

THE BIHAR LEGISLATURE (REMOVAL OF DISQUALIFICATIONS) ACT, 1950

BIHAR ACT NO. 16 OF 1950

[29th March, 1950.]

An Act to provide that holders of certain offices shall not be disqualified for being chosen as, or for being, members of the Bihar Legislative Assembly or the Bihar Legislative Council.

WHEREAS it is expedient to provide that holders of certain offices shall not be disqualified for being chosen as, or for being, members of the Bihar Legislative Assembly or the Bihar Legislative Council.

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Bihar Legislature (Removal of Disqualifications) Act, 1950.

2. Removal of disqualifications for membership.—A person shall not be ¹[and shall be deemed never to have been] disqualified for being chosen as, or for being, a member of the Bihar Legislative Assembly or the Bihar Legislative Council by reason only of the fact that he holds any of the offices, being offices of profit, mentioned in the Schedule.

3. Repeal of Bihar Ordinance 1 of 1950.—The Bihar Legislature (Removal of Disqualifications) Ordinance, 1950 (Bihar Ordinance No. 1 of 1950) is hereby repealed.

THE SCHEDULE

²[(1) The offices of the State Minister and the Deputy Minister.]

(2) The office of Parliamentary Secretary.

³[(3)] Any office in the Territorial Army constituted under the Territorial Army Act, 1948.

⁴[(4) Any office in the National Cadet Corps constituted under the National Cadet Corps Act, 1948 (31 of 1948).]

⁵[(5) The office of the Chairman or member of any Committee or body appointed by the Central or a State Government or by a servant of the Government:

Provided that the Chairman or any member of such Committee or body does not receive any remuneration other than compensatory allowance.]

⁶[*Explanation.*—For the purpose of this item "Compensatory allowance" shall mean—

(i) the travelling allowance, daily allowance, or any allowance in the shape of honorarium, which may be paid to the holder of the office for the purpose of reimbursing the personal expenditure incurred by him in attending the meetings of the committee or body or performing any other functions as the holder of the said office; and

1. Ins. by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1956 (Bihar Act 33 of 1956), s. 2.

2. Subs. by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1975 (Bihar Act 25 of 1975), for item (1).

3. Item (2) re-numbered as item (3), *ibid.*

4. Ins. by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1953 (Bihar Act 34 of 1953), s. 2. The said section also prescribes that the items and *Explanation* shall be deemed always to have been added in the main Act.

5. Subs. by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1970 (Bihar Act 1 of 1971), s. 2.

6. Subs. by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1974 (Bihar Act 10 of 1975), s. 2 and shall be deemed always to have been substituted.

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(ii) the allotment of quarter and the provision for conveyance, and such other facilities, privileges and amenities to the holder of the office or cash payment in lieu thereof as the State Government, the Board or the managing authority of the committee or the body, as the case may be, may, by order made in this behalf, on such terms and conditions as may be mentioned therein, from time to time, determine.]

¹[(6) Any office under an insurer the management of whose controlled business has vested in the Central Government.

Explanation.—For the purpose of this clause, the expression "controlled business" and the word "insurer" shall have the meanings respectively assigned to them in the Life Insurance (Emergency Provisions) Act, 1956 (9 of 1956).

(7) The office of an agent or other like office under the Central Government or the State Government for the purpose of effecting sales of, or collecting subscriptions towards, National Plan Certificates for such Commission as the Central Government may have fixed in that behalf or without such commission.

Explanation.—For the purpose of the clause, a National Plan Certificate include:—

(i) 12 years' National Savings Certificate;

(ii) 10 years' National Plan Certificate; and

(iii) any other savings certificate or Government Securities notified as such by the Central Government.]

²[(8) The office of a member in the Auxiliary Air Force or the Air Defence Reserve raised and maintained under the Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952).]

³[(9) The office of the acting Chairman under clause (1) of Article 184 of the Constitution of India, and

(10) The office of the acting Speaker under clause (1) of Article 180 of the Constitution of India.]

1. Added by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1956 (Bihar Act 33 of 1956), s. 3.

2. Added by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1957 (Bihar Act 2 of 1957), s. 2 and shall be deemed always to have been substituted.

3. Added by the Bihar Legislature (Removal of Disqualifications) (Amendment) Act, 1975 (Bihar Act 25 of 1975), s. 2 and shall be deemed always to have been added.