

THE RAJASTHAN LEGISLATIVE ASSEMBLY MEMBERS (REMOVAL OF
DISQUALIFICATION) ACT, 1956
ACT NO. 7 OF 1957

[11th January, 1957.]

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

WHEREAS it is expedient to consolidate and amend the law declaring the offices of profit in the State which shall not disqualify their holders for being, or for being chosen as, members of the Legislative Assembly of the State.

BE it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956.

(2) It shall come into force at once.

2. Interpretation. —(1) In this Act unless the subject or context otherwise requires, "State" means the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956).

(2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-reorganisation State of Rajasthan shall as far as may be, apply *mutatis mutandis* to this Act.

3. Removal and prevention of disqualification for membership of the State Legislative Assembly. —It is hereby declared that the following offices shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of the State Legislative Assembly, namely:—

(a) the office of a Minister of State or a Deputy Minister;

¹[(aa) the office of the Government Chief Whip;]

²[(aaa) the office of the Deputy Government Chief Whip;]

(b) the office of a Parliamentary Secretary or a Parliamentary Under Secretary;

³[(bb) the office of the Leader of the Opposition in the Rajasthan Legislative Assembly;]

(c) the office of a Chairman or the member of a committee set up 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 enquiry into, or collecting statistics in respect of, any such matter; provided that the holder of any such office is not in receipt of, or entitled to, any fee or remuneration other than compensatory allowance;

(d) the office held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act 31 of 1948) or in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act 56 of 1948) or in the Auxiliary Air Force or the Air Defence Reserve raised under the Reserve and Auxiliary Air Force Act, 1952 (Central Act 62 of 1952);

(e) the office of a Chairman or a member of the committee other than any such committee as is referred to in clause (c);

1. Ins. and shall be deemed always to have been ins. by Rajasthan Act 7 of 1969, s. 5 and published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated 16-4-1969.

2. Ins. by Rajasthan Act 4 of 1981, s. 16(a) and published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated 2-4-1981.

3. Ins. by s. 16(b), *ibid*.

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(f) the office of a chairman, director, member or any officer of a statutory body, where the power to make any appointment to any such office or the power to remove any person therefrom is vested in the Government;

(g) the 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).

Explanation.—In this section, unless the subject or context otherwise requires, —

(i) "committee" means any committee, commission, council, board or any other body of persons whether a statutory body or not, set up by Government;

(ii) "compensatory allowance" means such sum of money as the Government may determine as being payable to the Chairman or any other member of a committee by way of travelling allowance, daily allowance, conveyance allowance or house rent allowance for the purpose of enabling the Chairman or other member to recoup any expenditure incurred by him in attending any meeting of a committee or performing any other function as a member of the committee;

¹[(iii) "daily allowance" means such daily allowance as shall not exceed the amount of daily allowance admissible to a Member of the State Legislative Assembly in accordance with the provisions of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 (Rajasthan Act 3 of 1976), as amended from time to time, and the rules made thereunder;]

(iv) "insurer" means an insurer as defined in clause (5) of section 2 of the Life Insurance (Emergency Provisions) Act, 1956 (Central Act 9 of 1956);

(v) "statutory body" means any corporation, board, company, society or any other body of persons, whether incorporated or not, established, registered or formed by or under any law for the time being in force or exercising powers and functions under any such law.

4. Repeal.—The Rajasthan Legislative Assembly Members (Removal of Disqualification) Ordinance, 1956 (Rajasthan Ordinance 10 of 1956) is hereby repealed.

¹ Subs. by Rajasthan Act 3 of 1976, s. 2 and published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-1-1976, (w.e.f. 1-4-1975).