

# **The Punjab State Legislature (Prevention of Disqualifications) Act, 1952**

PUNJAB

India

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### **Act 7 of 1952**

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The Punjab State Legislature (Prevention of Disqualifications) Act, 1952(Punjab Act 7 of 1952)Statement of Objects and Reasons. - "Article 191(1)(a) of the Constitution of India provides that a person shall be disqualified for being chosen as, and for being a member of the House of Legislature of a State if he holds any office of profit under the Government of India or Government of any State specified in the First Schedule to the Constitution, otherwise than an office declared by the Legislature of the State by law not to disqualify its holder.This Bill accordingly seeks to save from disqualification members of the first Legislature of the State following the first general elections under the Constitution of India who held an office under the State Government which was not a whole-time office and to which no regular salary was attached. For the future the legislation will secure that the electorate will not be debarred from choosing as members of the State Legislature, persons who, though they hold certain offices which might be called offices of profit under the State Government are not whole-time Government servants. It is also intended to save from disqualification persons who might be appointed to legislative offices such Parliamentary Secretaries' etc"Published vide Punjab Government Gazette Extraordinary, dated the 10th July, 1952, pages 548 -49.Statement of Objects and Reasons - Punjab Act 10 of 2002. - Amendment in Section 2 of the punjab State Legislature (Prevention of Disqualification) Act, 1952 is proposed to safe-guard the disqualification, under Article 191 of the Constitution, of the members of State Legislature who hold the office of Political Secretary to Chief Minister and Chairman, State Level Committee for Fiscal Reforms and Economic Restructuring.Published vide Punjab Government Gazette (Extra.), dated 19.7.2002 page 1087.Received the assent of the governor of Punjab on the 7th August, 1952, and was first published in the Punjab Government Gazette Extraordinary, dated the 9th August, 1952.An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the State Legislature.It is hereby enacted as follows:

## 1. Short title and commencement.

(1) This Act may be called the Punjab State Legislature (Prevention of Disqualifications) Act, 1952. (2) It shall be deemed to have come into force on the 26th day January, 1950.

### 1A. [ Definition. [Inserted by Punjab Act No. 25 of 2018, dated 1.11.2018.]

- In this Act, unless the context otherwise requires, - (a) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a Member of Legislative Assembly is entitled under the Punjab Legislative Assembly (Salaries and Allowances of Members) Act, 1942), any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office; (b) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force; and (c) "non-statutory body" means anybody of persons other than a statutory body.]

## 2. Prevention of disqualification for membership of the State Legislature.

- A person shall not be disqualified for being chosen as, and for being, a member of the Punjab State Legislature by reason only of the fact that he holds any of the following offices of profit under the Government of India or under the Government of the State of Punjab, namely: - (a) Lambardar; (b) Sub-Registrar, whether departmental or honorary, notary public, oaths commissioner, [or Official Receiver who is not a whole time salaried Government servant] [Inserted by Punjab Act 23 of 1954, section 2.]; (c) [ Officers, non-commissioned officers and persons enrolled under the Territorial Army Act, 1948 (Act VI of 1948), persons enrolled under the National Cadet Corps Act, 1948 (Act XXI of 1948); and persons of the Auxiliary Force Act or the Air and Defence Reserve under the Reserve and Auxiliary Air force Act, 1952 (Act XII of 1952);] [Substituted by Punjab Act 41 of 1956, section 2.] (cc) [ the office of a member of the Punjab Home Guards constituted under the Punjab Home Guards Act, 1947, or the office of a member of the Civil Defence Service deemed to be constituted under section 7 of the Defence of India Act, 1962.] [Added by Punjab Act 25 of 1956, section 2.] (d) Officer in the Army Reserve of Officers; [(e) \*\*\*] [Substituted by Punjab Act 23 of 1981.] (f) A Parliamentary Secretary or a Parliamentary Under Secretary; (ff) [ Political Secretary to the Chief Minister, Punjab; [Inserted by Punjab Act 10 of 2002.] (fff) Chairman of the State Level Committee for Fiscal Reforms and Economic Restructuring;] (g) [ a Deputy minister,] [Added by Punjab Act 8 of 1964, section 2.] (h) [ the office of the Adviser and Coordinator (Prohibition) set up temporarily for the period commencing on the 11th June, 1963, and ending on the 7th November 1963, and the office of the Honorary Adviser to the State Government, Co-operation Department, or any other Department.] [Added vide Punjab Act 40 of 1960, section 2.] (j) [ any office held by a Minister (including the Chief Minister), Minister of State or Deputy Minister, whether ex-officio or by name; [Added by Punjab Act No. 25 of 2018, dated 1.11.2018.] (k) the office of Chairman, Vice-Chairman, Deputy Chairman of the State Planning Board; (l) the office of each leader and each deputy leader of a recognised party and a recognised group in the Punjab State Legislature; (m) the office of Chief Whip, Deputy Chief Whip or Whip in

the Punjab State Legislature;(n)the office of chairman or member of the syndicate, senate, executive committee, council or court of a university or any other body connected with a university;(o)the office of chairman or member of a committee (whether consisting of one or more members), set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance; and(p)the office of chairman, director or member (by whatever name called) of any statutory or non-statutory body other than any such body as is referred to in clause (o), if the holder of such office is not entitled to any remuneration other than compensatory allowance.][2A. Office of Chairman or Vice- Chairman of Regional Committees not to disqualify its holder. - It is hereby further declared that the office of the Chairman or Vice-Chairman of a Regional Committee for the Punjabi Region or Hindi Region shall be deemed never to have disqualified and shall not disqualify the holder thereof for being chosen as, or for being, a member of the Punjab State Legislatures.] [Punjab Act 40 of 1960, section 2.]

### **3. Repeal.**

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