

PUNJAB VIDHAN SABHA

Bill No. 17-PLA-2018

THE PUNJAB STATE LEGISLATURE (PREVENTION OF
DISQUALIFICATION) AMENDMENT BILL, 2018

A

BILL

*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.

Short title and
commencement.

(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 :—

Insertion of new
section 1-A of
Punjab Act, 7 of
1952.

“1-A. 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 (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.”.

Amendment in
section 2 of
Punjab Act 7 of
1952.

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.”.

STATEMENT OF OBJECTS AND REASONS

1. The Punjab State Legislature (Prevention of Disqualification) Act, 1952 (the said Act) had been enacted in terms of Article 191 of the Constitution of India, to declare certain offices of profit as not to disqualify the holders of such office for being chosen as, or for being, members of the State Legislature.

2. The said Act enacted in 1952 has undergone minor amendments from time to time. However, such amendments have not taken in account the complexity of modern day governance. Further the amendments to the said Act have not taken in account the reports and studies of various Parliamentary Committees which addressed the issue of office of profit, primarily the Bhargava Committee as also subsequent Committees constituted thereafter as also various pronouncements of the Supreme Court.

3. Hence in order to bring the said Act in line with the above, it was decided to amend the said Act by *inter alia* inserting a new Section 1A to provide for the definitions of “compensatory allowance”, “statutory body” and “non-statutory body” as well as amend by way of insertions and additions to the categories of offices of profit under Section 2 of the said Act.

BRAHM MOHINDRA,
Minister for Parliamentary Affairs,
Punjab.

CHANDIGARH :
The 24th August, 2018.

SHASHI LAKHANPAL MISHRA,
Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 24th August, 2018 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).