

# THE BIHAR LEGISLATURE (REMOVAL OF DISQUALIFICATIONS) ACT, 1950

## (BIHAR ACT 16 OF 1950)

[Governor's assent published in the *Bihar gazette*, Extraordinary of the 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 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:** - The Act may be called the Bihar Legislature (Removal of Disqualifications) Act, 1950.
2. **Removal of disqualifications for membership:-** A person shall not be and shall be deemed never to have been disqualified for being chosen as, or for being a member of the Bihar Legislative Assembly of 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. **Report of Bihar Ordinance 1 of 1950:-** The Bihar Legislature (Removal of Disqualifications) Ordinance, 1950 is hereby repealed.

### THE SCHEDULE

- \* (1) Office of the State Minister, Deputy Minister and Leader of the Opposition; and
- (2) The office of Parliamentary Secretary.
- [(3)] Any office in the Territorial Army constituted under the Territorial Army Act, 1948.
- [(4)] Any office in the National Cadet Corps constituted under the National Cadet Corps Act, 1948,
- † (5) केन्द्रीय या राज्य सरकार द्वारा अथवा सरकार के सेवक द्वारा नियुक्त किसी समिति या निकाय के अध्यक्ष या सदस्य का पद :-

बशर्ते कि ऐसी समिति या निकाय का अध्यक्ष या कोई सदस्य प्रतिकारात्मक भत्ता के सिवा अन्य कोई पारिश्रमिक न लेता हो।

†† **स्पष्टीकरण:—** इस मद के प्रयोजनार्थ प्रतिकारात्मक भत्ता से अभिप्रेत होगा:—

(1) पदधारी को समिति या निकाय की बैठक में उपस्थित होने अथवा उक्त पदधारी के रूप में कोई अन्य कृत्य संपादित करने में उसके द्वारा किए गए व्यक्तिगत व्यय की प्रतिपूर्ति के प्रयोजनार्थ दिया जानेवाला यात्रा भत्ता, दैनिक भत्ता या मानदेय के रूप में दिया जानेवाला, भत्ता और

(2) पदाधिकारी को क्वार्टर का आवंटन और उसके लिए सवारी तथा ऐसी अन्य सुविधाएं, विशेषाधिकारों तथा सुख-साधनों, अथवा उनके बदले में नगद भुगतान का उपबंध, जैसा कि यथास्थिति, राज्य सरकार, बोर्ड, अथवा समिति या निकाय का प्रबंध-प्राधिकारी इस निमित्त दिए गए आदेश द्वारा, उल्लिखित निबंधनों और शर्तों पर, समय-समय पर अवधारित करे।

(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 word "insurer" shall have the meanings respectively assigned to them in the Life Insurance (Emergency Provisions) Act, 1956 (IX of 1956).

(7) The office or an agent or other like office under the Central Government or the State Government for the purpose of effecting sales of, or collecting subscription 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 this clause, a National Plan Certificate includes -

- (i) 12-year National Savings Certificate;
- (ii) 10-year National Plan Certificate; and
- (iii) any other Savings Certificate or Government securities notified as such by the Central Government. ]

[(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 Force Act, 1952 (LXII of 1952)]

\* (9) भारतीय संविधान के अनुच्छेद 184 के खंड (1) के अधीन कार्यकारी सभापति के पद, तथा

\* (10) भारतीय संविधान के अनुच्छेद 180 के खंड (1) के अधीन कार्यकारी अध्यक्ष का पद।

1. For Statement of Objects and Reasons, see the Bihar Gazette, Extraordinary of the 27th February 1950; for proceedings in the Legislative Assembly, see the Bihar Legislative Assembly Debates, 1950, Vol. I no. 13, pp.102-105 and for proceedings in the Legislative Council, see Bihar Legislative Council Debates, 1950, Vol, 1, no.13, pp. 21-27
2. Ins by s. 2 of Bihar Act 33 of 1956
3. Subs by s. 2 of Bihar Act 19 of 1952
4. SI (2) re-numbered as cl. (3) by ibid

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1. Added by s. 2 of Bihar Act 34 of 1953. This amendment shall be deemed always to have been added.
  2. Ins. by s. 3 of Bihar Act 33 of 1956
  3. Ins by s. 2 of Bihar Act 11 of 1957

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