

Fourteenth Kerala Legislative Assembly

Bill No. 3

**THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2016**

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further to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951.

Preamble.—WHEREAS it is expedient further to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951 for the purposes hereinafter appearing;

BE it enacted in the Sixty-seventh year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Legislative Assembly (Removal of Disqualifications) Amendment Act, 2016.

(2) It shall be deemed to have come into force on the 11th day of October, 1951.

2. *Amendment of section 2.*—In section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951 (15 of 1951) after sub-section (2) the following sub-section shall be inserted, namely:—

“(3) No person shall be disqualified or deemed ever to have been disqualified for being chosen as, and for being, a member of the Legislative Assembly of the State of Kerala by reason only that he holds or has held the office of the Chairman of the Administrative Reforms Commission.

Explanation.—For the purpose of the clause, “Administrative Reforms Commission” means a body of experts constituted by the State Government from time to time, to study different aspects of administration and recommend measures for its improvement.”

STATEMENT OF OBJECTS AND REASONS

As per sub-clause (a) of clause (1) of article 191 of the Constitution of India, a person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State, if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule other than an office declared by the Legislature of the State by law not to disqualify its holder. The Legislative Assembly (Removal of Disqualifications) Act, 1951 hereinafter called the Act has been enacted as envisaged in sub-clause (a) of clause (1) of article 191 of the Constitution of India to declare certain offices as offices of profit which will not disqualify the holders thereof being chosen as, and for being, Members of the Legislative Assembly of the State of Kerala.

With a view to insulate the offices of the Leader of Opposition and the Chief Whip from disqualification for being an office of Profit, the Act was amended by the Legislative Assembly (Removal of Disqualifications) Amendment Act, 2012. In the event, any Member of the Legislative Assembly is appointed Chairman of the Administrative Reforms Commission, such appointment would entail in his being disqualified as Member of the Legislative Assembly. Therefore, the Government has decided to amend retrospectively the Legislative Assembly (Removal of Disqualifications) Act, 1951 to remove such disqualification.

The Bill is intended to achieve the aforementioned object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

A. K. BALAN

EXTRACT FROM THE RELEVANT PORTIONS OF THE LEGISLATIVE
ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) ACT, 1951
(ACT XV OF 1951)

2. *Removal of certain disqualifications for membership.*—(1)

(2) No person shall be disqualified or deemed ever to have been disqualified for being chosen as, and for being, a member of the Legislative Assembly of the State of Kerala by reason only—

(i) that he holds or has held the office of the Chairman of a Government Company.

Explanation.—For the purposes of this clause “Government Company” means a company in which not less than fifty-one per cent of the paid-up share capital is held by the Government of Kerala or jointly by the Central Government and the Government of Kerala, and includes a company which is a subsidiary of any such company; or

(ii) that he holds or has held the office of the Chairman of a Corporation established or constituted by or under any Central or State Act and owned or controlled by the Government of Kerala:—
