

CHAPTER-X

26 *The Punjab State Legislature (Prevention of Disqualifications) Act, 1952

(Punjab Act No.7 of 1952)

An act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the State Legislature.

Statement of Objects and Reasons.- "Article 191 (1) (a) of the Constitution of India provides that a person shall be disqualified for being chosen as, and for being a member of the House of Legislature of a State if he holds any office of profit under the Government of India or Government of any State specified in the First Schedule to the Constitution, otherwise than an office declared by the Legislature of the State by law not to disqualify its holder.

This Bill accordingly seeks to save from disqualification members of the first Legislature of the State following the first general elections under the Constitution of India who held an office under the State Government which was not a whole-time office and to which no regular salary was attached. For the future the Legislature will secure that the electorate will not be debarred from choosing as members of the State Legislature, persons who, though they hold certain offices which might be called offices of profit under the State Government are not whole time Government servants. It is also intended to save from disqualification persons who might be appointed to legislative offices such Parliamentary Secretaries' etc."(vide Punjab Government Gazette Extraordinary, dated the 10th July, 1952, pages 548-49).

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the Punjab State Legislature (Prevention of Disqualifications) Act, 1952.

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

* Received the assent of the Governor of Punjab on the 7th August, 1952, and was first published in the Punjab Government Gazette Extraordinary, dated the 9th August, 1952.

2. Prevention of disqualification for membership of the State Legislature.— 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 commissioner, or official receiver who is not whole timed 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 9 of 1956);]

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

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

⁴[(e) Chairman, Vice-Chairman, President, Vice-President, Director or Member of any statutory or non-statutory body; or of any committee, whether he is or is not in receipt of any remuneration or compensatory allowance by virtue of holding such office;]

(f) A ⁵["Chief Parliamentary Secretary or a Parliamentary Secretary or a Parliamentary Under Secretary;"]

¹Inserted by Punjab Act 23 of 1954, Section 2.

²Subs. by Punjab Act 41 of 1956, Section 2.

³Added by Punjab Act 3 of 1963, Section 2.

⁴See Punjab Act 23 of 1981.

⁵Inserted vide Punjab Act 4 of 2005.

¹["(ff) Political Secretary to the Chief Minister, Punjab ;
(fff) Chairman of the State Level Committee for
Fiscal Reforms and Economic Restructuring;"]

²[(g) a Deputy Minister,]

³["(gg) Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in the Legislative Assembly Act, 1978; "].

⁴[(h) the office of the Advisor and Coordinator (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 Advisor to the State Government, Co-operation Department, or any other Department.]

⁵[2-A. Office of Chairman or Vice-Chairman of Regional Committees not to disqualify its holder.? It is hereby further declared that the office of the Chairman or Vice-Chairman of a Regional Committee for the Punjabi Region or Hindi Region shall be deemed never to have disqualified and shall not disqualify the holder thereof for being chosen as, or for being, a member of the Punjab State Legislatures.]

3. Repeal- The Punjab Legislative Assembly (Removal of Disqualifications) Act, 1937 and the Punjab Provisional Legislature (Prevention of Disqualifications) Act, 1950, are hereby repealed.

¹Inserted vide Punjab Act 10 of 2002.

²Added vide Punjab. Act 25 of 1956, Section 2.

³Inserted vide the Salary and Allowances of Leader of Opposition in Legislative Assembly Act. 1978- Punjab Act 12 of 1978.

⁴Added vide Punjab Act 8 of 1964, Section 2.

⁵Omitted by Punjab Adaptation of Laws (State and Concurrent Subject) Orders 1968.