
**LEGISLATURE (PREVENTION OF
DISQUALIFICATION) ACT, 1962**

(Act No. XVI of 1962)

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

ACT NO. XVI OF 1962

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**THE JAMMU AND KASHMIR ¹[LEGISLATIVE ASSEMBLY
OF THE UNION TERRITORY] (PREVENTION OF
DISQUALIFICATION) ACT, 1962**

(Act No. XVI of 1962)

[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 ¹[Legislative Assembly of the Union territory].

Be it enacted by the Jammu and Kashmir ¹[Legislative Assembly of the Union territory] in the Thirteenth Year of the Republic of India as follows :—

1. *Short title.*— This Act may be called the Jammu and Kashmir ¹[Legislative Assembly of the Union territory] (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 ²[Legislative Assembly of the Union territory of Jammu and Kashmir] 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.

1. Substituted by S.O. 1229(E) dated 31.03.2020 for “State Legislature”.

2. Substituted *ibid* for “the Jammu and Kashmir State Legislature”.

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 ¹[Legislative Assembly of the Union territory of Jammu and Kashmir], 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 ¹[Legislative Assembly of the Union territory of Jammu and Kashmir] ;
- (c) the office of a Chief Parliamentary Secretary or a Parliamentary Secretary or a Parliamentary Under Secretary ²[or any advisor including political advisor to Chief Minister] ;
- (d) the office of Chairman or member of the syndicate, senate, executive committee, council or Court of the ³[University of Jammu, University of Kashmir or any other University established in the ⁴[Union territory] under any law for the time being in force] ;
- ⁵[(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 ⁴[Union territory] in planned manner,
 - (iii) land reforms ;]
- (e) the office of a member of any Delegation or Mission sent outside India by a 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

1. Substituted by S.O. 1229(E) dated 31.03.2020 for “the Jammu and Kashmir State Legislature”.

2. Inserted by Act XV of 2009, s. 2.

3. Substituted by Act XV of 2006, s. 2.

4. Substituted by S.O. 1229(E) dated 31.03.2020 for “State”.

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

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 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.

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

- 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 ;
 - (viii) the Jammu and Kashmir Industries Limited ;
 - (ix) the Jammu and Kashmir Handicrafts (Sales and Export) ;
 - (x) the Jammu and Kashmir Minerals Limited ;

1. Inserted by Act II of 1963.

2. Inserted by Act XV of 2006, s. 2.

- (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 ;
- (xviii) the Jammu and Kashmir Social Welfare Advisory Board ;
- ¹(xix) Omitted ;
- ¹(xx) Omitted ;
- (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 Amar Nath 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 ²[Official Gazette] in this behalf :

1. Sub-clauses (xix) and (xx) omitted by S.O. 1229(E) dated 31.03.2020.

2. Substituted *ibid* for "Government Gazette".

Provided that the holder of such office is not entitled to any remuneration other than the compensatory 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 the Chairman, President, Vice-President or Principal Secretary of the Governing body of any society registered ¹[under any law in force in the Union territory of Jammu and Kashmir] relating to registration of society not being a body specified in clause (h).

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

1. Substituted by S.O. 1229(E) dated 31.03.2020 for “under the Jammu and Kashmir Societies Registration Act, Samvat 1998 or any other Law”.