.]] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof residents in the localities specified in relation to them respectively in those Parts of that Schedule.

3. [Any reference in this Order to State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 15' day of May, 1976.]

[Substituted by Act 108 of 1976, Section 4 and Second Schedule Chapter I, for paragraph 3 (w.e.f. 27.7.1977).][Substituted By Act 108 of 1976, Section 4 and Second Schedule Chapter I, for the Schedule (w.e.f. 27.7.1977).][Schedule]

Part XIII

Rajasthan

1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal, Bhil, Tadvil Bhil, Bhagaliala, Bhilala, Pawra, Vasava, Vasave

2. Bhil Mina

3. Damor, Damaria

4. Dhanka, Tadvi, Tetaria, Valvi

5. Garasia (excluding Rajput Garasia)

6. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Kathari

7. Kokna, Kokni, Kukna

8. Koli Dhor, Tokre Koli, Koleha, Kolgna

9. Mina

10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka

11. . Patelia

12. Seharia, Sehria, Sahariya

Annexure - VI[List of Backward Classes] [vide No. F. 11(125) R&P/SWD/92-93/52307 dated 6.8.1994 (as amended up to dated 12.11.1999)]Notification [Published in Rajasthan Gazette, Part I (Kha), E.O. dated 8.8.1994.]The State Government after considering the recommendations made by the Rajasthan State Backward Classes Commission in its first report, hereby rescinds the Notification No. F. 11 (I 2 5) R&P/SWD/46 63 I, dated 27.8.1 993, which was published in Part I (kha) of the Extra-Ordinary Rajasthan Gazette of September 1, 1993, and notifies the list of Backward Classes in Rajasthan for all purpose as below, when will come into force with immediate effect:

S.No.	Name of Backward Classes	S.No.	Name of Backward Classes
1.	Ahir (Yadav)	31.	Kumhar (Prajapati), Kumawat[Suara] [Added vide notification dated 12.11.1999)]
2.	Badwa, Jachak, Bhat, Jaga, Rao	32.	Lakhera (Lakhara)
3.	Charan	33.	Lodhi (Lodha)
4.	Bagaria	34.	Lohar, Panchal
5.	Banjara, Baladia, Labana	35.	Maha-Brahman (Acharaj)[,Fakir] [Added vide notification dated

			12.11.1999], (working in kabristan)
6.	Badai, Jangid, Khati, Suthar, Tarkhan	36.	Mali, Saini, Bagwan
7.	Bharbhujia	37.	Mer, (Mehrat-Kathat, Mehrat Ghodat, Cheeta)
	Chhipa (Chhipi), Bhavsar,		Mirasi, Dhadi[,Langa/Magniyar]
8.	Nama[Khatti Chippa, Rangrej] [Added vide notification dated 12.11.1999.]	38.	[Added vide notification dated 15.3.1997, published in Rajasthan Gazette, E.O., Part I (kha), dated. 23.3.1997.]
9.	Dakaut, Deshantri[,Rangasami (Adbhopa)] [Added vide notification dated 12.11.1999.]	39.	Mogia (Mogya)
	[Nagarchi-Damami] [Substituted vide notification dated 12.11.1999 for the words Damami Nagorchi.][,Rana]		
10.	[Added vide notification dated 15.3.1997, published in Rajasthan Gazette, E.O., Part I (Kha), dated 23.3.1997.][Baiti (Barot)] [Added vide notification dated 12.11.1999.]	40.	Nai, Sain[,Vednai] [Added vide notification dated 12.11.1999.]
11.	Daroga, Ravana-Rajput, Hazuri, Wazir	41.	Nyaria[(Nyargar)] [Added vide notification dated 15.3.1997, published in Rajasthan Gazette, E.O., Part I (kha), dated 23.3.1997.]
12.	Darzi	42.	Odd
13.	Dhakad	43.	Patwa (Phadal)
	Dhivar, Kahar, Bhoi Sagarvanshi-Mali. Keer, Mehra, Mallah[(Nishad), Bari]		
14.	[Added vide notification dated 15.3.1997, published in Rajasthan Gazette, E.O., Part I (kha), dated 23.3.1997.][Bhisti] [Added vide notification dated 12.11.1999.]	44.	Raika, Rabari (Debasi)
	Gadaria (Gadri), Ghosi (Gvala)[,Gayril]		
15.	[Added vide notification dated 12.11.1999.]	45.	Rawat
16.	Gadia-Lohar, Gadolia	46.	Sad, Swami, Bairagi[,Jangam]
			[Added vide notification dated 15.3.1997, published in Rajasthan Gazette, E.O., Part I(kha), dated

			23.3.1997.]
17.	Ghanchi	47.	Satiya-Sindhi
18.	Teli	48.	Sikligar
19.	Giri, Gosain (Gushain)	49.	Sirkiwal
20.	Gujar, Gurjar	50.	Swarankar, Sunar, Soni
			Thathera, Kansara[(Bharawa)]
			[Added vide notification dated
21.	Hela	51.	15.3.1997, published in Rajasthan
			Gazette, E.O., Part I (kha), dated
			23.3.1997.]
22.	Janwa[,Khardiay (Sirvi)] [Added vide	52.	Tamoli (Tamboli)
	notification dated 12.11.1999]		
		53. [[Added vide	
		notification dated	
		15.3.1997,	
23.	Julaha	published in	Jagari]
		Rajasthan Gazette,	
		E.O., Part I (kha),	
		dated 23.3.1997.]	
		54. [[Added vide	
		notification dated	
		3. 11.1999.	
24.	Jogi, Nath	published in	Jat (except bharatpur and
		Rajasthan Gazette,	Dholpur districts)]
		E.O., Part I (kha),	
		dated 16.11.1999.]	
		55. [[Added vide	
25.	Kachhi[(Kushwaha) Shakya] [Added	notification dated	Raisikh
	vide notification dated 12.11.1999.]	12.11.1999.]	
26.	Kalal (Tak)	56.	Halali
27.	Kandera, Pinjara	57.	Dangi
	Kanbi[, Kalbi] [Inserted vide		
	Notification dated 24.12.1994,		
28.	published in Rajasthan Gazette, E.O.,	58.	Lodha-Tanwar
	Part I (kha), dated 24.12.1994]		
	Kharol[(Kharwal)] [Added vide		
29.	notification dated 12.11.1999.]	59.	Sandhia]
30.	Kirar (Kirad)		
Annexure-VII Extracts from the Indian Penal Code(Act 45 of 1860)			

153A. [Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. [Substituted by Act 35 of 1969, Section 2, for Section 153A.] (1) Whoever

(a)by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any others ground whatsoever, disharmony or feelings of enmity, hatred or between different religious, racial, language or regional groups or castes or communities, or(b)commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquillity, [or] [Inserted by Act 31 of 1972, Section 2.](c)[organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to the use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,shall be punished with imprisonment which may extent to three years, or with fine, or with both. [Inserted by Act 31 of 1972, Section 2.]Offence committed in place of worship, etc. (2) Whoever commits an offence specified in Sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

153B. [Imputations, assertions prejudicial national integration. (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise

(a)makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or(b)asserts, counsels, advises, propagates or publishes that any class or persons shall by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or(c)makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity of hatred or between such members and other persons,shall be punished with imprisonment which may extent to three years, or with fine or with both.(2)Whoever commits an offence specified in Sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five

years and shall also be liable to fine.][Inserted by Act 31 of 1972, Section 2.][Chapter IX-A [Inseted by Act 39 of 1920, Section 2.] Of Offences Relating to Elections

171A. "Candidate", "electoral right" defined. For the purposes of this Chapter -

[a] "candidate" means a person who has been nominated as a candidate at any election;][b]"electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election.

171B. Bribery. (1) Whoever

(i)gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercise any such right; or(ii)accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.(2)A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.(3)A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171C. Undue influence at elections. (1) Whoever voluntarily interferes or attempts to interfere with free exercise of any electoral right commits the offence of undue influence at an election.

(2)Without prejudice to the generality of the provisions of Sub-section (1), whoever (a)threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or(b)induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual pleasure,shall be deemed to interfere with the free exercise of the electoral right of such candidate, or voter, within the meaning of Sub-section (1).(3)A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. Personation at elections. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171.

-E. Punishment for bribery. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both :Provided that bribery by treating shall be punished with fine only.Explanation 'Treating' means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171.

-F. Punishment for undue influence or personation at an election. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

171.

-G. False statement in connection with an election. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171.

-H. Illegal payments in connection with an election. Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees :Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171.

-I. Failure to keep election accounts. Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.]

505. [Statements conducing to public mischief. (1) Whoever makes, publishes or circulates any statement, rumour or report,

(a)with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or(b)with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or(c)with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;shall be punished with imprisonment which may extend to three years, or with fine, or with both.(2)Statement creating or promoting enmity, hatred or between classes. Whoever makes publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or between different religious, racial, language or regional groups or castes of communities, shall be punished with imprisonment which may extend to three years or with fine, or with both.(3)Offence under Sub-section (2) committed in place of worship, etc. Whoever commits any offence specified in Sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years shall also be liable to fine.Exception. It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumor or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.][Section 505 has been reproduced here as amended from time to time.]Annexure - VIIIExtracts from the Representation of People Act, 1950(Act 43 of 1950)Part-III[Electoral Rolls for Assembly [***] [Substituted by Act 2 of 1956, Section 10 for the heading 'Registration of Parliamentary Elector'.] Constituencies]

14. [Definitions. In this Part, unless the context otherwise requires,

(a)"constituency" means an Assembly constituency [***];(b)"qualifying date", in relation to the preparation or revision of every electoral roll under this Part, means [the 1st day of January] [Substituted by Act 58 of 1958, Section 5, for the 1st day of March (w.e.f. 1.1.1959).] of the year in which it is so prepared or revised] :[Provided that "qualifying date", in relation to the preparation of every electoral Roll under this Part in the year 1989, shall be the 1st day of April, 1989.][Inserted by Act 21 of 1989, Section 3 (w.e.f. 28.3.1989).]

15. Electoral roll for every constituency. For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.

16. Disqualifications for registration in an electoral roll. (1) A person shall be disqualified for registration in an electoral roll if he

(a)is not a citizen of India; or(b)is of unsound mind and stands so declared by a Competent Court; or(c)is for the time being disqualified from voting under the provisions of any law relating to corrupt

[***] [The words 'and illegal' Inserted by Act 73 of 1950, Section 4 and omitted by Act 58 of 1960, Section 3 and Schedule II.] practices and other offences in connection with elections.(2)The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included :[Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under Clause (c) of Sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.][Inserted by Act 73 of 1950, Section 4.]

17. No person to be registered in more than one constituency. No person shall be entitled to be registered in the electoral roll for more than one constituency [*]**

[The words 'in the same State' Inserted by Act 2 of 1956, Section 12 and omitted by Act 58 of 1958, Section 6.]

18. No person to be registered more than once in any constituency. No person shall be entitled to be registered in the electoral roll for any constituency more than once.

19. [Conditions of registration. Subject to the foregoing provisions of this part, every person who] [Substituted by Act 58 of 1958, Section 7 for Section 19.]

(a)is not less than [eighteen years] [Substituted by Act 21 of 1989, Section 4, for 'twenty-one years' (w.e.f. 28.3.1989).] of age on the qualifying date, and(b)is ordinarily resident in a constituency,[shall be entitled to be registered in the electoral roll for the constituency.]

20. Meaning of "ordinarily resident". (1) [Substituted by Act 58 of 1958, Section 8, for Sub-section (1).] A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(1A)A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.(1B)A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.(2)A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.(3)[Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which but for his having such service qualification, he

would have been ordinarily resident on that date.][Substituted by Act 47 of 1966, Section 8 of Sub-section (3) (w.e.f. 14.12.1996).](4)Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, [*] **[Certain words omitted by Act 47 of 1966, Section 8 (w.e.f. 14.12.1966).] shall be deemed to be ordinarily resident** [*] [The words 'during any period or' omitted by Act 2 of 1956, Section 14.] on any date in the constituency in which, but for the holding of any such office [*] **[The words 'or employment' omitted by Act 47 of 1966, Section 8 (w.e.f. 14.12.1966).] he would have been ordinarily resident** [*] [The words 'during that period or' omitted by Act 2 of 1956, Section 14.] on that date.(5)The statement of any such person as is referred to in Sub-section (3) or Sub-section (4) made in the prescribed form and verified in the prescribed manner, that [but for his having the service qualification] [Substituted by Act 47 of 1966, Section 8 for certain words (w.e.f. 14.12.1966).] or but for his holding any such office [*] **[Certain words omitted by Section 8, ibid (w.e.f. 14.12.1966).] as is referred to in Sub-section (4) he would have been ordinarily resident in a specified place** [*] [The words 'during any period or' omitted by Act 2 of 1956, Section 14.] on any date, shall, in the absence of evidence to the contrary, be [accepted as correct.][Substituted by Act 47 of 1966, Section 8 for certain Words (w.e.f. 14.12.1966).](6)The wife of any such person as is referred to in Sub-section (3) or Sub-section (4) shall if she be ordinarily residing with such person [* * *] [The words 'during any period' omitted by Act 2 of 1956, Section 14.] be deemed to be ordinarily on [* * *] [Certain words omitted by Section 14, ibid.] in the constituency specified by such person under Sub-section (5).(7)If in any case a question arises as to where a person is ordinarily resident at any relevant time the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.(8)In Sub-section (3) and (5) "service qualification" means (a)being a member of the armed forces of the Union; or(b)being a member of a force to which the provisions of the Army Act, 1950 (46 of 1918), have been made applicable whether with or without modifications; or(c)being a member of an armed police force of a State, who is serving outside that State; or(d)being a person who is employed under the Government of India, in a post outside India. Annexure - IX Extracts from the Representation of People Act, 1951 (Act 43 of 1951)

Part II

[Substituted by Act 47 of 1966, Section 20, for Chapter III (w.e.f. 14.12.1966). Previous Chapter IV (Sections 110 and 111) was represented by At 103 of 1956, Section 66.][Chapter III] [Substituted by Act 2 of 1956, Section 11, for Section 14.] Disqualifications for membership of Parliament and State Legislatures

7. Definitions. In this Chapter

(a)"appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;(b)"disqualified" means disqualified for being chosen as, and for being, member of either House of Parliament or of the Legislative Assembly or Legislative

Council of a State.

8. Disqualification on conviction for certain offences. [(1) A person convicted on an offence punishable under] [Substituted by Act 1 of 1989, Section 4 for Sub-sections (1) and (2) (w.e.f. 15.3.1989).]

(a)Section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or Section 171E (offence of bribery) or Section 171F (offence of under influence or personation at an election) or Sub-section (1) or Sub-section (2) of Section 376 or Section 376A or Section 376B or Section 376C or Section 376D (offences relating to rape) or Section 498A(offence of cruelty towards a woman by husband or relating of a husband) or Sub-section (2) or Sub-section (3) of Section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860), or(b)the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "unsociability", and for the enforcement of any disability arising therefrom; or(c)Section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or(d)Sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or(e)the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or(f)the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or(g)Section 3 (offence of committing terrorist acts) or Section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or(h)Section 7 (offence of contravention of the provisions of Sections 3 to 6) of the Religious, Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or(i)Section 125 (offence of promoting enmity between classes in connection with the election) or Section 135 of removal of ballot papers from polling stations) or Section 135A (offence of booth capturing) or Clause (a) or Sub-section (2) of Section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act,(j)[Section 6 (offence of conversion of place of worship) of the Places of Worship (Special Provisions) Act, 1991, [Inserted by Act 42 of 1991, Section 8 (w.e.f. 18.9.1991).][or](k)[Section 2 (offence insulting the Indian National Flag or the Constitution of India) or Section 3 (offence of preventing singing National Anthem) of the Prevention of Insults to National Honour Act, 1971;] [Inserted by Act 21 of 1996, Section 3.]shall be disqualified for a period of six years from the date of such conviction.(2)A person convicted for the contravention of (a)any law providing for the prevention of hoarding or profiteering; or(b)any law relating to the adulteration of food or drugs; or(c)any provisions of the Dowry Prohibiting Act, 1961 (28 of 1961); or(d)any provisions of the Commission of Sati (Prevention) Act, 1987 (3 of 1988), and sentenced to imprisonment for not less than six months,shall be disqualified from date of such conviction and shall continue to be disqualified for a further period of six years since his release.(3)A person conviction of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in Sub-section (1) or Sub-section (2) shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release].(4)[[Sub-section (3) renumbered as

Sub-section (4) by Act 1 of 1989, Section 4 (w.e.f. 15.3.1989).] Notwithstanding anything [in Sub-section (1), Sub-section (2) or Sub-section (3)] [Substituted by Section 4, *ibid*, for in Sub-section (1) and Sub-section (2) (w.e.f. 15.3.1989).] a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the Court. Explanation In this section (a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for (i) the regulation of production or manufacture of any essential commodity; (ii) the control of price at which any essential commodity may be sought or sold; (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity; (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale; (b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940); (c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955); (d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

8A. [Disqualification on ground of corrupt practices. (1) The case of every person found guilty of a corrupt practice by an order under Section 99 shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period :

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under Section 99 takes effect. (2) Any person who stands disqualified under Section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for removal of such disqualification for the unexpired portion of the said period. (3) Before giving his decision on any question mentioned in Sub-section (1) or on any petition submitted under Sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.][Substituted by Act 40 of 1975 Section 2.]

9. Disqualification for dismissal for corruption or disloyalty. (1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date at such dismissal.

(2) For the purposes of Sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State,

has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of that fact :Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

9A. Disqualification for Government contracts, etc. A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade of business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

Explanation. For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government. the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

10. Disqualification for office under Government company. A person shall be disqualified if and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate government has not less than twenty-five per cent, share.

10A. Disqualification for failure to lodge account of election expenses. If the Election Commission is satisfied that a person

(a)has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and(b)has no good reason oi justification for the failure,the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. Removal or reduction of period of disqualification. The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter [except under Section 8A] [Inserted By Act 40 of 1975 Section 3.] or reduce the period of any such disqualification.

Chapter IV

Disqualifications for Voting

11A. Disqualification arising out of conviction and corrupt practices. [(1)]
[Section 11A renumbered as Sub-section (1) of that section by Section 4
ibid.] If any person. after the commencement of this Act

[*] [The brackets and letter '(a)' omitted by Act 38 of 1978, Section 3 and the Second Schedule.] is convicted of an offence punishable under Section 171E or Section 171F of the Indian Penal Code (45 of 1860), or under Section 125 or Section 135 or Clause (a) of Sub-section (2) of Section 136 of this Act, [*][The word 'or; omitted by Section 3 and the Second Schedule, ibid.][xxx xxx xxx][Clause (b) omitted by Act 40 of 1975, Section 4.]he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.(2)[Any person disqualified by a decision of the President under Sub-section (1) of Section 8A for any period shall be disqualified for the same period for voting at any election.(3)The decision of the President on a petition submitted by any person under Sub-section (2) of Section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may, be, apply in respect of the disqualification for voting at any election incurred by him under Clause (b) of Sub-section (1) of Section 11A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), as if such decision were a decision in respect of the said disqualification for voting also.]

11B. Removal of disqualification. The Election Commission may, for reasons to be recorded, remove [any disqualification under Sub-section (1) of Section 11A].

[Substituted by Section 5 ibid, for certain words.]

Part VII

[Corrupt Practices and Electoral Offences] [Substituted by Act 27 of 1956, Section 65, for the heading 'Corrupt and illegal Practices and Electoral Offences'.][Substituted by Section 66, ibid, for Chapters I and II (Sections 123 to 125).][Chapter I Corrupt Practices

123. Corrupt practices. The following shall be deemed to be corrupt practices for the purposes of this Act:

(1)["Bribery", that is to say (A)any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing (a)a person to stand or not to stand as, or [to withdraw or not to withdraw] from being a candidate at an election, or(b)an elector to vote or refrain from voting at an election, or as a reward to (i)a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or(ii)an elector for having voted or refrained from voting;(B)the receipt of, or agreement to receive, any gratification, whether

as a motive or a reward (a)by any person for standing or not standing as, or for [withdrawing or not withdrawing] [Substituted By Section 53 Act 47 of 1966 for 'withdrawing' (w.e.f.14.12.1966).] from being, a candidate; or(b)by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate [to withdraw or not to withdraw] [Substituted By ibid, Section 53, for 'to withdraw' (w.e.f. 14.12.1966).] his candidature.Explanation. For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all-forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in Section 78.](2)Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person [with the consent of the candidate or his election agent] [Inserted By Act 58 of 1958 Section 36.], with the free exercise of any electoral right :Provided that (a)without prejudice to the generality of the provisions of this clause any such person as is referred to therein who (i)threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or(ii)induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;(b)a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.(3)The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate :[Substituted By Act 40 of 1961, Section 23 for Clause (3) (w.e.f. 20.9.1961).][Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.][Inserted by Act 40 of 1975, Section 8 (retrospective).](3A)The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.](3B)[The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.Explanation- For the purposes of this clause "sati" and "glorification" in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.][Inserted by Act 3 of 1988, Section 19 (w.e.f. 21.3.1988).](4)The publication by a candidate or his agent or by any other person [with the consent of a candidate or his election agent] [Inserted by Act 58 of 1958, Section 36.], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to

the candidature, or withdrawal, [***] [The words 'or retirement from contest' omitted by Section 36, ibid.] of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.(5)The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person [with the consent of a candidate or his election agent] [Inserted by Section 36, ibid.] [or the use of such vehicle or vessel for the free conveyance] [Substituted by Act 47 of 1966, Section 53, 'for the conveyance' (w.e.f. 14.12.1966).] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under Section 25 or a place fixed under Sub-section (1) of Section 29 for the poll :Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this Clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.Explanation. In this clause, the expression "vehicle" means by vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.(6)The incurring or authorizing of expenditure in contravention of Section 77.(7)The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person [with the consent of a candidate or his election agent] [Inserted by Act 58 of 1958 Section 36.], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely : (a)gazetted officers;(b)stipendiary judges and magistrates;(c)members of the armed forces of the Union;(d)members of the police forces;(e)excise officers;(f)[revenue officers other than village revenue officers known as lambardars, malguzars, patels, desh mukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and] [Substituted by Section 36 ibid for Sub-clause (f).](g)such other class of persons in the service of the Government as may be prescribed :[Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.][Inserted by Act - 10 of 1975 Section 8 (retrospectively).](8)[Booth capturing by a candidate or his agent or other person.][Inserted by Act 1 of 1989 Section 13 (w.e.f. 15.3.1989).]Explanation. (1) In this section the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.(2)For the purposes of Clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent [***] [The words or a polling agent or a counting agent omitted by Act 47 of 1966, Section 53 (w.e.f. 14.12.1966).](3)[For the purposes of Clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation,

termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof (i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person caused to be in such service with effect from the said date.][Added by Act 40 of 1975, Section 8 (retrospectively).](4)[For the purposes of Clause (8), "booth capturing" shall have the same meaning as in Section 135A.][Inserted by Act 1 of 1989, Section 13 (w.e.f. 15.3.1989).]

Chapter III

Electoral Offences

125. [Promoting enmity between classes in connection with election. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

[Inserted by Act 40 of 1961, Section 24 (w.e.f. 20.9.1961).]

126. [Prohibition of public meetings during period of forty-eight ending with hour fixed for conclusion of poll. - (1) No person shall

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attraction the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area. (2) Any person who contravenes the provisions of Sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both. (3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.][Substituted by Act 21 of 1966, Section 10.]

127. Disturbances at election meetings. (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the

business for which the meeting was called together, [shall be punishable with imprisonment for a term which may extend to[six months or with fine which may extend to two thousand rupees] [Substituted by Act 1 of 1989, Section 14, for certain words (w.e.f. 15.3.1989).], or with both.]

(1A)[An offence punishable under Sub-section (1) shall be cognizable].[Inserted by Act 21 of 1996 Section 11.](2)This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.(3)If any police officer reasonably suspects any person of committing an offence under Sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

127A. [Restrictions on the printing of pamphlets, posters, etc. (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2)No person shall print or cause to be printed any election pamphlet or poster(a)unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and(b)unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document (i)where it is printed in the capital of the State, to the Chief Electoral Officer, and(ii)in any other case, to the district magistrate of the district in which it is printed.(3)For the purposes of this section (a)any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and(b)"election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.(4)Any person who contravenes any of the provisions of Sub-section (1) or Sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.][Inserted by Act 40 of 1961 Section 26 (w.e.f. 20.9.1961).]

128. Maintenance of secrecy of voting. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall be maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by

or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of Sub-section (1) shall be punishable with imprisonment for a term, which may extend to three months or with fine or with both.

129. Officers etc., at elections not to act for candidates or to influence voting.

(1) No person who is [a district election officer or a returning officer] [Substituted by Act 47 of 1966, Section 55 for a returning officer' (w.e.f. 14.12.1966).], or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour (a) to persuade any person to give his vote at an election, or (b) to dissuade any person from giving his vote at an election; or (c) to influence the voting of any person at an election in any manner. (3) Any person who contravenes the provisions of Sub-section (1) or Sub-section (2) shall be punishable with imprisonment, which may extend to six months or with fine or with both. (4) [An offence punishable under Sub-section (3) shall be cognizable.][Inserted by Act 47 of 1966, Section 55 (w.e.f. 14.12.1966).]

130. Prohibition of canvassing in or near polling stations. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of [one hundred meters] [Substituted by Section 56, ibid, for one hundred yards (w.e.f 14.12.1966).] of the polling station, namely:

(a) canvassing for votes; or (b) soliciting the vote of any elector; or (c) persuading any elector not to vote for any particular candidate; or (d) persuading any elector not to vote at the election; or (e) exhibiting any notice or sign (other than an official notice) relating to the election. (2) Any person who contravenes the provisions of Sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees. (3) Any offence punishable under this section shall be cognizable.

131. Penalty for disorderly conduct in or near polling stations. (1) No person shall, on the date or dates on which a poll is taken at any polling station

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station. (2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of Sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both. (3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him. (4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of Sub-section (1), and seize any apparatus used for such contravention.

132. Penalt. for misconduct at the polling station. (I) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

(2) The powers conferred by Sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station. (3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both. (4) An offence punishable under Sub-section (3) shall be cognizable.

132A. [Penalty for failure to observe procedure for voting. If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.]

[Inserted by Act 4 of 1986, Section 2 and Schedule (w.e.f. 15.5.1986).]

133. [Penalty for illegal hiring or procuring of conveyance at elections. If any person is guilty of any such corrupt practice as is specified in Clause (5) of Section 123 at or in connection with an election, he shall be punishable

with imprisonment which may extend to three months and with fine.]

[Substituted by Act 21 of 1996, Section 12.]

134. Breaches of official duty in connection with elections. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(1A)An offence punishable under Sub-section (1) shall be cognizable.][Inserted by Act 47 of 1966, Section 58 (w.e.f. 14.12.1966).](2)No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.(3)The persons to whom this section applies are the [*] **[Certain words omitted by Act 58 of 1958, Section 37.] [district election officers, returning officers] [Substituted by Act 47 of 1966, Section 58, for returning officers (w.e.f. 14.12.1966).], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with [*]** [The words 'the preparation of an electoral roll' omitted by Act 58 of 1958, Section 37.] the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act [***][Certain words omitted by Act 58 of 1958, Section 37.]

134A. [Penalty for Government servants for acting as election agent, polling agent or counting agent. if any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.]

[Inserted by Act 47 of 1966, Section 59 (w.e.f. 14.12.1966).]

134B. [Prohibition of going armed to or near a polling station. (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station.

(2)If any person contravenes the provisions of Sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.(3)Notwithstanding anything contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be

liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under Section 17 of that Act.(4)An offence punishable under Sub-section (2) shall be cognizable.][Inserted by Act 47 of 1966, Section 59 (w.e.f. 14.12.1966).]

135. Removal of ballot papers from polling station to be an offence. (1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2)If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under 'Sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.(3)Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer or when the search is made by a police officer shall be kept by such officer in safe custody.(4)An offence punishable under Sub-section (1) shall be cognizable.

135A. [Offence of booth capturing.- [(1)] [Inserted by Act 1 of 1989, Section 15 (w.e.f. 15.3.1989).] Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which [shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine]

[Substituted by Act 21 of 1996, Section 15 for certain words.]Explanation. For the purposes of [this sub-section and Section 20-B] [Substituted by Section 15, ibid, for 'this section'.] "booth capturing" includes, among other things, all or any of the following activities, namely(a)seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;(b)taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and [prevent others from free exercise of this right to vote] [Substituted by Section 15, ibid, for prevent others from voting.];(c)[coercing or intimidating or threatening directly or indirectly] [Substituted by Section 15, ibid, for 'threatening'.] any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;(d)seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;(e)doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.](2)[An offence punishable under

Sub-section (1) shall be cognizable.][Inserted by Section 15, ibid, new Sub-section (2).]

135B. [Grant of paid holiday to employees on the day of poll. (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2)No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with Sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.(3)If an employer contravenes the provisions of Sub-section (1) or Sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.(4)This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

135C. Liquor not to be sold, given or distributed on polling day. (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2)Any person who contravenes the provisions of Sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.(3)Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed].][Inserted by Section 16, ibid, new Sections 135-B & 135-C.]

136. Other offences and penalties therefore. (1) A person shall be guilty of an electoral offence if at any election he

(a)fraudulently defaces or fraudulently destroys any nomination paper; or(b)fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or(c)fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or(d)without due authority supplies any ballot paper to any person [or receives any ballot paper from any person or is in possession of any ballot paper] [Inserted by Act 27 of 1956, Section 70.]; or(e)fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or(f)without due authority destroys, takes, opens or

otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts. (2) Any person guilty of an electoral offence under this section shall (a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with election, be punishable with imprisonment for a term which may extend to two years or with fine or with both; (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both. (3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act [***] [Certain words omitted by Act 58 of 1958, Section 38.] (4) [An offence punishable under Sub-section (2) shall be cognizable.] [Substituted by Act 47 of 1966, Section 60, for Sub-section (4) (w.e.f. 14.12.1966).] Annexure - X Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956 (Act No. 7 of 1957) [11th day of January 1997] 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 law 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 Seventh Year of the Republic of India as follows:

1. Short title and commencement. (1) This Act may be called the Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956.

(2) It shall come into force at once.

2. Interpretation. (1) In this Act unless the subject or context otherwise requires, "State" means the new State of Rajasthan as formed by Section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956).

(2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-reorganisation State of Rajasthan 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; (aa) [the office of the Government Chief Whip] [Inserted and shall be deemed always to have been inserted by Section 5 of Rajasthan Act No.

7 of 1969, published in the Rajasthan Gazette, Extraordinary, Part IV-A dated 16.4.1969.];(aaa)[the office of the Deputy Government Chief Whip]; [Inserted by Section 16 (a) of Rajasthan Act No. 4 of 1981, published in the Rajasthan Gazette Extraordinary, Part IV-A, dated 2.4.1981](b)the office of a Parliamentary Secretary or a Parliamentary Under Secretary;(bb)[the office of the Leader of the Opposition in the Rajasthan Legislative Assembly]; [Inserted by Section 16 (b) of Rajasthan Act No. 4 of 1981, published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated 2.4.1981](c)the office of a 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; provided that the holder of any such office is not in receipt of, or entitled to, any fee or remuneration other than compensatory allowance;(d)the office held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act 31 of 1948 or the Territorial Army raised and maintained under the Territorial Army Act. 1948 (Central Act 56 of 1948) or in the Auxiliary Air Force or the Defence Reserve raised under the Reserve and Auxiliary Air Force Act, 1952 (Central Act 62 of 1952);(e)the office of a chairman or a member of the committee other than any such committee as is referred to in Clause (c);(f)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;(g)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 9 of 1956).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) Act, 1956, as amended from time to time, and the rules made thereunder] [Substituted by Section 2 of Rajasthan Act No. 3 of 1976, published in the Rajasthan Gazette, Extraordinary, Part IV-A. dated 24.1.1976. Amendment shall be deemed to have come into force w.e.f. 1.4.1975.];(iv)"insurer" means an insurer as defined in Clause (5) of Section 2 of the Life Insurance (Emergency Provisions) Act, 1956 (Central Act 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) Ordinance, 1956 (Rajasthan Ordinance 10 of 1956) is hereby repealed.