

Ministry of Law & Justice
Legislative Department

Shastri Bhawan, New Delhi,
Dated 12th November, 2024.

**INVITING COMMENTS ON THE DRAFT PARLIAMENT (PREVENTION OF
DISQUALIFICATION) BILL, 2024.**

The Parliament (Prevention of Disqualification) Act, 1959 was enacted to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, a Member of Parliament. However, the said Act contains both the aspects of enumerating the offices, the holder of which would not incur disqualification (as per section 3 and the Table at the end of the Schedule annexed to the Act and contains offices, the holders of which would incur disqualification as per Part-I and Part-II of the said Schedule. The Parliament has, from time to time, amended the aforesaid Act.

2. During the 16th Lok Sabha, the Joint Committee on Offices of Profit (JCOP) under the Chairmanship of Shri. Kalraj Mishra under took a comprehensive review of the said Act and submitted the 28th Report. In the said Report the JCOP made several recommendations and stressed the need of the Ministry of Law and Justice to take into account the obsolete entries in the said Act for appropriate amendment in a time bound manner.

3. The recommendations of the JCOP, *inter alia*, includes: —

- (i) Comprehensive Definition of 'Offices of Profit'.
- (ii) Simplification of language and formatting.
- (iii) The criteria followed by JCOP suitably incorporate in the said Act.
- (iv) Insertion of express provision to resolve the conflict between the Act and certain other statutes.
- (v) Removal of section 4 of the said Act.
- (vi) To omit the obsolete entries in the schedule, amend the Act in a time-bound manner.
- (vii) The members nominated in various flagship schemes and programmes, like Swatchh Bharat Mission, Smart City Mission, Deen Dayal Upadhyay-grameen Kaushalya Yojana, etc., and other programmes should be saved from incurring disqualification. Issue suitable advisory, to the Central/State Governments with regard to nomination of MPs in the implementation of various flagship Schemes/Programs.

4. Keeping in view of the aforesaid recommendations of the JCOP, it is felt by the Legislative Department to repeal and re-enact the Parliament (Prevention of Disqualification) Act, 1959. Accordingly, a draft Bill namely, **the Parliament (Prevention of Disqualification) Bill, 2024** has been prepared on the lines of the recommendations made by the JCOP.

5. Salient features of the proposed Bill are given below:—

- (i) to rationalise section 3 of the existing Act and to remove the negative list of offices provided in the Schedule containing offices, the holders of which would incur disqualification;
- (ii) to remove the conflict between the existing Act and certain other Statutes which are having an express provision for not to incur disqualification;
- (iii) to omit section 4 of the existing Act relating to temporary suspension of disqualification in certain cases, and in its place to empower the Central Government to amend the Schedule by issuing a notification;
- (iv) to rationalise and update the Schedule to the existing Act to provide the offices (both Central and State Government) which contains only one aspect of enumerating offices, i.e., the holders which would not incur disqualification;
- (v) to repeal the existing Act and re-enact a new Act in its place.

The Department has now invites comments/feedback from the public as part of the public consultation exercise on the draft Bill. Comments on the draft Bill may be sent by email on ld.leg3-dole@gov.in latest by 26th November, 2024.
