The Punjab Legislature (Prevention of Disqualification) Act, 1952

Act 7 of 1952

Keyword(s):
Office of Profit, Disqualification from Elected Office

Amendment appended: 28 of 2015, 25 of 2018

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.
PUNJAB STATE LEGISLATURE (PREVENTION OF DISQUALIFICATION) ACT, 1952.

PUNJAB ACT NO. 7 OF 1952.

[Received the assent of the Governor of Punjab on the 7th of August, 1952, and was first published in the Punjab Government Gazette (Extra-ordinary) of the 9th August, 1952.]

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>No.</td>
<td>Short title</td>
<td>Whether repealed or otherwise affected by legislation</td>
</tr>
<tr>
<td>1952</td>
<td>7</td>
<td>Punjab State Legislature (Prevention of Disqualification) Act, 1952</td>
<td>Amended by Punjab Act 7 of 1954&lt;sup&gt;a&lt;/sup&gt; Amended by Punjab Act 25 of 1956&lt;sup&gt;a&lt;/sup&gt; Amended by Punjab Act 41 of 1956&lt;sup&gt;a&lt;/sup&gt; Extended to Pepsu Territory and amended by Punjab Act 33 of 1957&lt;sup&gt;a&lt;/sup&gt; Amended by Punjab Act 40 of 1960&lt;sup&gt;a&lt;/sup&gt; Amended by Punjab Act 3 of 1963&lt;sup&gt;a&lt;/sup&gt; Amended by Punjab Act 8 of 1964&lt;sup&gt;a&lt;/sup&gt; Amended by Punjab Adaptation of laws (State and Concurrent subjects) order, 1968</td>
</tr>
</tbody>
</table>


2. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary): 1954 page 82.

3. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1956 page 1076.

4. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1956 page 1298.

5. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1957 page 1638.

6. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1960 page 2048.

7. For Statement of Objects and Reasons see Punjab Government Gazette (Extraordinary)k 1963, page 212.

8. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964 page 124.
An Act to declare certain offices of profit not to disqualify their holders for being chosen as, and for being, members of the State Legislature.

It is hereby enacted as follows:-

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

2. 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;

1[(b) Sub-Registrar, whether departmental or honorary, notary Public, Oath Commissioners or an official receiver who is not a whole-time salaried Government servant, or any person who holds any office of profit under an insurer the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 (Central Act No. 9 of 1956);]

2[c] Officers, non-commissioned officers and persons enrolled under the Territorial Army Act, 1948 (Act LVI of 1948); persons enrolled under the National Cadet Corps Act, 1948 (Act XXXI of 1948); and persons of the Auxiliary Air Force or the Air Defence Reserve under the Reserve and Auxiliary Air Force Act, 1952 (Act LXII of 1952);

3[(cc) the office of a member of the Punjab Home Guards constituted under the Punjab Home

2. Substituted by Punjab Act 41 of 1956 Section 2, previously it was amended by Punjab Act 7 of 1954.
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],

(d) Officer in the Army Reserve of Officers;

(e) A member of any statutory body or authority, or a member of any Committee or other body, appointed or constituted by the Punjab Government 1[for the Union Government] and who is not in receipt of a salary but who is paid only travelling and daily allowance during the performance of his duties;

(f) A Parliamentary Secretary or a Parliamentary Under-Secretary;

2[(g) A Deputy Minister;]

3[(h) the office of the adviser and Co-ordinator (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.]

4[2-A * * * * *]


---

1. Inserted by Punjab Act, 41 of 1956, section 2.
4. Section 2—A omitted by Punjab Adaptation of Laws (State and concurrent subjects) orders, 1968, which was inserted by Punjab Act 40 of 1950, section 2.
PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 1st December, 2015

No. 33-Leg./2015.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 18th day of November, 2015, is hereby published for general information:-

THE PUNJAB STATE LEGISLATURE (PREVENTION OF DISQUALIFICATION) AMENDMENT ACT, 2015

(Punjab Act No. 28 of 2015)

AN

ACT

further to amend the Punjab State Legislature (Prevention of Disqualification) Act, 1952.

Be it enacted by the Legislature of the State of Punjab in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab State Legislature (Prevention of Disqualification) Amendment Act, 2015.

   (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab State Legislature (Prevention of Disqualification) Act, 1952, in section 2, in clause (h), at the end, for the sign ".", the sign ",", shall be substituted and thereafter, the following clause shall be added, namely:-

   "(i) Chairperson of the Punjab Waqf Board."

3. (1) The Punjab State Legislature (Prevention of Disqualification) Amendment Ordinance, 2015 (Punjab Ordinance No. 4 of 2015), is hereby repealed.

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

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.
PART I
GOVERNMENT OF PUNJAB
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB
NOTIFICATION

The 1st November, 2018

No.28-Leg./2018.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 31st day of October, 2018, is hereby published for general information:-

THE PUNJAB STATE LEGISLATURE (PREVENTION OF DISQUALIFICATION) AMENDMENT ACT, 2018.
(Punjab Act No. 25 of 2018)

AN ACT

further to amend the Punjab State Legislature (Prevention of Disqualification) Act, 1952.

Be it enacted by the Legislature of the State of Punjab in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab State Legislature (Prevention of Disqualification) Amendment Act, 2018.

(2) It shall be deemed to have come into force on and with effect from the 26th day of January, 1950.

2. In the Punjab State Legislature (Prevention of Disqualification) Act, 1952 (hereinafter referred to as the principal Act), after section 1, the following section 1-A shall be inserted, namely:-

"1-A. In this Act, unless the context otherwise requires,-

Definition (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."

3. In the principal Act, in section 2,-

(i) clauses (e), (g) and (h) shall be omitted; and

(ii) in clause (i), at the end, for sign ",", the sign ";" shall be substituted, and thereafter, the following clauses shall be added, namely:-

"(j) any office held by a Minister (including the Chief Minister), Minister of State or Deputy Minister, whether ex-officio or by name;

(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.".

VIVEK PURI,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

1632/11-2018/Pb. Govt. Press, S.A.S. Nagar