

THE JAMMU AND KASHMIR STATE LEGISLATURE (PREVENTION OF
DISQUALIFICATION) ACT, 1962

J. & K. ACT NO. XVI OF 1962

[18th July, 1962.]

An Act to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of the Jammu and Kashmir State Legislature.

BE it enacted by the Jammu and Kashmir State Legislature in the Thirteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Jammu and Kashmir State Legislature (Prevention of Disqualification) Act, 1962.

2. Definitions.—In this Act, unless the context otherwise requires:—

(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 the Jammu and Kashmir State Legislature is entitled under the salaries and allowances of Members of Jammu and Kashmir State Legislature Act, 1960), 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;

(c) 'non-statutory body' means any body of persons other than a statutory body.

3. Certain offices of profit not to disqualify.—It is hereby declared that none of the following offices, in so far as it is an office of profit under the Government of Jammu and Kashmir or the Government of India, shall disqualify the holder thereof for being chosen as, or for being, a member of the Jammu and Kashmir State Legislature, namely:—

(a) any office held by a Minister, Minister of State or Deputy Minister whether *ex officio* or by name;

(b) the office of Chief Whip, Deputy Chief Whip or Whip in either House of the Jammu and Kashmir State Legislature;

(c) the office of a Chief Parliamentary Secretary or a Parliamentary Secretary or a Parliamentary Under Secretary;

(d) the office of Chairman or member of the syndicate, senate, executive committee, council or court of the¹University of Jammu and Kashmir or any other body connected with the said University;

²[(dd) the office of Chairman or member of a Committee, Commission or Board set up by the Government whether under a statute or by executive order, for or in connection with the—

(i) prevention of corruption,

(ii) development of the State in planned manner,

(iii) land reforms];

(e) the office of a member or any delegation or mission sent outside India by the Government for any special purpose;

1. Now the Universities of Jammu and Kashmir.

2. Ins. by J. & K. Act II of 1963.

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(f) 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;

(g) the office of Chairman, Director or member of any statutory or non-statutory body other than any such body as is referred to in ¹[clause (dd)] or clause (f) if the holder of such office is not entitled to any remuneration other than compensatory allowance.

Explanation.—For the purposes of this section, the office of Chairman of Secretary shall include every office of that description by whatever name called.

4. Repeal.—The Jammu and Kashmir Legislature (Prevention of Disqualification) Act, 1957 is hereby repealed.

1. Ins. by J. & K. Act II of 1963.