

Ministry of Law & Justice
Legislative Department

Shastri Bhawan, New Delhi,
Dated 12th November, 2024.

**INVITING COMMENTS ON THE DRAFT PARLIAMENT (PREVENTION OF
DISQUALIFICATION) BILL, 2024.**

The Parliament (Prevention of Disqualification) Act, 1959 was enacted to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, a Member of Parliament. However, the said Act contains both the aspects of enumerating the offices, the holder of which would not incur disqualification (as per section 3 and the Table at the end of the Schedule annexed to the Act and contains offices, the holders of which would incur disqualification as per Part-I and Part-II of the said Schedule. The Parliament has, from time to time, amended the aforesaid Act.

2. During the 16th Lok Sabha, the Joint Committee on Offices of Profit (JCOP) under the Chairmanship of Shri. Kalraj Mishra under took a comprehensive review of the said Act and submitted the 28th Report. In the said Report the JCOP made several recommendations and stressed the need of the Ministry of Law and Justice to take into account the obsolete entries in the said Act for appropriate amendment in a time bound manner.

3. The recommendations of the JCOP, *inter alia*, includes: —

- (i) Comprehensive Definition of 'Offices of Profit'.
- (ii) Simplification of language and formatting.
- (iii) The criteria followed by JCOP suitably incorporate in the said Act.
- (iv) Insertion of express provision to resolve the conflict between the Act and certain other statutes.
- (v) Removal of section 4 of the said Act.
- (vi) To omit the obsolete entries in the schedule, amend the Act in a time-bound manner.
- (vii) The members nominated in various flagship schemes and programmes, like Swatchh Bharat Mission, Smart City Mission, Deen Dayal Upadhyay-grameen Kaushalya Yojana, etc., and other programmes should be saved from incurring disqualification. Issue suitable advisory, to the Central/State Governments with regard to nomination of MPs in the implementation of various flagship Schemes/Programs.

4. Keeping in view of the aforesaid recommendations of the JCOP, it is felt by the Legislative Department to repeal and re-enact the Parliament (Prevention of Disqualification) Act, 1959. Accordingly, a draft Bill namely, **the Parliament (Prevention of Disqualification) Bill, 2024** has been prepared on the lines of the recommendations made by the JCOP.

5. Salient features of the proposed Bill are given below:—

- (i) to rationalise section 3 of the existing Act and to remove the negative list of offices provided in the Schedule containing offices, the holders of which would incur disqualification;
- (ii) to remove the conflict between the existing Act and certain other Statutes which are having an express provision for not to incur disqualification;
- (iii) to omit section 4 of the existing Act relating to temporary suspension of disqualification in certain cases, and in its place to empower the Central Government to amend the Schedule by issuing a notification;
- (iv) to rationalise and update the Schedule to the existing Act to provide the offices (both Central and State Government) which contains only one aspect of enumerating offices, i.e., the holders which would not incur disqualification;
- (v) to repeal the existing Act and re-enact a new Act in its place.

The Department has now invites comments/feedback from the public as part of the public consultation exercise on the draft Bill. Comments on the draft Bill may be sent by email on ld.leg3-dole@gov.in latest by 26th November, 2024.

	THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL, 2024	
	A BILL	
	<i>to declare that certain offices of profit under the Government shall not disqualify their holders from becoming, or being, members of Parliament.</i>	
	BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—	
	1. (1) This Act is called as the Parliament (Prevention of Disqualification) Act, 2024.	Short title and commencement.
	(2) The Central Government shall appoint a date by notification in the Official Gazette on which the Act shall come into force.	
	2. In this Act, unless stated otherwise—	Definitions.
	(a) “compensatory allowance” means any sum of money payable to the holder of an office by way of daily allowance (not exceeding the amount of daily allowance entitled under the Salary, Allowances and Pension of Members of Parliament Act, 1954) and any conveyance, house-rent or travelling allowances to enable him to get reimbursement of any expenditure incurred by him in performing the functions of that office;	30 of 1954.
	(b) “non-statutory body” means any body of persons other than a statutory body;	
	(c) “Schedule” means the Schedule annexed to this Act;	
	(d) “statutory body” means any body (by whatever name called), whether incorporated or not, established by or under any law for the time being in force.	
	3. (1) The following offices, in so far as it is an office of profit under the Government of India or the Government of any State or a Union territory, shall not disqualify the holder thereof from becoming, or being, a member of Parliament, namely:—	Certain offices of profit not to disqualify.
	(a) any office held by a Minister, Minister of State or Deputy Minister for the Union or for any State, whether <i>ex officio</i> or by name;	

	(b) the office of a Leader of the Opposition in Parliament.	
	<i>Explanation.</i> —For the purposes of this clause, the expression “Leader of the Opposition” shall have the meaning assigned to it in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977;	33 of 1977.
	(c) the office of Vice-chairperson, NITI Aayog;	
	(d) the office of each leader and each deputy leader of a recognised party and a recognised group in either House of Parliament;	
	<i>Explanation.</i> — For the purposes of this clause, the expressions “recognised party” and “recognised group” shall have the meanings assigned to them in the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998;	5 of 1999.
	(e) the office of Chief Whip, Deputy Chief Whip or Whip in Parliament or of a Parliamentary Secretary;	
	(f) the office of Chairperson of—	
	(i) the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992;	
	(ii) the National Commission for the Scheduled Castes constituted under clause (1) of article 338 of the Constitution;	
	(iii) the National Commission for the Scheduled Tribes constituted under clause (1) of article 338A of the Constitution;	
20 of 1990.	(iv) the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990;	
	(g) the office of Vice-chairperson and Members of—	
	(i) the National Commission for Scheduled Castes (NCSC);	
	(ii) the National Commission for Backward Classes (NCBC);	

	(iii) the National Commission for Safai Karmacharis (NCSK);	
31 of 1948. 56 of 1948. 62 of 1952.	(h) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948 or the Reserve and Auxiliary Air Forces Act, 1952;	
	(i) the office of a member of a Home Guard constituted under any law for the time being in force in any State;	
	(j) the office of sheriff in the city of Mumbai or Kolkata;	
	(k) the office of Chairperson, Vice-chairperson or a member of any body of a university or any other body connected with a university;	
	(l) any employee involved in teaching or faculty work in the university or any other body connected with a university;	
	(m) the office of a member of any delegation or mission sent outside India by the Government for any special purpose;	
	(n) the office of Chairperson or Member of a Committee, with any designation or nomenclature (whether consisting of one or more Members),—	
	(i) set up temporarily for the purpose of advising the Government; or (ii) any other authority in respect of any matter of public importance; or (iii) to make an inquiry into, or to collect statistics in respect of, any such matter,	
	if such office is not entitled to any remuneration except compensatory allowance;	
	(o) the office of village revenue officer (by whatever name called) whose duty is to collect land revenue and who is remunerated by a share of, or commission on, the amount of land revenue collected by him, but who does not discharge any police functions.	

	(2) The following offices specified in the Schedule, in so far as it is an office of profit under the Government of India or the Government of any State or a Union territory, shall not disqualify the holder thereof from becoming, or being, a member of Parliament, namely:—	
	(i) the office of Chairperson, Director or Member of any statutory or non-statutory body, any scheme or programme of the Government (by whatever name called) other than any such body as is referred to in clause (m) of sub-section (1), if the holder of such office is entitled only to compensatory allowance;	
	(ii) the office of Chairperson, Deputy Chairperson, Secretary or Member (by whatever name called) in any statutory or non-statutory body;	
	(iii) the office of Chairperson or trustee (by whatever name called) of any Trust, whether public or private;	
21 of 1860.	(iv) the office of Chairperson, Vice-chairperson, President, Vice-President, Principal Secretary or Secretary or any other office bearer of the Governing Body of any Society registered under the Societies Registration Act, 1860 or under any other law relating to registration of societies.	
	(3) The office of Chairperson, Deputy Chairperson or Secretary shall include every office of that description by whatever name called.	
	4. (1) If the Central Government is of the opinion that it is necessary or expedient so to do, it may amend the Schedule by a notification published in the Official Gazette.	Power to amend the Schedule.
	(2) A copy of the notification issued under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is issued.	
	5. If the holder of any office under the Government of India or the Government of any State or a Union territory has been declared by virtue of any law in force that the holder of such office shall not be disqualified, the said law shall be in addition to and not in derogation of this Act.	Act not in derogation of any other law.
10 of 1959.	6. (1) The Parliament (Prevention of Disqualification) Act, 1959 is hereby repealed.	Repeal and savings.

	(2) The repeal of said Act shall not affect, anything done or any action taken or purported to have been done or taken under the Act so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act, if they are not inconsistent with this Act.	
10 of 1897.	(3) In addition to the provisions of sub-section (2), provisions of section 6 of the General Clauses Act, 1897 shall apply to the repeal of the said Act.	
	The Schedule <i>See section 3(2)</i>	
	BODIES UNDER CENTRAL GOVERNMENT	
	<ol style="list-style-type: none"> 1. The Agricultural and Processed Food Products Export Development Authority constituted under section 4 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 (2 of 1986). 2. The National Agricultural Co-operative Marketing Federation of India Limited (NAFED). 3. The Indian Farmer Fertilizers Co-operative Limited (IFFCO). 4. The Krishak Bharati Co-operative Limited (KRIBHCO). 5. The National Co-operative Consumers Federation of India Limited (NCCF). 6. The Auroville Foundation established under sub-section (1) of section 10 of the Auroville Foundation Act, 1988 (54 of 1988). 7. The National Commission of Enterprises in the Unorganised Sector. 8. The Planning Board (Asiatic Society) established under sub-section (1) of section 8 of the Asiatic Society Act, 1984 (5 of 1984). 9. The Delhi Village Development Board. 10. The Maulana Azad Education Foundation. 11. The Indira Gandhi National Centre for the Arts. 12. The Dr. Ambedkar Foundation. 	

	<ol style="list-style-type: none"> 13. The Research and Information System for the Non-Aligned and Other Developing Countries (RIS). 14. The Indian Institute of Psychometry. 15. The National Co-operative Union of India (NCUI). 16. The Indian Council for Cultural Relations. (ICCR) 17. All India Council for Sports. 18. The Howrah Improvement Trust. 19. The Dalit Sena, 12, Janpath, New Delhi. 20. The Social Justice Trust, 12, Janpath, New Delhi. 21. The Bahujan Prerna Charitable Trust, Delhi. 22. The Central Waqf Council, established under section 9 of the Waqf Act, 1995 (43 of 1995). 23. The Nehru Memorial Museum and Library (NMML). 24. The Jalianwala Bagh Memorial Trust. 25. The Haj Committee of India constituted under section 3 of the Haj Committee Act, 2002 (35 of 2002). 26. The Mallickghat Phoolbazar Parichalan Committee. 27. Chairperson and Members of the National Commission for De-notified nomadic and semi-nomadic Tribes (NCDNTs). 28. Chairperson of Babu Jagjivan Ram National Foundation. 29. National Council for Older Persons. 30. Central Advisory Committee on Pradhan Mantri Adarsh Gram Yojana 31. Regional Centre of Bio-technology. 32. Sree ChitraTirunal Institute of Medical Science and Technology. 33. Marine Products Exports Development Authority (MPEDA). 34. Post Graduate Institute of Medical Education and Research, Chandigarh. 	
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	<p>35. Jawahar Lal Institute of Post Graduate Medical Education and Research, Puducherry.</p> <p>36. All India Institute of Medical Sciences (AIIMS), established under the provisions of All India Institute of Medical Sciences Act, 1956 (25 of 1956).</p> <p>37. Indian Council of Agricultural Research (ICAR)</p> <p>38. Central Consumer Protection Council (CCPC)</p> <p>39. Governing Council of Bureau of Indian Standards.</p> <p>40. Board of Governors of National Institute of Pharmaceutical Education and Research (NIPER), Ahmedabad</p> <p>41. Board of Governors of National Institute of Pharmaceutical Education and Research (NIPER), Hajipur.</p> <p>42. Board of Governors of National Institute of Pharmaceutical Education and Research (NIPER), Hyderabad</p> <p>43. Board of Governors of National Institute of Pharmaceutical Education and Research (NIPER), Guwahati</p> <p>44. Board of Governors of National Institute of Pharmaceutical Education and Research (NIPER), Kolkata</p> <p>45. Board of Governors of National Institute of Pharmaceutical Education and Research (NIPER), Raebareli</p> <p>46. Board of Governors of National Institute of Pharmaceutical Education and Research (NIPER), SAS Nagar (Mohali)</p> <p>47. National Assisted reproductive Technology and Surrogacy Board.</p> <p>48. Central Social Welfare Board (CSWB).</p> <p>49. An Advisory Council of Delhi Development Authority in terms of the Delhi Development Authority, Act, 1957 (61 of 1957).</p> <p>50. Indian Council of World Affairs (ICWA).</p> <p>51. Board of Directors of Coconut Development Board established under clause (e) of sub-section (4) of section 4 of the Coconut Development Board, Act, 1979 (5 of 1979).</p> <p>52. The Chairperson of Food Corporation of India (FCI).</p>	
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	53. Kendriya Vidhyalaya Sagathan (KVS).	
	54. Navodaya Vidyalaya Samiti (NVS)	
	BODIES UNDER STATE GOVERNMENTS	
	Andhra Pradesh	
	1. The Tirumala Tirupati Devasthanams Board.	
	Assam	
	<ol style="list-style-type: none"> 1. Assam Plains Tribe Development Corporation Ltd. (APTDC Ltd.) 2. Assam State Development Corporation for Scheduled Caste Ltd. (ASDC for SC Ltd.) 3. Assam State Development Corporation for OBC Ltd. (ASDC for OBC Ltd.) 4. Mising Autonomous Council, constituted under Mising Autonomous Council Act, 1995. 5. Sonowal Kachari Autonomous Council, constituted under Sonowal Autonomous Council Act, 2005. 6. Deori Autonomous Council, constituted under Deori Autonomous Council Act, 2005. 7. Thengal Kechari Autonomous Council, constituted under Thengal Kachari Autonomous Act, 2005. 8. Tiwa Autonomous Council, constituted under Tiwa Autonomous Council Act, 1995. 9. Rabha-Hasong Autonomous Council, constituted under Rabba-Hasong Autonomous Council Act, 1995. 10. Matak Autonomous Council, constituted under Matak Autonomous Council Act. 2020. 11. Moran Autonomous Council, constituted under Moran Autonomous Council Act, 2020. 12. Bodo Kachari Welfare Autonomous Council, under Bodo Kachari Autonomous Council Act, 2020. 	

	<p>13. Kamatapur Autonomous Council, constituted under Kamatapur Autonomous Council Act, 2020.</p> <p>14. Bodoland Territorial Council (BTC).</p> <p>15. Assam Backward Classes Commission(ABCC).</p>	
	Bihar	
	<p>1. The Bihar State Board of Religious Trust, a body constituted under the Bihar Hindu Religious Trust Act, 1950 (Bihar Act No. 1 of 1951).</p> <p>2. The Board of Control, the A.N. Sinha Institute of Social Studies, Patna.</p>	
	Karnataka	
	<p>1. The Krantiveera Sangoli Rayanna Kshetra Development Authority.</p> <p>2. The Karnataka Municipal Corporation.</p> <p>3. The Karnataka Improvement Boards.</p> <p>4. The Malnad Area Development Board.</p> <p>5. The Bayalu seeme Development Board.</p> <p>6. Sri Malai Mahadeswaraswamy Kshetra Development Authority.</p> <p>7. The Kudala Sangama Development Board.</p> <p>8. The Kaginele Development Authority.</p> <p>9. The Kitturu Development Authority.</p> <p>10. The Basava Kalyana Development Board.</p> <p>11. The Hampi World Heritage Area Management Authority.</p> <p>12. The Hyderabad Karnataka Region Development Board.</p>	
	Rajasthan	
	<p>1. Rajasthan Rajya Rojgar Guaranteed Parishad</p>	
	Tripura	

	<ol style="list-style-type: none"> 1. The Tripura Khadi and Village Industries Board, a body constituted under the Tripura Khadi and Village Industries Act, 1966. 	
	Uttar Pradesh	
	<ol style="list-style-type: none"> 1. The Uttar Pradesh Development Council. 2. The Irrigation and Flood Control Commission, Uttar Pradesh. 3. The Bahujan Foundation (Charitable Trust), Lucknow, Uttar Pradesh. 4. The Uttar Pradesh Film Development Council. 5. The Uttar Pradesh Provincial Co-operative Federation. 6. The Uttar Pradesh Co-operative Federation Limited. 7. The Uttar Pradesh Krishi and Gram Vikas Bank. 8. The Uttar Pradesh Co-operative Bank Limited. 	
	West Bengal	
	<ol style="list-style-type: none"> 1. West Bengal Swarajgar Corporation Limited (WBSCL); 2. West Bengal State Agricultural Marketing Board (WBSAMB); 3. The Paschimbanga Agri Marketing Corporation Limited (PBAMCL); 4. West Bengal Tourism Development Corporation Ltd; 5. West Dinajpur Spinning Mills Ltd; 6. Kolkata Metropolitan Development Authority (KMDA); 7. Digha Sankarpur Development Authority (DSDA); 8. Furfura Sarif Development Authority (FSDA); 9. Tarakeswar Development Authority (TDA); 10. Gangasagar Bakkhali Development Authority (GBDA); 	

	<ol style="list-style-type: none"> 11. Jaigaon Development Authority (JDA); 12. Burdwan Development Authority (BDA); 13. Medinipur Kharagpur Development Authority (MKDA); 14. Siliguri Jalpaiguri Development Authority (SJDA); 15. Gazoladoba Development Authority (GDA); 16. Tarapith Rampurhat Development Authority (TRDA); 17. Bakreswar Development Authority (BKDA); 18. Patharchapuri Development Authority (PDA); 19. Mukutmanipur Development Authority (MDA); 20. Changrabandha Development Authority (CDA); 21. New Town Kolkata Development Authority (NKDA); 22. New Town Planning Area (WBHIDCO). 23. The Indian Statistical Institute, Calcutta. (existing) 24. The West Bengal Handicrafts Development Corporation Limited. (existing) 25. The West Bengal Small Industries Development Corporation Limited. 26. The West Bengal Industrial Development Corporation Limited. 27. The Sriniketan Santiniketan Development Authority, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979). 28. The Haldia Development Authority, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979). 29. The West Bengal Minorities Development and Finance Corporation, a body constituted under the West Bengal Minorities Development and Finance Corporation Act, 1995. 	
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	<p>30. The Hooghly River Bridge Commissioners, constituted under the Hooghly River Bridge Act, 1969 (West Bengal Act No. 36 of 1969).</p> <p>31. The Board of Waqf, West Bengal, a body constituted under the Waqf Act, 1995 (43 of 1995).</p> <p>32. The West Bengal State Haj Committee, constituted under the Haj Committee Act, 2002 (35 of 2002).</p> <p>34. The Asansol Durgapur Development Authority, West Bengal, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979).</p> <p>35. The West Bengal Pharmaceutical and Phytochemical Development Corporation Limited.</p> <p>36. The West Bengal Handloom and Powerloom Development Corporation Limited.</p> <p>37. The West Bengal Khadi and Village Industry Board.</p> <p>38. The Society for Self-employment for Urban Youth, a society registered under the West Bengal Societies Registration Act, 1961 (West Bengal Act No. 26 of 1961).</p> <p>39. The West Bengal Fisheries Corporation Limited.</p>	
	Lakshadweep	
	<p>1. Lakshadweep Khadi and Village Industries Board, established under the Lakshadweep Khadi and village Industries Board Regulation, 1990 (No.4 of 1990)</p> <p>2. Lakshadweep Auqaf Board, established under the Waqf Act, 1995 (Central Act 43 of 1995).</p> <p>3. Lakshadweep State Hajj Committee.</p>	
