

Bill No. XLVIII of 2013

THE PARLIAMENT (PREVENTION OF DISQUALIFICATION)
AMENDMENT BILL, 2013

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further to amend the Parliament (Prevention of Disqualification) Act, 1959.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Parliament (Prevention of Disqualification) Amendment Act, 2013.

Short title and commencement.

5 (2) It shall be deemed to have come into force on the 19th day of February, 2004.

10 of 1959. 2. In section 3 of the Parliament (Prevention of Disqualification) Act, 1959, in clause (ba), for sub-clause (ii), the following sub-clauses shall be substituted, namely:—

Amendment of section 3.

“(ii) the National Commission for the Scheduled Castes constituted under clause (1) of article 338 of the Constitution;

10 “(iia) the National Commission for the Scheduled Tribes constituted under clause (1) of article 338A of the Constitution;”.

STATEMENT OF OBJECTS AND REASONS

Sub-clause (a) of clause (1) of article 102 of the Constitution provides that a person shall be disqualified for being chosen as, and for being a member of either House of Parliament, if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder. In pursuance of this provision, the Parliament (Prevention of Disqualification) Act, 1959 was enacted to exempt certain offices, holding of which will otherwise subject the holder of such office to disqualification.

2. Section 3 of the Parliament (Prevention of Disqualification) Act, 1959, as amended from time to time, lists certain offices of profit under the Government of India or the Government of any State, which do not disqualify the holders thereof for being chosen as, or for being, a Member of Parliament. Sub-clause (ii) of clause (ba) of section 3 of the said Act, exempts the Chairperson of the National Commission for the Scheduled Castes and Scheduled Tribes from incurring disqualification.

3. The National Commission for the Scheduled Castes and Scheduled Tribes was bifurcated into two independent Commissions *i.e.*, (i) the National Commission for the Scheduled Castes; and (ii) the National Commission for the Scheduled Tribes by the Constitution (Eighty-ninth Amendment) Act, 2003. By the said Constitution amendment Act, article 338 of the Constitution was amended and a new article, namely, article 338A was inserted in the Constitution. With the bifurcation of the National Commission for the Scheduled Castes and Scheduled Tribes, consequential amendments are required in sub-clause (ii) of clause (ba) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959, so as to exclude the Chairperson of the National Commission for the Scheduled Castes and the Chairperson of the National Commission for the Scheduled Tribes from incurring any disqualification for being chosen as or for being, a Member of Parliament. The Constitution (Eighty-ninth Amendment) Act, 2003, came into force from 19th February, 2004 and therefore, it is proposed to give effect to the amendment in the Bill with effect from the same date.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 31st May, 2013.

KAPIL SIBAL

ANNEXURE

EXTRACT FROM THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1959
(10 OF 1959)

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3. 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 any State, shall disqualify the holder thereof for being chosen as, or for being, a member of Parliament, namely:—

Certain offices of profit not to disqualify.

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(ba) the office of Chairperson of—

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(ii) the National Commission for the Scheduled Castes and Scheduled Tribes constituted under clause (1) of article 338 of the Constitution.

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RAJYA SABHA

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further to amend the Parliament (Prevention of Disqualification) Act, 1959.

(Shri Kapil Sibal, Minister of Law and Justice)