



## The Haryana State Legislature (Prevention of Disqualification) Act, 1974

Act 41 of 1974

**Keyword(s):**

Compensatory Allowance, Non-Statutory Body, Statutory Body, Office of Profit

Amendment appended: 18 of 2006, 5 of 2014

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THE HARYANA STATE LEGISLATURE (PREVENTION OF  
DISQUALIFICATION ) ACT, 1974

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**THE HARYANA STATE LEGISLATURE (PREVENTION OF  
DISQUALIFICATION) ACT, 1974**

(HARYANA ACT NO. 41 OF 1974)

*(Received the assent of the Governor of Haryana on the  
13th December, 1974, and first published in Haryana  
Government gazette (Extraordinary), Legislative  
Supplement, Part I of December 16, 1974).*

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1974	41	The Haryana State Legislature (prevention of Disqualification) Act, 1974	Amended by Haryana Act 24 of 1980 <sup>2</sup> Amended by Haryana Act 4 of 1981 <sup>3</sup>

AN

ACT

**to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being elected as, or for being, members of the Legislature of the State of Haryana.**

Be it enacted by the Legislature of the State of Haryana in the Twenty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Haryana State Legislature (Prevention of Disqualification) Act, 1974. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance, any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by

1. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 22nd November, 1974, page 1629.
2. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 4th July, 1980, page 1248.
3. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 10th March, 1981, page 402.

him in performing the functions of that office ;

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

(c) "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.

Certain officers  
of profit not to  
disqualify.

3. (1) It is hereby declared that none of the following offices, in so far as it is an office of profit under the Government of India or the Government of State of Haryana, shall disqualify the holder thereof for being elected as, or for being, a member of the Legislature of the State of Haryana, namely :—

(a) Lambardar ;

(b) Sub-Registrar, whether departmental or honorary, notary, Oaths Commissioner, Official receiver, not being a wholetime salaried Government employee, or any other person who is serving under an insurer, the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 (Parliament Act 9 of 1956) ;

(c) member of any force raised, maintained or constituted, as the case may be, under the National Cadet Corps Act, 1948 (Central Act 50 of 1948), the Territorial Army Act, 1948 (Central Act 31 of 1948) or the Reserve and Auxiliary Air Forces Act, 1952 (Parliament Act 62 of 1952), the Haryana Home Guards Act, 1974 (Haryana Act 31 of 1974) ;

(d) officer, in the Army reserve of Officers ;

(e) chairman, vice-chairman, president, vice-president, director or member whether elected, nominated or appointed either by the Union Government or the State Government or any of its officers, of any statutory or non-statutory body, whether he is or is

not, in receipt of any remuneration including compulsory allowance, during the performance of his duties;]

- (f) Parliamentary Secretary or Parliamentary Under-Secretary ;
- (g) honorary adviser to the State Government in any department thereof ;
- (h) chairman of an Improvement Trust constituted under the Punjab Town Improvement Act, 1922 (Punjab Act 4 of 1922), and the Chairman of the Haryana State Agricultural Marketing Board constituted under section 3 of the Punjab Agricultural Produce Markets Act, 1961 (Punjab Act 23 of 1961) ;
- (i) chairman of the Haryana State Minor Irrigation (Tubewells) corporation Limited and the chairman of the Haryana Agro-Industries Corporation Limited ;
- (j) chairman or the vice-chairman or the deputy chairman or any member of the Haryana State Planning Board or the Haryana Khadi and Village Industries Board or the Haryana Harijan Kalyan Nigam or the Haryana State Social Welfare Advisory Board ; and
- <sup>1</sup>[(k) an advocate appointed by the State Government to conduct any particulars suit, case or other proceedings by or against the State Government before any Court, Tribunal or other authority, or to assist the Commission of Inquiry, or to assist or represent any of the parties before the Commission of Inquiry, appointed under the Commissions of Inquiry Act, 1952, or any other law for the time being in force.]

(2) It is hereby further declared that none of the following offices, in so far as it is an office of profit under the Government of India, the Government of the State of Haryana or the Government of any

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1. Inserted by Haryana Act 24 of 1980.

other State, shall disqualify the holder thereof for being elected as, or for being, a member of the Legislature of the State of Haryana, namely :—

- (a) Minister ;
- (b) State Minister ;
- (c) Deputy Minister.

Repeal.

4. The Punjab State Legislature (Prevention of Disqualification) Act, 1952, in its application to the State of Haryana, is hereby repealed.

PART I

HARYANA GOVERNMENT  
LEGISLATIVE DEPARTMENT

Notification

The 21st April, 2006

No. Leg. 19/2006.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 17th April, 2006, and is hereby published for general information :—

HARYANA ACT NO. 18 OF 2006

THE HARYANA STATE LEGISLATURE (PREVENTION OF  
DISQUALIFICATION) AMENDMENT ACT, 2006

AN

ACT

*further to amend the Haryana State Legislature (Prevention  
of Disqualification) Act, 1974.*

Be it enacted by the Legislature of the State of Haryana in the fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Haryana State Legislature (Prevention of Disqualification) Amendment Act, 2006.

Short title and commencement.

(2) It shall be deemed to have come into force with effect from 13th January, 2006.

2. For clause (f) of sub-section (1) of section 3 of the Haryana State Legislature (Prevention of Disqualification) Act, 1974, the following clause shall be substituted, namely :—

Amendment of section 3 of Haryana Act 41 of 1974.

“(f) Chief Parliamentary Secretary, Parliamentary Secretary or Parliamentary Under Secretary :”

3. (1) The Haryana State Legislature (Prevention of Disqualification) Amendment Ordinance, 2006 (Haryana Ordinance No. 1 of 2006), is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

NATH SINGH,  
Deputy Secretary to Government, Haryana  
Legislative Department.

**PART - I**

**HARYANA GOVERNMENT**

**LAW AND LEGISLATIVE DEPARTMENT**

**Notification**

The 27th March, 2014

**No. Leg. 8/2014.**—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 22nd March, 2014, and is hereby published for general information :—

(HARYANA ACT NO. 5 OF 2014)

**THE HARYANA STATE LEGISLATURE (PREVENTION OF  
DISQUALIFICATION) AMENDMENT ACT, 2014**

AN

ACT

*further to amend the Haryana State Legislature (Prevention of  
Disqualification) Act, 1974.*

BE it enacted by the Legislature of the State of Haryana in the Sixty-fifth Year of the Republic of India as follows :—

1. This Act may be called the Haryana State Legislature (Prevention of Disqualification) Amendment Act, 2014.

Short title.

2. In sub-section (1) of section 3 of the Haryana State Legislature (Prevention of Disqualification) Act, 1974,—

Amendment of section 3 of Haryana Act 41 of 1974.

(i) in clause (m), for the sign, “.” existing at the end, the sign “;” shall be substituted; and

(ii) after clause (m), the following clause shall be added namely :—

“(n) Political Advisor to Chief Minister, Haryana.”.

**RAJ RAHUL GARG,**

Secretary to Government Haryana,  
Law and Legislative Department.