

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

[Act No. XVI of 1962]

[As amended by Act XV of 2009, dt. 23.11.2009]

[Received the assent of the Sadar-i-Riyasat on 16th July, 1962 and published in Government Gazette dated 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 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 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 of State or Deputy Minister whether ex-officio or by name;
- (b) the office of the 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 Secretary¹[or an Advisor including political Advisor to Chief Minister];
- (d) the office of Chairman or member of the syndicate, senate, executive committee, council or Court or the²[University of Jammu, University of Kashmir and any other University established in the State under any law for the time being in force] or any other body connected with the said University;
- ³[(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 of any Delegation or Mission sent outside India by the Government for any special purpose;
- (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;

1 Inserted by Act XV of 2009, S.3 (w.e.f. 1.1.2009).

2 Substituted for "University of Jammu and Kashmir" by Act No. XVI of 2006, dt. 24.08.2006, w.e.f. 28.8.2006.

3 Clause (dd) inserted by Act II of 1963.

- (g) the office of the 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.
- ²(h) the office of the Chairman, Vice-Chairman, Managing Director, Director or Member, by whatever name called, of—
- (i) the Jammu and Kashmir Handloom Development Corporation;
 - (ii) the Jammu and Kashmir Agro Industries Development Corporation;
 - (iii) the Jammu and Kashmir Scheduled Castes, Scheduled Tribes and other Backward Classes Development Corporation;
 - (iv) the Jammu and Kashmir Cements Limited;
 - (v) the Jammu and Kashmir Women's Development Corporation;
 - (vi) the Jammu and Kashmir State Industries Development Corporation (SIDCO);
 - (vii) the Jammu and Kashmir Small Scale Industries Development Corporation (SICOP);
 - (viii) the Jammu and Kashmir Industries Limited;
 - (ix) the Jammu and Kashmir Handicrafts (Sales and Export) Corporation;
 - (x) the Jammu and Kashmir Minerals Limited;
 - (xi) the Jammu and Kashmir Forest Corporation;
 - (xii) the Jammu and Kashmir State Financial Corporation;
 - (xiii) the Jammu and Kashmir Tourism Development Corporation;
 - (xiv) the Jammu and Kashmir Cable Car Corporation;
 - (xv) the Jammu and Kashmir State Road Transport Corporation;
 - (xvi) the Jammu and Kashmir Horticulture Produce Marketing and Processing Corporation Limited;
 - (xvii) the Jammu and Kashmir Police Housing Corporation;

¹ Inserted by Act II of 1963.

² Clauses (h) and (i) inserted by Act No. XVI of 2006, dt. 24.08.2006, w.e.f. 28.8.2006.

- (xviii) the Jammu and Kashmir Social Welfare Advisory Board;
- (xix) the Board constituted under the Jammu and Kashmir Muslim, Specified Wakafs and Wakaf Properties (Management and Regulation) Act, 2004;
- (xx) the State Wakaf Council constituted under the Jammu and Kashmir Wakafs Act, 2001;
- (xxi) the Jammu and Kashmir Advisory Board for Development of Pahari speaking people;
- (xxii) the Jammu and Kashmir Advisory Board for Development of Gujjars and Bakerwals;
- (xxiii) the Jammu and Kashmir Advisory Board for Welfare and Development of Scheduled Castes;
- (xxiv) the Board constituted under Shri Mata Vaishno Devi Shrine Act, 1988;
- (xxv) the Board constituted under Shri Amarnath Ji Shrine Act, 2000; and
- (xxvi) such other corporation, body or board, as the Government may, from time to time, specify by notification in the Government Gazette in this behalf.

Provided that the holder of such office is not entitled to any remuneration other than the compensatory allowance and allowances, if any, received by such person till the enforcement of the Jammu and Kashmir State Legislature (Prevention of Disqualification) (Amendment) Act, 2006 shall be deemed to be compensatory allowance.

- (i) the office of Chairman, President, Vice-President or Principal Secretary of the Governing body of any society registered under the Jammu and Kashmir Societies Registration Act, Samvat 1998 or any other law relating to registration of society, not being a body specified in clause (h).]

Explanation. — For the purposes of this section, the office of Chairman or 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.
