The Puducherry Members of the Legislative Assembly (Prevention of Disqualification) Act, 1994

Act 13 of 1994

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Compensatory Allowance, Non-Statutory Body
THE PUDUCHERRY MEMBERS OF THE LEGISLATIVE ASSEMBLY
(PREVENTION OF DISQUALIFICATION) ACT, 1994

(Act No.13 of 1994)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Definition.
3. Certain offices of profit not to disqualify.

SCHEDULE
THE PUDUCHERRY MEMBERS OF THE LEGISLATIVE ASSEMBLY
(PREVENTION OF DISQUALIFICATION) ACT, 1994

(Act No.13 of 1994)

An

Act

...to declare that certain offices of profit under the Government shall not disqualify
the holders thereof for being chosen as, or for being members of the Legislative
Assembly of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Forty-fifth Year
of the Republic of India as follows:-

(1) Short title and commencement

1. (1) This Act may be called the Puducherry Members of the Legislative Assembly

(2) It shall come into force at once.

Definition

2. 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 the Legislative Assembly is entitled under the
Salary, Allowances and Pension of Members of the Legislative Assembly (Puducherry)
Act, 1964 any conveyance allowance, house rent allowance or traveling allowance for
the purpose of enabling him to recoup any expenditure incurred by him in performing
the functions of that office;

(b) "non-statutory body" means any body of persons other than a statutory
body;

(c) "Schedule" means the Schedule appended to this Act; and

(d) "statutory body" means any corporation committee, commission, council,
board or other body of persons, whether incorporated or not, established by or under
any law for the time being in force.

3. Certain offices of profit not to disqualify

It is hereby declared that none of the offices specified in the Schedule shall
disqualify the holder thereof for being chosen as, or for being a Member of the
Legislative Assembly of Puducherry.
*[SCHEDULE
(see section 3)

The office of Chairman, President, Vice-Chairman, Vice-President, Director or Member of any of the following statutory or non-statutory bodies, namely:-

A. STATUTORY BODIES:
1. Puducherry Market Committee.
2. Karaikal Market Committee.


5. Puducherry Planning Authority.
7. Puducherry State Wakf Board.
8. Puducherry Ground Water Authority.
9. Puducherry Seed Certification Agency.

B. CORPORATION:
1. Puducherry Adi-Dravidar Development Corporation Limited (PADCO).
2. Puducherry Agro Service and Industries Corporation Limited (PASIC).
3. Puducherry Agro Products Food and Civil Supplies Corporation Limited (PAPSCO).

5. Puducherry Textiles Corporation Limited.
7. Puducherry Backward Classes and Minorities Development Corporation Limited.

C. SOCIETIES:
1. Pandit Jawaharlal Nehru College of Agriculture and Research Institute, Karaikal (PAJANCOA & RI).

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* Substituted vide Act No.5 of 2009 w.e.f 25.09.2009
2. Perunthalaivar Kamarajar Krishi Vigyan Kendra, Puducherry.
5. Rajiv Gandhi College of Veterinary and Animal Sciences.
7. Puducherry Institute of Linguistics and Culture.
10. Fish Farmers Development Agency, Karaikal.
11. Fish Farmers Development Agency, Yanam.
14. Mahatma Gandhi Post-graduate Institute of Dental Sciences.
15. Mother Therasa Post-graduate and Research Institute of Health Sciences.
16. Perunthalaivar Kamarajar Medical College and Research Institute.
17. Puducherry Medical Relief Society.
20. Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal.
23. Franco-Indian Vocational Training Institute Society.
25. Rajiv Gandhi School of Sports.
27. Puducherry Institute of Hotel Management and Catering Technology.
32. District Institute of Education and Training.
34. Puducherry Building Centre.
35. Puducherry Council for Science and Technology.
36. Puducherry Fishermen Distress Relief Society.
37. District Rural Development Agency.
40. Sainik Welfare Board:

Provided that the holder of any such office is not in receipt of, or entitled to, any fee or remuneration other than compensatory allowance]

The Legislative Assembly of Pondicherry has not so far enacted any separate law for prevention of disqualification of the Members of the Legislative Assembly for their appointment to some statutory and non-statutory bodies, which have been constituted by the Government. The Government have established some corporations which have been registered under the Companies Act and also some non-statutory Boards like the Pondicherry Legal Aid and Advice Board. It is considered that some of the elected representatives may also be appointed as Chairman or Vice-Chairman of the Board of Directors or Director or Members in such Corporations and Boards and therefore such office might be included in the Schedule to the said Bill, so that no disqualification shall be attracted.

2. It is proposed to include at present, the following bodies in the Schedule, namely:—

(a) The Pondicherry Distilleries Limited;
(b) The Pondicherry Agro Service and Industries Corporation Limited;
(c) The Pondicherry Agro Products, Food and Civil Supplies Corporation Limited;
(d) The Pondicherry Tourism and Transport Development Corporation Limited;
(e) The Pondicherry Adi Dravidar Development Corporation Limited; and
(f) The Pondicherry Legal Aid and Advice Board.

3. The Bill seeks to give effect to the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 5 OF 2009.

The Puducherry Members of the Legislative Assembly (Prevention of Disqualification) Act, 1994 was enacted for the purpose of declaring that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being Members of the Legislative Assembly of Puducherry. By virtue of section 3 of the Act it has been declared that none of the office specified in the Schedule shall disqualify the holders thereof for being chosen as, or for being a Member of the Legislative Assembly of Puducherry. Thereafter, as and when the necessity has arisen necessary amendment has been made to the Act for bringing a certain office within the purview of the Schedule thereto.

Now, it has been proposed to bring all Government Societies, Corporations and Statutory Bodies within the purview of the Schedule to the Act so as to protect any person holding any office under the said Societies, Corporations and Statutory Bodies from being disqualified for being chosen as, or for being a Member of the Legislative Assembly, Puducherry. For the said purpose, it is proposed to amend the Act by substituting the Schedule under section 3 thereof.

The Bill seeks to achieve the above objects.