

ACT XV OF 1951.

THE LEGISLATIVE ASSEMBLY OF TRAVANCORE-COCHIN (REMOVAL OF DISQUALIFICATIONS) ACT.

Whereas, pursuant to sub-clause (a) of clause (1) of Article 191 of the Constitution of India read with Article 238 thereof, it is expedient to declare certain offices as offices which will not disqualify the holders thereof for being chosen as, and for being, members of the Travancore-Cochin Legislative Assembly;

It is hereby enacted as follows:—

1. (1) This Act may be called the Legislative Assembly of Travancore-Cochin (Removal of Disqualifications) Act, 1951.

(2) It shall come into force at once.

2. A person shall not be disqualified for being chosen as, and for being, a member of the Travancore-Cochin Legislative Assembly by reason only,—

(i) that he is in receipt of the salaries or allowances to which he is entitled under the law for the time being in force relating to the payment of salaries and allowances to members of the Travancore-Cochin Legislative Assembly or of travelling and daily allowances while serving as a member of any Committee or Board constituted by the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or

(ii) that he holds under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India an office which is not remunerated either by salary or by fees payable out of the Consolidated Fund of India or of any such State, or

(iii) that he is a member of the Committee constituted to translate the Constitution of India into Malayalam, or

(iv) that he holds an office in any educational institution other than a Government institution.

3. A person shall not be deemed to be or to have been disqualified for being a member of the Travancore-Cochin Legislative Assembly by reason only that such person had prior to the commencement of this Act held under the Government of Travancore-Cochin an office which was not a whole time office or that he had held an office in any educational institution other than a Government institution.

THE LEGISLATIVE ASSEMBLY OF TRAVANCORE-COCHIN
(REMOVAL OF DISQUALIFICATIONS)
AMENDMENT ACT, 1954

(X of 1954)

CONTENTS

Preamble

Sections

1. Short title and commencement.
2. Amendment of Section 2, Act XV of 1951.

THE LEGISLATIVE ASSEMBLY OF TRAVANCORE-COCHIN
(REMOVAL OF DISQUALIFICATIONS)
AMENDMENT ACT, 1954

(Act X of 1954)

An Act to amend the Legislative Assembly of Travancore-Cochin (Removal of Disqualifications) Act, 1951

Preamble.—Whereas it is deemed necessary to amend the Legislative Assembly of Travancore-Cochin (Removal of Disqualifications) Act, 1951 (Act XV of 1951), for the purpose hereinafter appearing;

Be it enacted in the Fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Legislative Assembly of Travancore-Cochin (Removal of Disqualifications) Amendment Act, 1954.

(2) It shall come into force at once.

2. *Amendment of Section 2, Act XV of 1951.*—In Section 2 of the Legislative Assembly of Travancore-Cochin (Removal of Disqualifications) Act, 1951 (Act XV of 1951)—

✓(i) in clause (iv), the word 'or' shall be added at the end; and

(ii) after clause (iv), the following clause shall be inserted, namely:—

“(v) that he holds an office in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act XXXI of 1948), or in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act LVI of 1948).”

**THE LEGISLATIVE ASSEMBLY OF TRAVANCORE-
COCHIN (REMOVAL OF DISQUALIFICATIONS)**

ACT, 1951.

(XV of 1951)

Section 1.—In sub-section (1) omit “of Travancore-
Cochin”.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ACT, 1957.

(President's Act No. 2 of 1957)

CONTENTS

Sections :

1. Short title.
2. Amendment of Section 2, Act XV of 1951.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ACT, 1957 (No. 2 of 1957.)

Enacted by the President in the Seventh Year of the Republic of India.

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

In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1956 (75 of 1956), the President is pleased to enact as follows :—

1. *Short title.*—This Act may be called the Legislative Assembly (Removal of Disqualifications) Amendment Act, 1957.
2. *Amendment of section 2, Act XV of 1951.*—In section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951—

(i) in clause (v), the word “or” shall be added at the end;

(ii) after clause (v), the following clause shall be inserted, namely:—

“(vi) that he is a member of the Air Defence Reserve or the Auxiliary Air Force raised under the Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952)”.

THE KERALA RE-ENACTING ACT, 1958

(Act 23 of 1958)

CONTENTS

PART I.

1. Short title and commencement.

2. Re-enactment of Acts.

Modifications to the Acts.

Schedule.

SCHEDULE—(contd.)

| <i>Year</i> | <i>No.</i> | <i>Short title</i> | <i>Modifications</i> |
|-------------|------------|--|--|
| (1) | (2) | (3) | (4) |
| 1957 | 6 | The Kerala Road Transport Services (Validation) Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.— Whereas it is necessary to validate the running and operation of certain road transport services by the Government;</p> <p>BE it enacted as follows:—”</p> |
| 1957 | 7 | The Kerala Board of Revenue Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.— Whereas it is expedient to constitute a Board of Revenue for the State of Kerala and to define its powers and functions;</p> <p>BE it enacted as follows:—”</p> |
| 1957 | 8 | The Kerala Small Cause Courts Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.— Whereas it is expedient to consolidate and amend the law relating to courts of Small Causes;</p> <p>BE it enacted as follows:—”</p> |
| 1157 | 9 | The Kerala Khadi and Village Industries Board Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.— Whereas it is expedient to provide for the organisation, development and regulation of Khadi and Village industries in the State of Kerala and to constitute a Board to carry out the said objects;</p> <p>BE it enacted as follows:—”</p> |

ACT 23 OF 1958
THE KERALA RE-ENACTING ACT, 1958

AN

ACT

to re-enact certain enactments

Preamble.—WHEREAS the President of India had under Article 356 of the Constitution, declared by Proclamation dated the 1st November, 1956, that the powers of the Legislature of the State of Kerala shall be exercisable by or under the authority of Parliament;

AND WHEREAS Parliament had under the Kerala State Legislature (Delegation of Powers) Act, 1956, conferred on the President the powers of the Legislature of the said State to make laws;

AND WHEREAS in pursuance of the said powers, the President enacted the laws mentioned in the Schedule;

AND WHEREAS the said Proclamation has ceased to operate;

AND WHEREAS under clause (2) of article 357 of the Constitution, the laws mentioned in the Schedule will cease to have effect on the expiration of a period of one year after the said Proclamation has ceased to operate, unless sooner re-enacted by Act of the appropriate Legislature;

AND WHEREAS it is expedient to re-enact the said laws with suitable modifications;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Re-enacting Act, 1958.

(2) It shall come into force at once.

2. *Re-enactment of Acts.*—The Acts specified in the Schedule are hereby re-enacted with the modifications specified in section 3 and in the fourth column of the Schedule.

3: *Modifications to the Acts.*— (1) The words “Enacted by the President in the Seventh Year of the Republic of India” occurring before the long title of Acts Nos. 1 and 2 of 1957 specified in the Schedule and the words “Enacted by the President in the Eighth Year of the Republic of India” occurring before the long title of each of the remaining Acts specified in the Schedule shall be omitted.

(2) The words beginning with “In exercise of the powers” and ending with “the President is pleased to enact as follows:” occurring before section 1 of each of the Acts specified in the Schedule shall be omitted.

SCHEDULE

(See section 2)

| Year (1) | No. (2) | Short title (3) | Modifications (4) |
|-------------|------------|---|---|
| 1957 | 1 | The Kerala Civil Courts Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.— Whereas it is expedient to consolidate and amend the laws relating to civil courts in the State of Kerala, subordinate to the High Court of Kerala;</p> <p>Be it enacted as follows:—”</p> |
| 1957 | 2 | The Legislative Assembly (Removal of Disqualifications) Amendment Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.—Whereas it is expedient further to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951, for the purpose hereinafter appearing;</p> <p>Be it enacted as follows:—</p> |
| 1957 | 3 | The Travancore-Cochin Interpretation and General Clauses (Amendment) Act, 1959. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.— Whereas it is expedient further to amend the Travancore-Cochin Interpretation and General Clauses Act, 1125, for the purposes hereinafter appearing;</p> <p>Be it enacted as follows:—”</p> |
| 1957 | 5 | The Code of Criminal Procedure (Kerala Amendment) Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>“Preamble.— Whereas it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to the State of Kerala, for the purpose hereinafter appearing;</p> <p>Be it enacted as follows:—”</p> |

SCHEDULE—(contd.)

| <i>Year</i> | <i>No.</i> | <i>Short title</i> | <i>Modifications</i> |
|-------------|------------|--|--|
| (1) | (2) | (3) | (4) |
| 1957 | 6 | The Kerala Road Transport Services (Validation) Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>"Preamble.— Whereas it is necessary to validate the running and operation of certain road transport services by the Government;</p> <p>BE it enacted as follows:—"</p> |
| 1957 | 7 | The Kerala Board of Revenue Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>"Preamble.— Whereas it is expedient to constitute a Board of Revenue for the State of Kerala and to define its powers and functions;</p> <p>BE it enacted as follows:—"</p> |
| 1957 | 8 | The Kerala Small Cause Courts Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>"Preamble.— Whereas it is expedient to consolidate and amend the law relating to courts of Small Causes;</p> <p>BE it enacted as follows:—"</p> |
| 1957 | 9 | The Kerala Khadi and Village Industries Board Act, 1957. | <p>Before section 1, the following shall be inserted, namely:—</p> <p>"Preamble.— Whereas it is expedient to provide for the organisation, development and regulation of Khadi and Village industries in the State of Kerala and to constitute a Board to carry out the said objects;</p> <p>BE it enacted as follows:—"</p> |

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ACT, 1968

(Act 14 of 1968)

CONTENTS

PREAMBLE.

SECTIONS

1. Short title and commencement.
2. Amendment of section 2.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ACT, 1968*

(Act 14 of 1968)

An Act 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 Nineteenth 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, 1968.

(2) It shall be deemed to have come into force on the 1st day of January, 1968.

2. *Amendment of section 2.*—In section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951 (XV of 1951),—

(a) in clause (vi), the word “or” shall be inserted at the end;

(b) after clause (vi), the following clauses shall be inserted, namely:—

“(vii) that he holds the office of Chairman or member of the Kerala State Law Commission; or

(viii) that he is the Chairman or the Vice-Chairman or a member of the State Planning Board constituted by the Government or a member of the Backward Classes Reservation Commission constituted by the Government”.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ORDINANCE, 1978

(Ordinance No. 30 of 1978)

CONTENTS

Preamble .

Sections .

1. Short title and commencement.
2. Act 15 of 1951 to be temporarily amended.
3. Amendment of section 2.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ORDINANCE, 1978 *

(Ordinance No. 30 of 1978)

Promulgated by the Governor of Kerala in the Twenty-ninth Year of the Republic of India.

AN

ORDINANCE

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

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 1978.

(2) It shall come into force at once.

2. *Act 15 of 1951 to be temporarily amended.*—During the period of operation of this Ordinance, the Legislative Assembly (Removal of Disqualifications) Act, 1951 (15 of 1951) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2.*—Section 2 of the principal Act shall be re-numbered as sub-section (1) thereof, and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(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.”.

* Promulgated by the Governor on the 29th day of December 1978 and published in the Kerala Gazette Extraordinary No. 828 dated 29th December, 1978.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF
DISQUALIFICATIONS) AMENDMENT ACT, 1979

(Act 4 of 1979)

CONTENTS

Preamble

Sections

1. Short title.
 2. Amendment of section 2.
 3. Repeal and savings.
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***THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ACT, 1979**

(Act 4 of 1979)

An Act 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 purpose hereinafter appearing ;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Legislative Assembly (Removal of Disqualifications) Amendment Act, 1979.

2. **Amendment of section 2.**—Section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951 (15 of 1951) (hereinafter referred to as the principal Act), shall be renumbered as sub-section (1) thereof, and, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(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.”

3. **Repeal and Savings.**—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 1978 (30 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 29th day of December, 1978.

* Received the assent of the Governor on the 26th March, 1979 and published in the Kerala Gazette Extraordinary No. 221, dated 27th March, 1979.

***The Legislative Assembly (Removal of Disqualifications) Amendment Act, 1979**

Act 4 of 1979

An Act 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 purpose herein after appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:-

1. **Short title:-** This Act may be called the Legislative Assembly (Removal of Disqualifications) Amendment Act, 1979.

Amendment of S.2.- S. 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951 (15 of 1951) (hereinafter referred to as the principal Act), shall be re-numbered, as sub-section (1) thereof, and, after sub-section (1) as so re-numbered the following sub-section shall be inserted, namely:-

- (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 purpose 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 or Vice-chairman of a Corporation established or constituted by or under any Central or State Act and owned or controlled by the Government of Kerala.

3. Repeal and Savings.-

- (1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 1978 (30 of 1978), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come in to force on the 29th day of December, 1978.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ORDINANCE, 1983

(Ordinance No. 22 of 1983)

CONTENTS

- Preamble.
- Sections:
1. Short title and commencement.
 2. Act XV of 1951 to be temporarily amended.
 3. Amendment of section 2.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ORDINANCE, 1983*

(Ordinance No. 22 of 1983)

Promulgated by the Governor of Kerala in the Thirty-fourth Year of the Republic of India.

AN

ORDINANCE

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

Preamble.—WHEREAS the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 1983 (18 of 1983) was promulgated by the Governor on the 6th day of May, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance has ceased to operate on the 1st day of August, 1983;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

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

(2) It shall come into force at once.

2. *Act XV of 1951 to be temporarily amended.*—During the period of operation of this Ordinance, the Legislative Assembly (Removal of Disqualifications) Act, 1951 (XV of 1951) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2.*—In section 2 of the principal Act, in clause (ii) of sub-section (2), after the words "the Chairman", the words "or Vice-Chairman" shall be inserted.

* Promulgated by the Governor on the 10th day of August, 1983 and Published in the Kerala Gazette Extraordinary No. 873 dated the 11th August, 1983.

9

ACTS

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ACT, 1983

(Act 1 of 1984)

CONTENTS

Preamble

Sections

1. Short title and commencement.
2. Amendment of section 2.
3. Repeal and saving.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF
DISQUALIFICATIONS) AMENDMENT
ACT, 1983 *

(Act 1 of 1984)

An Act further to amend the Legislative Assembly (Removal of Disqualification) Act 1951.

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

BE it enacted in the Thirty-fourth 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, 1983.

(2) It shall be deemed to have come into force on the 1st day of November, 1982.

2. *Amendment of section 2.*—In section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951 (XV of 1951) hereinafter referred to as the principal Act), in clause (ii) of sub-section (2), after the words "the Chairman", the words "or Vice-Chairman" shall be inserted.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 1983 (22 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

* Received the assent of the Governor on the 4th day of January, 1984, and published in the Kerala Gazette Extraordinary No. 23 dated the 6th January 1984.

കേരള സർക്കാർ

നിയമ (നിയമ നിർമ്മാണം-എ) വകുപ്പ്

വിജ്ഞാപനം

11927/ലെജ്. (എ) 2/83/ലെജ്. തീരുവത്താവറം, 1984 ജനുവരി 6.
1905 പെന്ഷൻ 16.

കുറേ സംസ്ഥാന നിയമസഭയുടെ താഴെ പറയുന്ന ആക്ട് പൊതുജനങ്ങളെ അറിയിക്കുകയായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു. നിയമസഭ അംഗീകരിച്ച പ്രകാരമുള്ള ബില്ലിന് 1984 ജനുവരി 4-ാം തീയതി മുൻപ് അനുമതി ലഭിച്ചു.

ബർണ്ണറുടെ ഉത്തരവു പ്രകാരം,
പി. പി. മാതായി,
നിയമ വകുപ്പ് സ്പെഷ്യൽ സെക്രട്ടറി,

1984-ലെ 1-ാം ആക്ട്

നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ആക്ട്

1. 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്ട് വിണ്ടുപോയതിനുള്ള ഒരു ആക്ട്.

2. 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്ട്, അതിൽ കാണുന്ന ആവശ്യത്തിനായി വിണ്ടുപോയ ഭേദഗതി ചെയ്യുന്നത് അനുവദിക്കുകയായിട്ടുണ്ട്;

3. അതിന്റെ റിപ്പബ്ലിക്കിന്റെ മുമ്പത്തോടൊപ്പം സംവത്സരത്തിൽ താഴെ പ്രകാരം നിയമമുണ്ടാക്കുന്നു:—

1. ആക്ട്. —(1) ഈ ആക്ടിന്, 1983-ലെ 1-ാം നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ആക്ട് എന്നു പേര്.

(2) ഈ 1982 നവംബർ 1-ാം തീയതി പ്രാബല്യത്തിൽ വന്നതായി കരുതണം.

2. 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്ട് (1951-ലെ 1-ാം) (ഇതിനുശേഷം പ്രധാന ആക്ട്) ന്നു പരാമർശിക്കപ്പെടുക 2-ാം വകുപ്പിൽ, (2)-ാം ഉപവകുപ്പിന്റെ (ii)-ാം ക്ലോസ്, “ചെയർമാൻ” എന്ന വാക്കിനുശേഷം “അല്ലെങ്കിൽ വൈസ്-ചെയർമാൻ” എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ്;

3. റദ്ദാക്കലും ഒഴിവാക്കലും.—(1) 1983-ലെ നിയമസഭ (അഭ്യർത്ഥന നിർദ്ദേശം ചെയ്യൽ) ഭേദഗതി കൗൺസിൽസ് (1983-ലെ 22) ഇതിനാൽ യിരിക്കുന്നു.

(2) അങ്ങനെ റദ്ദാക്കിയീരുന്നതൽ തന്നെയും, പ്രസ്തുത കൗൺസിൽസ് ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള പ്രധാന ആക്ട് പ്രകാരം ഏതെങ്കിലും സംഗതിയോ, എടുത്ത ഏതെങ്കിലും നടപടിയോ ആക്ട്കൾ ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള പ്രധാന ആക്ട് ചെയ്തതായോ എടുത്തതായോ കരുതേണ്ടതാണ്.

(ശ്രീ തർജ്ജിമ)

എ. പി. പെരുമാൾ,
നിയമ വകുപ്പ് അഡീഷണൽ സെക്രട്ടറി

The Members of the Kerala Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986

In exercise of the powers conferred by paragraph 8 of the Tenth Schedule to the Constitution of India, the Speaker, Kerala Legislative Assembly, hereby makes the following rules, namely:-

- 1. Short Title.-** These rules may be called the Members of the Kerala Legislative Assembly (Disqualification on ground of Defection) Rules, 1986.
- 2. Definitions.-** In these rules, unless the context otherwise requires,-
 - (a) 'Bulletin' means the Bulletin of the Kerala Legislative Assembly;
 - (b) 'Committee' means the Committee of Privileges of the Kerala Legislative Assembly;
 - (c) 'Form' means a form appended to these rules;
 - (d) 'date of commencement' in relation to these rules means of the date on which these rules take effect under sub paragraph (2) of paragraph 8 of the Tenth Schedule;
 - (e) 'House' means the Kerala Legislative Assembly;
 - (f) 'Leader in relation to a Legislature party, means a member of the party chosen by it as its leader and includes any other member of the party authorised by the party to act, in the absence of the leader as, or discharge the functions of, the leader of the party for the purposes of these rules;
 - (g) 'member' means a member of the Kerala Legislative Assembly;
 - (h) 'Tenth Schedule' means the Tenth Schedule to the Constitution of India;
 - (i) 'Secretary' means the Secretary to the House and includes any person for the time being performing the duties of the Secretary.

Information to be furnished by leader of a legislature party.-

- (1) The leader of each legislature party (other than a legislature party consisting of only one member) shall, within thirty days after the first sitting of the House, or, where such Legislature party is formed after the first sitting, within thirty days after its formation, or, in either case within such, further period as the Speaker may for sufficient cause allow, furnish the following to the Speaker, namely:-
 - (a) a statement (in writing) containing the names of members of such legislature party together with other particulars regarding such members as in Form I and the names and designations of the members of such party who have been authorised by it for communicating with the Speaker for purposes of these rules;
 - (b) a copy of the rules and regulations (whether known as such or as constitution or by any other name) of the political party concerned; and

- (c) where such legislature party has any separate set of rules and regulations (whether known as such or as constitution or by any other name), also a copy of such rules and regulations.
- (2) Where a legislature party consists of only one member, such member shall furnish a copy of the rules and regulations mentioned in clause (b) of sub rule (1) to the Speaker, within thirty days after the first sitting of the House or, where he has become a member of the House after the first sitting, within thirty days after he has taken his seat in the House, or, in either case within such further period as the Speaker may for sufficient cause allow.
- (3) In the event of any increase in the strength of a legislature party consisting of only one member, the provisions of sub-rule (1) shall apply in relation to such legislature party as if such legislature party had been formed on the first date on which its strength increased.
- (4) Whenever any change take place in the information furnished by the leader of a legislature party under sub-rule (1) or by a member under sub-rule (2), he shall, within thirty days thereafter, or, within such further period as the Speaker may for sufficient cause allow, furnish in writing information to the Speaker with respect to such change.
- (5) In the case of the House in existence on the date of commencement of these rules, the reference in sub-rule (1) and (2) to the date of the first sitting of the House shall be construed as a reference to the date of commencement of these rules.
- (6) Where a member belonging to any political party votes or abstains from voting in the House contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, the leader of the legislature party concerned or where such member is the leader, or as the case may be, the sole member of such legislature party, such member, shall, as soon as may be after the expiry of fifteen days from the date of such voting or abstention, and in any case within 30 days from the date of such voting or abstention, inform the Speaker as in Form II whether such voting or abstention has or has not been condoned by such political party, person or authority.

Explanation.- A member may be regarded as having abstained from voting only when he, being entitled to vote, voluntarily refrained from voting.

4. Information etc., to be furnished by members.-

- (1) Every member who has taken his seat in the House before the date of commencement of these rules shall furnish to the Secretary, within thirty days from such date or within such further period as the Speaker may for sufficient cause allow, a statement of particulars and declaration as in Form III.

- (2) Every member who takes his seat in the House after the commencement of these rules shall, before making and subscribing an oath of affirmation under article 188 of the Constitution and taking his seat in the House, deposit with the Secretary, his Election Certificate or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary a statement of particulars and declaration as in Form III.

Explanation.- For the purpose of this sub-rule, "Election Certificate" means the Certificate of Election issued under the Representation of the People Act, 1951 (43 of 1951) and the rules made thereunder.

- (3) A summary of the information furnished by the members under this rule shall be published in the Bulletin and if any discrepancy therein is pointed out to the satisfaction of the Speaker necessary corrigendum shall be published in the Bulletin.

5. Register of information as to members.-

- (1) The Secretary shall maintain as in Form IV, a register based on the information furnished under rules 3 and 4 in relation to the members.
- (2) The information in relation to each member shall be recorded on a separate page in the Register.

6. References to be by petitions.-

- (1) No reference of any question as to whether a member has become subject to disqualification under the Tenth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of this rule.
- (2) A petition in relation to a member may be made in writing to the Speaker by any other member:
 Provided that a petition in relation to the Speaker shall be addressed to the Secretary.
- (3) The Secretary shall,-
 - (a) as soon as may be after the receipt under the proviso to sub-rule (2) make a report in respect thereof to the House; and
 - (b) as soon as may be after the House has elected a member in pursuance of the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule place the petition before such member.
- (4) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable ground for believing that a question has arisen as to whether such member has become subject to disqualification under the Tenth Schedule.
- (5) Every petition,-
 - (a) shall contain a concise statement of the material facts on which the petitioner relies; and

- (b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such person and the gist of such information as furnished by each such person.
- (6) Every petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings.
- (7) Every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

7. Procedure.-

- (1) On receipt of a petition under rule 6, the Speaker shall consider whether the petition complies with the requirement of that rule.
- (2) If the petition does not comply with the requirements of rule 6, the Speaker shall dismiss the petition and intimate the petitioner accordingly.
- (3) If the petition comply with the requirements of rule 6, the Speaker shall cause copies of the petition and of the annexures thereto, to be forwarded,
 - (a) to the member in relation to whom the petition has been made; and
 - (b) where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader, and such member or leader shall, within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the speaker.
- (4) After considering the comments, if any, in relation to the petition, receives under sub-rule (3) within the period allowed (whether originally or on extension under that sub-rule), the Speaker may either proceed to determine the question or, if he is satisfied having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to the Committee for making a preliminary inquiry and submitting a report to him.
- (5) The Speaker shall, as soon as may be after referring a petition to the Committee under sub-rule (4), intimate the petitioner accordingly and make an announcement with respect to such reference in the House or if the House is not then in session cause the information as to the reference to be published in the Bulletin.
- (6) Where the Speaker makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as may be after receipt of the report from the Committee.
- (7) The procedure which shall be followed by the Speaker for determining any question and the procedure which shall be followed by the Committee

for the purpose of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of any question as to breach of privilege of the house, by a member, and neither the Speaker nor the Committee shall come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person.

- (8) The provisions of sub-rules (1) to (7) shall apply with respect to a petition in relation to the Speaker as they apply with respect to a petition in relation to any other member and for this purpose, reference to the speaker in these sub-rules shall be construed as including references to the members elected by the House under the proviso to sub-paragraph (1) of paragraph 6 of, the Tenth Schedule.

8. Decision on petitions.-

- (1) At the conclusion of the consideration of the petition the Speaker or, as the case may be, the member elected under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule shall by order in writing,-
- (a) dismiss the petition, or
 - (b) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule, and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the legislature party if any, concerned.
- (2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the House forthwith if the House is in session, and if the House is not in session, immediately after the House reassembles.
- (3) Every decision referred to in sub- rule (1) shall be published in the Bulletin and notified in the Official Gazette and copies of such decision forwarded by the Secretary to the election commission of India and the State Government.

- 9. Directions as to detailed working of these rules.-** The Speaker may, from time to time, issue such directions as he may consider necessary in regard to the detailed working of these rules.
-

Rules regarding the Control and Occupation of the Legislator's Home, Trivandrum

The following Rules govern the control and occupation of the Legislator's Home, Trivandrum.

Rules

1. (a) The Legislator's Home is intended for the residence of the members of the Kerala Legislature. Non members may also be permitted to stay during non session periods, subject to availability of accommodation.
(b) Accommodation may be refused to any person other than a member of the Kerala Legislature without assigning any reason whatsoever at the discretion of the Secretary, Kerala Legislature and his decision in this regard shall be final.
(c) Any person other than a member of the Kerala Legislature in occupation of a room shall vacate it on 12 hours' notice if accommodation is otherwise required.
2. (a) The allotment of rooms to the members of the Kerala Legislature during session of the Assembly shall be made on the recommendation of the House Committee.
(b) At other periods, accommodation for persons other than members of the State Legislature shall be reserved on application made to the Secretary, Kerala Legislature, at least three days before the accommodation is required indicating the probable number of days for which accommodation is required.
3. Any person accommodated in the Legislator's Home on arrival departure should invariably note the time and date of arrival/departure in the occupation register kept at the counter as also the amount paid and affix his signature against the entries. If the entries are not made by the occupants at the time of arrival or departure the entries made by the Office shall be conclusive and no dispute thereon shall be accepted. —
4. A room while under occupation of a member of Legislature shall not be reserved for others until it falls vacant.
5. The occupants shall be responsible for all the articles of furniture, linen, etc., and such other movables provided in the rooms occupied by them. In case of any loss or damage to such articles, the cost thereof will be recovered from the occupants.

6. The tariff rates are noted below:

(a) For Members of the Kerala Legislature

Re. 1 per day or Rs. 25 per month for single room.

Rs. 2 per day or Rs. 40 per month for double room

Rs. 100 per month for flat.

(b) Members of Parliament, Members of other State Legislatures and Ex-Members of State Legislature

Rs. 15 per day for double room

Rs. 10 per day for single room.

Rs. 30 per day for double room

(c) For others

Rs. 20 per day for single room.

Note:

(1) Double rooms are intended for accommodating two members. A member is not entitled to occupy a double room, even if he is prepared to pay Rs. 2 per day or Rs. 40 per month.

(2) If a member entertains any guest in his room, he will have to pay at the rate of Rs. 3 per head per day for the guests. Only one guest shall be entertained in a single room and two guests in a double room. If however, it is noticed that in any particular room, in the place of member only the guest is staying, lodging charges applicable to others as referred to in sub-rule (c) above will be collected from the member concerned. Guests can be accommodating only along with the members:

Provided that the conditions laid down in the above note are not applicable in the case of husband/wife, children, direct brothers/sisters of the members of the Legislative Assembly. Such persons can be accommodated in the rooms allotted to members in their absence only under intimation to the Secretary, Legislature Secretariat or any other officer of the Legislature secretariat to whom the Secretariat delegates the power in this regard.

(3) A day is reckoned as 24 hours from the time of occupation or accommodation. Part of a day will be reckoned as a full day for the purpose of realising occupation charges.

7. The rooms in the Legislator's Home are fully furnished including linen. No extra bed or linen or furniture will be provided in case guests are entertained by any member.
8. If the occupant of a room does not make necessary entries in the occupation register at the time of vacating the room and the room continues in his or her name, lodging charges etc., will be collected accordingly.
9. (a) During sessions of the Assembly, the entry of visitors into the Legislators' Home shall be only between 3 p.m. and 9 p.m. on each day of sitting.
(b) Visitors will not be permitted to stay in the rooms beyond 10 p.m. during session and non session periods. Those who stay after 10 p.m. will be

treated as guests of the occupants and occupation charges as referred in Note (2) of Rule 6 above will be realised.

10. No occupant will be permitted to hold any meeting or public office in his room.
11. The occupants should keep all articles of value under lock and key. Their property in the rooms within the premises will be at their own risk and no responsibility for loss and/or damage arising from any cause will be accepted. A member leaving any luggage in the room or cupboard will be doing so at his own risk.
12. No dog or pets shall be allowed on the premises.
13. (1) Vegetarian and non-vegetarian Canteens are attached to the Legislator's Home. The occupants may arrange for their food directly with the caterers of the Canteens according to the tariff rates prescribed from time to time.
(2) Two dhobies are attached to the Legislators' Home and their services will be available on payment basis.
14. The services of the staff of the Legislator's Home should not be made use of for work outside the premises of the Legislator's Home.
15. The occupants should settle their bills before vacating occupants other than members should pay lodging charges in advance to the extent of the number of days they propose to stay.
16. The occupants will be held responsible for loss, breakage, or damage of any article in the room or any electrical or sanitary fittings and they should make good the loss before their departure.
17. Telephones provided in the Legislators' Home are exclusively for the use of the members. The members are entitled to use the telephones free of charge for local calls. For trunk calls the register kept for the purpose should be signed and the charges therefor paid in advance.
18. Bills towards lodging, trunk call and other charges not paid in time will be recovered from T. A. and monthly fixed allowance claims of members payable as provided in section 9B of the Payment of Salaries and Allowances Act, 1951 and rules issued thereunder.
19. **Eviction.**- Occupants other than Members of Legislature who behave in a disorderly manner or cause nuisance to others or overstay without permission are liable to be evicted and debarred from applying for accommodation without assigning any reason.
20. A person other than a Member of Legislature shall not be allowed to stay for a period exceeding three days either as occupant or as guest of a member.

***The Legislative Assembly (Removal of Disqualifications) Act, 1951**

Act 15 of 1951

**As amended by Acts 13 of 1954, 2 of 1957, 14 of 1968,
4 of 1979 and 1 of 1984**

Preamble:- Whereas, pursuant to sub-clause (a) of clause (1) of Article 191 of the constitution of India read with Article 238 thereof, it is expedient to declare certain offices as offices which will not disqualify the holders thereof being chosen as, and for being, members of the ¹[Legislative Assembly of the State of Kerala].

It is hereby enacted as follows:-

1. Short title and commencement.-

- (1) This Act may be called the Legislative Assembly ²[x x x] (Removal of Disqualifications) Act, 1951.
- (2) It shall come into force at once.

2. Removal of certain disqualifications for membership.-

³[(1) A person shall not be disqualified for being chosen as and for being a member of the ¹[Legislative Assembly of the State of Kerala] by reason only,-

- (i) That he is in receipt of the salaries or allowances to which he is entitled under the law for the time being in force relating to the payment of salaries and allowances to members of the ¹[Legislative Assembly of the State of Kerala] or of travelling and daily allowances while serving as a member of any Committee or Board constituted by the Government of India or the Government of any State specified in the First Schedule to the constitution of India, or
- (ii) that he holds under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India an office which is not remunerated either by salary or by fees payable out of the Consolidated Fund of India or of any such State, or
- (iii) that he is a member of the Committee constituted to translate the constitution of India into Malayalam, or
- (iv) that he holds an office in any educational institution other than a Government institution; or
- ⁴[(v) that he holds an office in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act, XXXI of 1948), or in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act LVI of 1948); or

* Pub. in K.G. Ex. dt. 11-10-1951.

1. Adapted by the Kerala Adaptation of Laws Order, 1956.

2. Omitted by *ibid.*

3. Renumbered by Act 4/1979.

4. Inserted by Act 10 of 1954.

¹[(vi)that he is a member of the Air Defence Reserve or the Auxiliary Air Force raised under the Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952).

²[(vii) That he holds the office of Chairman or member of the Kerala State Law Commission; or

(viii) that he is the Chairman or the Vice-Chairman or a member of the state Planning Board constituted by the Government or a member of the Backward Classes Reservation Commission constituted by the Government.]

³[(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.

nation:- 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 company; or

(ii) that he holds or has held the office of the Chairman ⁴[or Vice-chairman] of a Corporation established or constituted by or under any Central or State Act and owned or controlled by the Government of Kerala.]

Removal of certain other disqualification for membership.- A person shall not be deemed to be or to have been disqualified for being a member of the ⁵[Legislative Assembly of the State of Kerala by reason only that such person had prior to the commencement of this Act held under the State Government an office which was not a whole time office or that he had held an office in any educational institution other than a Government institution.

¹ Inserted by Act 2 of 1957.

² Inserted by Act 14 of 1968

³ Inserted by Act 4 of 1979.

⁴ Inserted by Act 1 of 1984.

⁵ Adapted by the Kerala Adaptation of Laws Order, 1956.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012

A

BILL

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 (XV of 1951), for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third 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, 2012.

(2) Save as otherwise provided in this Act, 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 (XV of 1951) (hereinafter referred to as the principal Act), after clause (i) of sub-section (1), the following Explanation and Note shall be inserted, namely:—

“Explanation.—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note.—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and in respect of the Chief Whip on the 1st day of October, 1982.”.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (23 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

This Bill was passed by the Legislative Assembly of the State of Kerala on the 14th day of June, 2012.

SPEAKER.

**THE LEGISLATIVE ASSEMBLY (REMOVAL OF
DISQUALIFICATIONS) AMENDMENT BILL, 2012**

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Kerala Legislature Secretariat
2012

**THE LEGISLATIVE ASSEMBLY (REMOVAL OF
DISQUALIFICATIONS) AMENDMENT BILL, 2012**

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
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“Explanation.—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note.—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and respect of the Chief Whip on the 1st day of October, 1982.”.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (7 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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 has been enacted pursuant to sub-clause (a) of clause (1) of article 191 of the Constitution of India read with article 238 thereof to declare certain offices as offices which will not disqualify the holders thereof being chosen as, and for being members of the Legislative Assembly of the State of Kerala. Clause (i) of sub-section (1) of Section 2 of the said Act *inter alia* provides that a person shall not be disqualified for being chosen as and for being a member of the Legislative Assembly of the State of Kerala by reason only that he is in receipt of the salaries or allowances to which he is entitled under the law being in force relating to the payment of salaries and allowances to members of the Legislative Assembly of the State of Kerala. The Payment of Salaries and Allowances Act, 1951 is an enactment to provide for the salaries and allowances of the Ministers, the Speaker, the Deputy Speaker, the Leader of Opposition, the Chief Whip and the members of the Legislative Assembly. In view of the above, all the holders of the above mentioned offices are insulated from disqualification under the office of profit. However, taking advantage of the fact that such offices have not been specifically mentioned in clause (i) of sub-section (1) of section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951, doubts have been expressed at some corners that the holders of the offices of the Chief Whip and the Leader of the Opposition are disqualified from being a Member of Legislative Assembly. With a view to remove such doubts and clarifying the position it is necessary to specifically mention all such offices in the said provision by making amendments in the Legislative Assembly (Removal of Disqualifications) Act, 1951 (15 of 1951) with retrospective effect. In these circumstances, Government have decided to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951.

2. As the Kerala Legislative Assembly was not in session and the said proposal had to be given effect to immediately, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2011 was promulgated by the Governor of Kerala on the 10th day of November, 2011 and the same was published as Ordinance No. 47 of 2011 in the Kerala Gazette Extraordinary No. 2129, dated the 10th day of November 2011.

3. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly during its 3rd Session which commenced on the 9th day of December, 2011 and ended on the same day itself. As the provisions of the said Ordinance have to be kept alive, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 was promulgated by the Governor on the 16th day of January, 2012 and same was published as Ordinance No. 7 of 2012 in the Kerala Gazette Extraordinary No. 121 dated the 18th day of January 2012.

4. The Bill is intended to replace Ordinance No. 7 of 2012 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

OOMMEN CHANDY

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

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2. *Removal of certain disqualifications for membership.*—(1) A person shall not be 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 is in receipt of the salaries or allowances to which he is entitled under the law for the time being in force relating to the payment of salaries and allowances to members of the Legislative Assembly of the State of Kerala or of traveling and daily allowances while serving as a member of any Committee or Board constituted by the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or

(ii) that he holds under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India an office which is not remunerated either by salary or by fees payable out of the Consolidated Fund of India or of any such State, or

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Gazette copy - Bill No. 95
English Version

Government of Kerala

കേരള സർക്കാർ

2012



Reg. No. രജി. നമ്പർ

KL/TV(N)/12/12-14

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

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| Vol. LVII വാല്യം 57 | Thiruvananthapuram, Monday തിരുവനന്തപുരം, തിങ്കൾ | 28th May 2012 2012 മേയ് 28 7th Jyaishta 1934 1934 ജ്യേഷ്ഠം 7 | No. } നമ്പർ } 1084 |
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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2715/Legn.2/2012/Leg. Dated, Thiruvananthapuram, 28th May, 2012.

The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 2012 together with the Statement of Object and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Secretariat of the Kerala Legislature,
Thiruvananthapuram.

P. K. MURALEEDHARAN,

Secretary-in-charge,
Legislative Assembly.

Thirteenth Kerala Legislative Assembly
Bill No. 95

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012

A
BILL

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 (XV of 1951), for the purposes hereinafter appearing;

BE it enacted in the Sixty-third 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, 2012.

(2) Save as otherwise provided in this Act, 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 (XV of 1951) (hereinafter referred to as the principal Act), after clause (i) of sub-section (1), the following explanation and note shall be inserted, namely:—

“Explanation.—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note.—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and in respect of the Chief Whip on the 1st day of October, 1982.”.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (23 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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 has been enacted pursuant to sub-clause (a) of clause (1) of article 191 of the Constitution of India to declare certain offices as offices which will not disqualify the holders thereof being chosen as, and for being, members of the Legislative Assembly of the State of Kerala. Clause (i) of sub-section (1) of Section 2 of the said Act *inter alia* provides that a person shall not be disqualified for being chosen as and for being a member of the Legislative Assembly of the State of Kerala by reason only that he is in receipt of the salaries or allowances to which he is entitled under the law being in force relating to the payment of salaries and allowances to members of the Legislative Assembly of the State of Kerala. The Payment of Salaries and Allowances Act, 1951 is an enactment to provide for the salaries and allowances of the Ministers, the Speaker, the Deputy Speaker, the Leader of Opposition, the Chief Whip and the members of the Legislative Assembly. In view of the above, all the holders of the above mentioned offices are insulated from disqualification under the office of profit. However, taking advantage of the fact that such offices have not been specifically mentioned in clause (i) of sub-section (1) of section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951, doubts have been expressed at some corners that the holders of the offices of the Chief Whip and the Leader of the Opposition are disqualified from being a Member of Legislative Assembly. With a view to remove such doubts and to clarify the position, it is necessary to specifically mention the various offices in the said provision by making amendments in the Legislative Assembly (Removal of Disqualifications) Act, 1951 (XV of 1951) with retrospective effect. In these circumstances, Government have decided to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951.

2. As the Kerala Legislative Assembly was not in session and the said proposal had to be given effect to immediately, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2011 was promulgated by the Governor of Kerala on the 10th day of November, 2011 and the same was published as Ordinance No. 47 of 2011 in the Kerala Gazette Extraordinary No. 2129 dated the 10th day of November, 2011.

3. A Bill to replace Ordinance No. 47 of 2011 by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its Third Session which commenced on the 9th day of ~~December, 2011 and ended on the same day itself~~. As the provisions of the said Ordinance have to be kept alive, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 was promulgated by the Governor on the 16th day of January, 2012 and same was published as Ordinance No. 7 of 2012 in the Kerala Gazette Extraordinary No. 121 dated the 18th day of January, 2012.

4. Though a Bill to replace Ordinance No. 7 of 2012 was published as Bill No. 82 of the 13th Kerala Legislative Assembly the same could not be introduced in, and passed by, the Kerala Legislative Assembly during its Fourth Session which commenced on the 1st day of March, 2012 and ended on the 23rd day of March, 2012. Since difficulties would arise, if the provisions of the said Ordinance were not kept alive, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 was promulgated by the Governor of Kerala on the 11th day of April, 2012 and the same was published as Ordinance No. 23 of 2012 in the Kerala Gazette Extraordinary No. 725 dated, the 11th day of April, 2012.

5. The Bill is intended to replace Ordinance No. 23 of 2012 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

OOMMEN CHANDY



KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

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| Vol. LVII | Thiruvananthapuram, | 26th April 2012 | |
| വാല്യം 57 | Thursday | 2012 ഏപ്രിൽ 26 | No. 858 |
| | തിരുവനന്തപുരം, | 6th Vaisakha 1934 | നമ്പർ |
| | വ്യാഴം | 1934 ചൈശാഖം 6 | |

GOVERNMENT OF KERALA

Law (Legislation-I) Department

ERRATUM

No. 22205/Leg. I 2/2011/Law.

Dated, Thiruvananthapuram, 26th April, 2012.

In the notification No. 22205/Leg.I 2/2011/Law dated, the 11th April, 2012 publishing the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (23 of 2012) in the Kerala Gazette Extraordinary No. 725 dated 11th April, 2012. *for* "11th day of January, 2012" *read* "11th day of April, 2012".

By order of the Governor,

C. K. PADMAKARAN,
Special Secretary (Law).

**THE LEGISLATIVE ASSEMBLY (REMOVAL OF
DISQUALIFICATIONS) AMENDMENT BILL, 2012**

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Kerala Legislature Secretariat
2012

**THE LEGISLATIVE ASSEMBLY (REMOVAL OF
DISQUALIFICATIONS) AMENDMENT BILL, 2012**

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012

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BILL

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 (XV of 1951) for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third 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, 2012.

(2) Save as otherwise provided in this Act, 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 (XV of 1951) (hereinafter referred to as the principal Act), after clause (i) of sub-section (1), the following Explanation and Note shall be inserted, namely:—

“Explanation.—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note:—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and respect of the Chief Whip on the 1st day of October, 1982.”

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (7 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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 has been enacted pursuant to sub-clause (a) of clause (1) of article 191 of the Constitution of India read with article 238 thereof to declare certain offices as offices which will not disqualify the holders thereof being chosen as, and for being members of the Legislative Assembly of the State of Kerala. Clause (i) of sub-section (1) of Section 2 of the said Act *inter alia* provides that a person shall not be disqualified for being chosen as and for being a member of the Legislative Assembly of the State of Kerala by reason only that he is in receipt of the salaries or allowances to which he is entitled under the law being in force relating to the payment of salaries and allowances to members of the Legislative Assembly of the State of Kerala. The Payment of Salaries and Allowances Act, 1951 is an enactment to provide for the salaries and allowances of the Ministers, the Speaker, the Deputy Speaker, the Leader of Opposition, the Chief Whip and the members of the Legislative Assembly. In view of the above, all the holders of the above mentioned offices are insulated from disqualification under the office of profit. However, taking advantage of the fact that such offices have not been specifically mentioned in clause (i) of sub-section (1) of section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951, doubts have been expressed at some corners that the holders of the offices of the Chief Whip and the Leader of the Opposition are disqualified from being a Member of Legislative Assembly. With a view to remove such doubts and clarifying the position it is necessary to specifically mention all such offices in the said provision by making amendments in the Legislative Assembly (Removal of Disqualifications) Act, 1951 (15 of 1951) with retrospective effect. In these circumstances, Government have decided to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951.

2. As the Kerala Legislative Assembly was not in session and the said proposal had to be given effect to immediately, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2011 was promulgated by the Governor of Kerala on the 10th day of November, 2011 and the same was published as Ordinance No. 47 of 2011 in the Kerala Gazette Extraordinary No. 2129, dated the 10th day of November 2011.

3. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly during its 3rd Session which commenced on the 9th day of December, 2011 and ended on the same day itself. As the provisions of the said Ordinance have to be kept alive, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 was promulgated by the Governor on the 16th day of January, 2012 and same was published as Ordinance No. 7 of 2012 in the Kerala Gazette Extraordinary No. 121 dated the 18th day of January 2012.

4. The Bill is intended to replace Ordinance No. 7 of 2012 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

OOMMEN CHANDY

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

(ACT XV OF 1951)

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2. *Removal of certain disqualifications for membership.*—(1) A person shall not be 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 is in receipt of the salaries or allowances to which he is entitled under the law for the time being in force relating to the payment of salaries and allowances to members of the Legislative Assembly of the State of Kerala or of traveling and daily allowances while serving as a member of any Committee or Board constituted by the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or

(ii) that he holds under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India an office which is not remunerated either by salary or by fees payable out of the Consolidated Fund of India or of any such State, or

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Gazette Copy - Bill No. 75
Malayalam Version

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കേരള സർക്കാർ
2012



Reg. No. രജി. നമ്പർ
KLTV(N)/12/12-14

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

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| Vol. LVII വാല്യം 57 | Thiruvananthapuram, Tuesday തിരുവനന്തപുരം, ചൊവ്വ | 5th June 2012 2012 ജൂൺ 5 15th Jyaishta 1934 1934 ജ്യേഷ്ഠ 15 | No. 1158 നമ്പർ |
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കേരള നിയമസഭാ സെക്രട്ടേറിയറ്റ്

വിജ്ഞാപനം

നമ്പർ 2715/ലെജിൻ 2/2012/ലെജി.

തിരുവനന്തപുരം, 2012 ജൂൺ 5.

കേരള നിയമസഭയുടെ നടപടിക്രമവും കാര്യനിർവ്വഹണവും സംബന്ധിച്ച ചട്ടങ്ങളുടെ 69-ാം ചട്ടപ്രകാരം 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ബിൽ, ഉദ്യോഗസ്ഥരുടെ വിവരണത്തോടും ധനകാര്യ മെമ്മോറാണ്ടത്തോടും കൂടി പ്രസിദ്ധപ്പെടുത്തുന്നു.

പി. കെ. മുരളീധരൻ,
സെക്രട്ടറി (ഇൻ-ചാർജ്).

**2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ)
ഭേദഗതി ബിൽ**

1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ)
ആക്റ്റ് വീണ്ടും ഭേദഗതി ചെയ്യുന്നതിനുള്ള

ഒരു

ബിൽ

പീഠിക.—1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് (1951-ലെ XV) ഇതിനുശേഷം കാണുന്ന ആവശ്യങ്ങൾക്കായി വീണ്ടും ഭേദഗതി ചെയ്യുന്നത് യുക്തമായിരിക്കുകയാൽ;

ഭാരത റിപ്പബ്ലിക്കിന്റെ അറുപത്തിമൂന്നാം സംവത്സരത്തിൽ താഴെപ്പറയും പ്രകാരം നിയമമുണ്ടാക്കുന്നു:—

1. ചുരുക്കപ്പേരും പ്രാരംഭവും.—(1) ഈ ആക്റ്റിന് 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ആക്റ്റ് എന്ന് പേര് പറയാം.

(2) ഈ ആക്റ്റിൽ മറ്റു വിധത്തിൽ വ്യവസ്ഥ ചെയ്യുന്ന പ്രകാരമൊഴികെ, ഇത് 1951 ഒക്ടോബർ 11-ാം തീയതി പ്രാബല്യത്തിൽ വന്നതായി കരുതപ്പെടേണ്ടതാണ്.

2. 2-ാം വകുപ്പിന്റെ ഭേദഗതി.—1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റിലെ (1951-ലെ XV) (ഇതിനുശേഷം പ്രധാന ആക്റ്റ് എന്നാണ് പരാമർശിക്കപ്പെടുക) 2-ാം വകുപ്പ്, (1)-ാം ഉപവകുപ്പിന്റെ (i)-ാം ഖണ്ഡത്തിനുശേഷം, ഇനി പറയുന്ന വിശദീകരണവും കൂറിച്ചും ചേർക്കേണ്ടതാണ്, അതായത്:—

“**വിശദീകരണം.**—ഈ ഖണ്ഡത്തിന്റെ ആവശ്യത്തിലേക്കായി, നിയമസഭാംഗങ്ങൾ എന്നതിൽ മന്ത്രിമാരും സ്പീക്കറും ഡെപ്യൂട്ടി സ്പീക്കറും പ്രതിപക്ഷ നേതാവും ചീഫ് വിപ്പും ഉൾപ്പെടുന്നതാണ്.

കുറിപ്പ്.—ഈ വിശദീകരണം പ്രതിപക്ഷ നേതാവിനെ സംബന്ധിച്ച് 1977 സെപ്തംബർ 1-ാം തീയതിയും ചീഫ് വിപ്പിനെ സംബന്ധിച്ച് 1982 ഒക്ടോബർ 1-ാം തീയതിയും പ്രാബല്യത്തിൽ വന്നതായി കരുതപ്പെടേണ്ടതാണ്.”

3. റദ്ദാക്കലും ഒഴിവാക്കലും.—(1) 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് (2012-ലെ 23) ഇതിനാൽ റദ്ദാക്കിയിരിക്കുന്നു.

(2) അങ്ങനെ വ്യാപ്തിയിലുണ്ടാകുന്നതെന്നതും, പ്രസ്തുത ഓർഡിനൻസ് പ്രകാരം ഭേദഗതി ചെയ്യപ്പെട്ട പ്രധാന ആക്റ്റിൻകീഴിൽ ചെയ്തതോ ചെയ്തതായി കരുതപ്പെടുന്നതോ ആയ ഏതെങ്കിലും കാര്യമോ അഥവാ എടുത്തതോ എടുത്തതായി കരുതപ്പെടുന്നതോ ആയ ഏതെങ്കിലും നടപടിയോ ഈ ആക്റ്റ് പ്രകാരം ഭേദഗതി ചെയ്യപ്പെട്ട പ്രധാന ആക്റ്റിൻകീഴിൽ ചെയ്തതോ എടുത്തതോ ആയി കരുതപ്പെടേണ്ടതാണ്.

ഉദ്ദേശ്യകാരണങ്ങളുടെ വിവരണം

ഭാരതത്തിന്റെ ഭരണഘടനയുടെ 191-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡം (ക) ഉപഖണ്ഡ പ്രകാരം ഭാരത സർക്കാരിന്റെയോ ഒന്നാം പട്ടികയിൽ നിർദ്ദേശിച്ചിട്ടുള്ള ഏതെങ്കിലും സംസ്ഥാനത്തെ സർക്കാരിന്റെയോ കീഴിൽ ഏതു ഉദ്യോഗം വഹിക്കുന്ന ആളെ ആണ് അയോഗ്യനാക്കുകയില്ലെന്ന് ആ സംസ്ഥാനത്തിന്റെ നിയമനിർമ്മാണമണ്ഡലം നിയമം വഴി പ്രഖ്യാപിച്ചിട്ടുള്ളത്, അങ്ങനെയുള്ള ഒരു ഉദ്യോഗമല്ലാത്ത ആദായകരമായ ഏതെങ്കിലും ഉദ്യോഗം വഹിക്കുന്ന ഒരാൾ ഒരു സംസ്ഥാനത്തിന്റെ നിയമസഭയിലെയോ നിയമസമിതിയിലെയോ ഒരംഗമായി തെരഞ്ഞെടുക്കപ്പെടുവാനും ഒരംഗമായിരിക്കുവാനും അയോഗ്യനാകുന്നതാണ്. ചില ഉദ്യോഗങ്ങളെ അവ വഹിക്കുന്നവരെ കേരള നിയമസഭയുടെ അംഗങ്ങളായി തെരഞ്ഞെടുക്കപ്പെടുവാനും അംഗങ്ങളായിരിക്കുവാനും അയോഗ്യരാക്കുന്നതല്ല എന്ന് പ്രഖ്യാപിക്കുന്നതിനായി ഭാരതത്തിന്റെ ഭരണഘടനയുടെ 191-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡം (ക) ഉപഖണ്ഡം അനുസരിച്ച് 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് പാസ്സാക്കുകയുണ്ടായി. ഒരാൾ, അയാൾ കേരള സംസ്ഥാന നിയമസഭയിലെ അംഗങ്ങൾക്ക് ശമ്പളവും ബത്തകളും നൽകുന്നതിനെ സംബന്ധിച്ച് തൽസമയം പ്രാബല്യത്തിലുള്ള നിയമപ്രകാരം അവകാശപ്പെട്ട ശമ്പളവും ബത്തകളും കൈപ്പറ്റുന്നു എന്ന ഒറ്റകാരണം കൊണ്ട് കേരള സംസ്ഥാന നിയമസഭയിലെ ഒരംഗമായി തെരഞ്ഞെടുക്കപ്പെടുവാനും ഒരംഗമായിരിക്കുവാനും അയോഗ്യനാകുന്നതല്ല എന്ന് പ്രസ്തുത ആക്റ്റിന്റെ 2-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിലെ (i)-ാം ഖണ്ഡം മറ്റുള്ളവയോടൊപ്പം വ്യവസ്ഥ ചെയ്യുന്നു. മന്ത്രിമാർ, സ്പീക്കർ, ഡെപ്യൂട്ടി സ്പീക്കർ, പ്രതിപക്ഷ നേതാവ്, ചീഫ് വിപ്, നിയമസഭാംഗങ്ങൾ എന്നിവർക്ക് ശമ്പളവും ബത്തകളും നൽകുന്നതിന് വ്യവസ്ഥ ചെയ്യുന്ന ഒരു നിയമമാണ് 1951-ലെ ശമ്പളവും ബത്തകളും നൽകൽ ആക്റ്റ്. മേൽപ്പറഞ്ഞവയുടെ അടിസ്ഥാനത്തിൽ, മേൽപ്പറഞ്ഞ ഉദ്യോഗങ്ങൾ വഹിക്കുന്ന എല്ലാവരെയും ആദായകരമായ ഉദ്യോഗത്തിൻകീഴിലെ അയോഗ്യതയിൽനിന്നും ഒഴിവാക്കിയിരിക്കുന്നു. എന്നാൽ അങ്ങനെയുള്ള ഉദ്യോഗങ്ങളെ 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റിന്റെ 2-ാം വകുപ്പിന്റെ (1)-ാം ഉപവകുപ്പിലെ (i)-ാം ഖണ്ഡത്തിൽ പ്രത്യേകമായി പരാമർശിച്ചിട്ടില്ല എന്ന വസ്തുത മുതലെടുത്തുകൊണ്ട് ചീഫ് വിപിന്റെയും പ്രതിപക്ഷ നേതാവിന്റെയും ഉദ്യോഗം വഹിക്കുന്നവർ നിയമസഭയിലെ ഒരംഗമായിരിക്കുന്നതിന് അയോഗ്യരാണ് എന്ന് ചില കോണുകളിൽനിന്നും സംശയം പ്രകടിപ്പിക്കുകയുണ്ടായി. അത്തരം സംശയങ്ങൾ ദുരികരിക്കുന്നതിനും നിലപാട് വ്യക്തമാക്കുന്നതിനുമായി 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് (1951-ലെ XV) മുൻകാല പ്രാബല്യത്തോടു കൂടി ഭേദഗതി ചെയ്തുകൊണ്ട് അങ്ങനെയുള്ള വിവിധ ഉദ്യോഗങ്ങളെ പ്രസ്തുത വ്യവസ്ഥയിൽ പരാമർശിക്കേണ്ടത് ആവശ്യമായി വന്നു. ഈ സാഹചര്യങ്ങളിൽ 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് ഭേദഗതി ചെയ്യുവാൻ സർക്കാർ തീരുമാനിച്ചു.

2. കേരള സംസ്ഥാന നിയമസഭ സമ്മേളനത്തിലുൾപ്പെടുത്തിയതിനാലും മേൽപ്പറഞ്ഞ നിർദ്ദേശത്തിന് ഉടനടി പ്രാബല്യം നൽകേണ്ടിയിരുന്നതിനാലും, 2011-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് 2011 നവംബർ 10-ാം തീയതി കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തുകയും അത് 2011 നവംബർ 10-ാം തീയതിയിലെ 229-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ 2011-ലെ 47-ാം നമ്പർ ഓർഡിനൻസായി പ്രസിദ്ധപ്പെടുത്തുകയും ചെയ്തു.

3. 2011-ലെ 47-ാം നമ്പർ ഓർഡിനൻസിനു പകരം സംസ്ഥാന നിയമസഭയുടെ ഒരു ആക്റ്റ് കൊണ്ടുവരുന്നതിനു വേണ്ടിയുള്ള ഒരു ബിൽ 2011 ഡിസംബർ 9-ാം തീയതി ആരംഭിച്ച് അന്ന് തന്നെ അവസാനിച്ച നിയമസഭയുടെ മൂന്നാം സമ്മേളനത്തിൽ അവതരിപ്പിക്കുന്നതിനും പാസ്സാക്കുന്നതിനും കഴിഞ്ഞില്ല. പ്രസ്തുത ഓർഡിനൻസിലെ വ്യവസ്ഥകൾ സജീവമായി നിലനിർത്തുന്നതിലേക്കായി 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് 2012 ജനുവരി 16-ാം തീയതി ഗവർണ്ണർ വിളംബരപ്പെടുത്തുകയും അത് 2012-ലെ 7-ാം നമ്പർ ഓർഡിനൻസായി 2012 ജനുവരി 18-ാം തീയതിയിലെ 121-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ പ്രസിദ്ധപ്പെടുത്തുകയും ചെയ്തു.

4. 2012-ലെ 7-ാം ഓർഡിനൻസിനു പകരമായി പതിമൂന്നാം കേരള നിയമസഭയുടെ ബിൽ നമ്പർ 82 ആയി ഒരു ബിൽ പ്രസിദ്ധീകരിച്ചുവെങ്കിലും 2012 മാർച്ച് 1-ാം തീയതി ആരംഭിച്ച് 2012 മാർച്ച് 23-ാം തീയതി അവസാനിച്ച കേരള നിയമസഭയുടെ നാലാം സമ്മേളനത്തിൽ അത് അവതരിപ്പിക്കുന്നതിനും പാസ്സാക്കുന്നതിനും കഴിഞ്ഞില്ല. പ്രസ്തുത ഓർഡിനൻസിലെ വ്യവസ്ഥകൾ സജീവമായി നിലനിർത്തിയില്ലെങ്കിൽ വൈഷമ്യങ്ങൾ ഉണ്ടാകുമെന്നതിനാൽ, 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് 2012 ഏപ്രിൽ 11-ാം തീയതി ഗവർണ്ണർ വിളംബരപ്പെടുത്തുകയും അത് 2012-ലെ 23-ാം നമ്പർ ഓർഡിനൻസായി 2012 ഏപ്രിൽ 11-ാം തീയതിയിലെ 725-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ പ്രസിദ്ധപ്പെടുത്തുകയും ചെയ്തു.

5. 2012-ലെ 23-ാം നമ്പർ ഓർഡിനൻസിനു പകരം സംസ്ഥാന നിയമസഭയുടെ ഒരു ആക്റ്റ് കൊണ്ടുവരുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ ബിൽ.

ധനകാര്യ മെമ്മോറാണ്ടം

ഈ ബിൽ നിയമമാക്കുകയും പ്രാബല്യത്തിൽ കൊണ്ടുവരികയും ചെയ്താൽ, സംസ്ഥാന സഞ്ചിത നിധിയിൽനിന്നും യാതൊരു ചെലവും ഉണ്ടാകുന്നതല്ല.

ഉമ്മൻ ചാണ്ടി.

**THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012**

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AMENDMENT BILL, 2012

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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 (XV of 1951), for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third 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, 2012.

(2) Save as otherwise provided in this Act, 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 (XV of 1951) (hereinafter referred to as the principal Act), after clause (i) of sub-section (1), the following Explanation and Note shall be inserted, namely:—

● *“Explanation.*—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note:—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and in respect of the Chief Whip on the 1st day of October, 1982.”.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (23 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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 has been enacted pursuant to sub-clause (a) of clause (1) of article 191 of the Constitution of India to declare certain offices as offices which will not disqualify the holders thereof being chosen as, and for being, members of the Legislative Assembly of the State of Kerala. Clause (i) of sub-section (1) of Section 2 of the said Act *inter alia* provides that a person shall not be disqualified for being chosen as and for being a member of the Legislative Assembly of the State of Kerala by reason only that he is in receipt of the salaries or allowances to which he is entitled under the law being in force relating to the payment of salaries and allowances to members of the Legislative Assembly of the State of Kerala. The Payment of Salaries and Allowances Act, 1951 is an enactment to provide for the salaries and allowances of the Ministers, the Speaker, the Deputy Speaker, the Leader of Opposition, the Chief Whip and the members of the Legislative Assembly. In view of the above, all the holders of the above mentioned offices are insulated from disqualification under the office of profit. However, taking advantage of the fact that such offices have not been specifically mentioned in clause (i) of sub-section (1) of section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951, doubts have been expressed at some corners that the holders of the offices of the Chief Whip and the Leader of the Opposition are disqualified from being a Member of Legislative Assembly. With a view to remove such doubts and to clarify the position, it is necessary to specifically mention the various offices in the said provision by making amendments in the Legislative Assembly (Removal of Disqualifications) Act, 1951 (XV of 1951) with retrospective effect. In these circumstances, Government have decided to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951.

2. As the Kerala Legislative Assembly was not in session and the said proposal had to be given effect to immediately, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2011 was promulgated by the Governor of Kerala on the 10th day of November, 2011 and the same was published as Ordinance No. 47 of 2011 in the Kerala Gazette Extraordinary No. 2129 dated the 10th day of November, 2011.

3. A Bill to replace Ordinance No. 47 of 2011 by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its Third Session which commenced on the 9th day of December, 2011 and ended on the same day itself. As the provisions of the said Ordinance have to be kept alive, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 was promulgated by the Governor on the 16th day of January, 2012 and same was published as Ordinance No.7 of 2012 in the Kerala Gazette Extraordinary No. 121 dated the 18th day of January, 2012.

4. Though a Bill to replace Ordinance No. 7 of 2012 was published as Bill No. 82 of the 13th Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Kerala Legislative Assembly during its Fourth Session which commenced on the 1st day of March, 2012 and ended on the 23rd day of March, 2012. Since difficulties would arise, if the provisions of the said Ordinance were not kept alive, the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 was promulgated by the Governor of Kerala on the 11th day of April, 2012 and the same was published as Ordinance No. 23 of 2012 in the Kerala Gazette Extraordinary No. 725 dated, the 11th day of April, 2012.

5. The Bill is intended to replace Ordinance No. 23 of 2012 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

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

(ACT XV OF 1951)

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2. *Removal of certain disqualifications for membership.*—(1) A person shall not be 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 is in receipt of the salaries or allowances to which he is entitled under the law for the time being in force relating to the payment of salaries and allowances to members of the Legislative Assembly of the State of Kerala or of travelling and daily allowances while serving as a member of any Committee or Board constituted by the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or

(ii) that he holds under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India an office which is not remunerated either by salary or by fees payable out of the Consolidated Fund of India or of any such State, or

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2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ബിൽ

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കേരള നിയമസഭാ സെക്രട്ടേറിയറ്റ്

2012

**2012-ലെ നിയമസഭ (അയോഗ്യതകൾ
നീക്കം ചെയ്യൽ) ഭേദഗതി ബിൽ**

2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ബിൽ

1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് വീണ്ടും ഭേദഗതി ചെയ്യുന്നതിനുള്ള

ഒരു

ബിൽ

പീഠിക.—1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് (1951-ലെ XV) ഇതിനുശേഷം കാണുന്ന ആവശ്യങ്ങൾക്കായി വീണ്ടും ഭേദഗതി ചെയ്യുന്നത് യുക്തമായിരിക്കയാൽ ;

ഭാരത റിപ്പബ്ലിക്കിന്റെ അറുപത്തിമൂന്നാം സംവത്സരത്തിൽ താഴെപ്പറയുംപ്രകാരം നിയമമുണ്ടാക്കുന്നു:—

1. ചുരുക്കപ്പേരും പ്രാരംഭവും.—(1) ഈ ആക്റ്റിന് 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ആക്റ്റ് എന്ന് പേര് പറയാം.

(2) ഈ ആക്റ്റിൽ മറ്റുവിധത്തിൽ വ്യവസ്ഥ ചെയ്യുന്ന പ്രകാരമൊഴികെ, ഇത് 1951 ഒക്ടോബർ 11-ാം തീയതി പ്രാബല്യത്തിൽ വന്നതായി കരുതപ്പെടേണ്ടതാണ്.

2. 2-ാം വകുപ്പിന്റെ ഭേദഗതി.—1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റിലെ (1951-ലെ XV) (ഇതിനുശേഷം പ്രധാന ആക്റ്റ് എന്നാണ് പരാമർശിക്കപ്പെടുക) 2-ാം വകുപ്പ്, (1)-ാം ഉപവകുപ്പിന്റെ (i)-ാം ഖണ്ഡത്തിനുശേഷം ഇനി പറയുന്ന വിശദീകരണവും കുറിപ്പും ചേർക്കേണ്ടതാണ്, അതായത്:—

“വിശദീകരണം.—ഈ ഖണ്ഡത്തിന്റെ ആവശ്യത്തിലേക്കായി, നിയമസഭാംഗങ്ങൾ എന്നതിൽ മന്ത്രിമാരും സ്പീക്കറും ഡെപ്യൂട്ടി സ്പീക്കറും പ്രതിപക്ഷനേതാവും ചീഫ് വിപ്പും ഉൾപ്പെടുന്നതാണ്.

കുറിപ്പ്:—ഈ വിശദീകരണം പ്രതിപക്ഷനേതാവിനെ സംബന്ധിച്ച് 1977 സെപ്റ്റംബർ 1-ാം തീയതിയും ചീഫ് വിപ്പിനെ സംബന്ധിച്ച് 1982 ഒക്ടോബർ 1-ാം തീയതിയും പ്രാബല്യത്തിൽ വന്നതായി കരുതപ്പെടേണ്ടതാണ്.”

3. റദ്ദാക്കലും ഒഴിവാക്കലും.—(1) 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് (2012-ലെ 23) ഇതിനാൽ റദ്ദാക്കിയിരിക്കുന്നു.

ଓୟାହାମାନଙ୍କୁ ନିମ୍ନଲିଖିତମାନଙ୍କୁ ଗ୍ରହଣ କରି

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2. കേരള സംസ്ഥാന നിയമസഭ സമ്മേളനത്തിലല്ലാതിരുന്നതിനാലും മേൽപ്പറഞ്ഞ നിർദ്ദേശത്തിന് ഉടനടി പ്രാബല്യം നൽകേണ്ടിയിരുന്നതിനാലും, 2011-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് 2011 നവംബർ 10-ാം തീയതി കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തുകയും അത് 2011 നവംബർ 10-ാം തീയതിയിലെ 2129-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ 2011-ലെ 47-ാം നമ്പർ ഓർഡിനൻസായി പ്രസിദ്ധപ്പെടുത്തുകയും ചെയ്തു.

3. 2011-ലെ 47-ാം നമ്പർ ഓർഡിനൻസിനുപകരം സംസ്ഥാന നിയമസഭയുടെ ഒരു ആക്റ്റ് കൊണ്ടുവരുന്നതിനുവേണ്ടിയുള്ള ഒരു ബിൽ 2011 ഡിസംബർ 9-ാം തീയതി ആരംഭിച്ച് അന്ന് തന്നെ അവസാനിച്ച് നിയമസഭയുടെ മൂന്നാം സമ്മേളനത്തിൽ അവതരിപ്പിക്കുന്നതിനും പാസ്സാക്കുന്നതിനും കഴിഞ്ഞില്ല. പ്രസ്തുത ഓർഡിനൻസിലെ വ്യവസ്ഥകൾ സജീവമായി നിലനിർത്തുന്നതിലേക്കായി 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് 2012 ജനുവരി 16-ാം തീയതി ഗവർണ്ണർ വിളംബരപ്പെടുത്തുകയും അത് 2012-ലെ 7-ാം നമ്പർ ഓർഡിനൻസായി 2012 ജനുവരി 18-ാം തീയതിയിലെ 121-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ പ്രസിദ്ധപ്പെടുത്തുകയും ചെയ്തു.

4. 2012-ലെ 7-ാം നമ്പർ ഓർഡിനൻസിന് പകരമായി പതിമൂന്നാം കേരള നിയമസഭയുടെ ബിൽ നമ്പർ 82 ആയി ഒരു ബിൽ പ്രസിദ്ധീകരിച്ചുവെങ്കിലും 2012 മാർച്ച് 1-ാം തീയതി ആരംഭിച്ച് 2012 മാർച്ച് 23-ാം തീയതി അവസാനിച്ച് കേരള നിയമസഭയുടെ നാലാം സമ്മേളനത്തിൽ അത് അവതരിപ്പിക്കുന്നതിനും പാസ്സാക്കുന്നതിനും കഴിഞ്ഞില്ല. പ്രസ്തുത ഓർഡിനൻസിലെ വ്യവസ്ഥകൾ സജീവമായി നിലനിർത്തിയില്ലെങ്കിൽ വൈഷമ്യങ്ങൾ ഉണ്ടാകുമെന്നതിനാൽ, 2012-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് 2012 ഏപ്രിൽ 11-ാം തീയതി ഗവർണ്ണർ വിളംബരപ്പെടുത്തുകയും അത് 2012-ലെ 23-ാം നമ്പർ ഓർഡിനൻസായി 2012 ഏപ്രിൽ 11-ാം തീയതിയിലെ 725-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ പ്രസിദ്ധപ്പെടുത്തുകയും ചെയ്തു.

5. 2012-ലെ 23-ാം നമ്പർ ഓർഡിനൻസിനുപകരം സംസ്ഥാന നിയമസഭയുടെ ഒരു ആക്റ്റ് കൊണ്ടുവരുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ ബിൽ.

ധനകാര്യ മെമ്മോറാണ്ടം

ഈ ബിൽ നിയമമാക്കുകയും പ്രാബല്യത്തിൽ കൊണ്ടുവരികയും ചെയ്താൽ, സംസ്ഥാന സഞ്ചിതനിധിയിൽ നിന്നും യാതൊരു ചെലവും ഉണ്ടാകുന്നതല്ല.

ഉമ്മൻ ചാണ്ടി.

1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ)
ആക്റ്റിൽനിന്നുള്ള പ്രസക്തഭാഗങ്ങൾ
(1951-ലെ XV)

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2. അംഗത്വത്തിനുള്ള ചില യോഗ്യതകൾ നീക്കം ചെയ്യൽ.—(1) കേരള സംസ്ഥാന നിയമസഭയിലെ ഒരംഗമായി തെരഞ്ഞെടുക്കപ്പെടുവാനും അംഗമായിരിക്കുവാനും ഒരാൾ,—

(i) അയാൾ കേരള സംസ്ഥാന നിയമസഭയിലെ അംഗങ്ങൾക്ക് ശമ്പളവും ബത്തകളും നൽകുന്നതിനെ സംബന്ധിച്ച് തൽസമയം പ്രാബല്യത്തിലുള്ള നിയമ പ്രകാരം അയാൾക്ക് അവകാശപ്പെട്ട ശമ്പളമോ ബത്തയോ അല്ലെങ്കിൽ ഭാരത സർക്കാരോ ഭാരതത്തിന്റെ ഭരണഘടനയിലെ ഒന്നാം പട്ടികയിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള ഏതെങ്കിലും സംസ്ഥാന സർക്കാരോ രൂപീകരിച്ചിട്ടുള്ള ഏതെങ്കിലും കമ്മിറ്റിയിലെയോ ബോർഡിലെയോ ഒരംഗമായി സേവനമനുഷ്ഠിക്കുമ്പോഴുള്ള യാത്രാ-ദിനബത്തകൾ അയാൾ കൈപ്പറ്റുന്നു, അല്ലെങ്കിൽ

(ii) അയാൾ ഭാരതസർക്കാരിന്റെയോ ഭാരതത്തിന്റെ ഭരണഘടനയുടെ ഒന്നാംപട്ടികയിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള ഏതെങ്കിലും സംസ്ഥാന സർക്കാരിന്റെയോ കീഴിൽ ഭാരതത്തിന്റെയോ അത്തരം ഏതെങ്കിലും സംസ്ഥാനത്തിന്റെയോ സഞ്ചിതനിധിയിൽ നിന്ന് ശമ്പളമായോ ഫീസായോ പ്രതിഫലം നൽകാത്ത ഒരു ഉദ്യോഗം വഹിക്കുന്നു, അല്ലെങ്കിൽ

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എന്ന് കാരണത്താൽ മാത്രം അയോഗ്യനാകുന്നതല്ല.

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കേരള സർക്കാർ

നിയമ (നിയമനിർമ്മാണ-ഐ) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 22205/ലെഗ്.ഐ2/2011/നിയമം. തിരുവനന്തപുരം, 2011 നവംബർ 10
1933 കാർത്തികം 19.

2011 നവംബർ 10-ാം തീയതി കേരള ഗവർണ്ണർ വിജ്ഞാപനപ്പെടുത്തിയ ഇനി പറയുന്ന ഓർഡിനൻസ് പൊതുജനങ്ങളുടെ അറിവിലേക്കായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,

സി. കെ. പത്മാകരൻ,
നിയമവകുപ്പ് സ്പെഷ്യൽ സെക്രട്ടറി.

2011-ലെ 47-ാം നമ്പർ ഓർഡിനൻസ്

2011-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ്

1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് വീണ്ടും ഭേദഗതി ചെയ്യുന്നതിനുള്ള

ഒരു
ഓർഡിനൻസ്

പീഠിക.—1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റ് (1951-ലെ XV) ഇനി പറയുന്ന ആവശ്യങ്ങൾക്കായി വീണ്ടും ഭേദഗതി ചെയ്യുന്നത് യുക്തമായിരിക്കുമെന്നും ;

കേരള സംസ്ഥാന നിയമസഭ സമ്മേളനത്തിൽ അല്ലാത്തതിനാലും, ഞാൻ സത്യാനന്ദൻ എടുക്കേണ്ടത് ആവശ്യമാകുന്ന സാഹചര്യങ്ങൾ നിലവിലുണ്ടെന്ന് കേരള ഗവർണ്ണർക്ക് ബോധ്യമായിരിക്കുന്നതിനാലും ;

ഇപ്പോൾ, അതിനാൽ, ഇന്ത്യൻ ഭരണഘടനയുടെ 213-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡപ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ചുകൊണ്ട്, കേരള ഗവർണ്ണർ താഴെ പറയുന്ന ഓർഡിനൻസ് വിജ്ഞാപിപ്പിക്കുന്നു :—

1. ചുരുക്കപ്പേരും പ്രാരംഭവും. —(1) ഈ ഓർഡിനൻസിന് 2011-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ഭേദഗതി ഓർഡിനൻസ് എന്ന് പേര് പറയാം.

(2) ഈ ഓർഡിനൻസിൽ മറ്റു വിധത്തിൽ വ്യവസ്ഥ ചെയ്യുന്ന പ്രകാരമൊഴികെ, ഈ ഓർഡിനൻസിലെ വ്യവസ്ഥകൾ 1951 ഒക്ടോബർ 11-ാം തീയതി പ്രാബല്യത്തിൽ വന്നതായി കരുതപ്പെടേണ്ടതാണ്.

2. 1951-ലെ XV-ാം ആക്റ്റ് താൽക്കാലികമായി ഭേദഗതി ചെയ്യപ്പെടേണ്ടതാണ്.—ഈ ഓർഡിനൻസ് നിലവിലിരിക്കുന്ന കാലത്ത്, 1951-ലെ നിയമസഭ (അയോഗ്യതകൾ നീക്കം ചെയ്യൽ) ആക്റ്റിന് (1951-ലെ XV) (ഇതിനുശേഷം പ്രധാന ആക്റ്റ് എന്നാണ് പരാമർശിക്കപ്പെടുക), 3-ാം വകുപ്പിൽ വിനിമയശീലിയിരിക്കുന്ന ഭേദഗതികൾക്ക് വിധേയമായി പ്രാബല്യമുണ്ടായിരിക്കുന്നതാണ്.

3. 2-ാം വകുപ്പിന്റെ ഭേദഗതി. — പ്രധാന ആക്റ്റിന്റെ 2-ാം വകുപ്പ്, (1)-ാം ഉപവകുപ്പിന്റെ (1)-ാം ഖണ്ഡത്തിനുശേഷം, താഴെ പറയുന്ന വിശദീകരണവും കൂറിപ്പും ചേർക്കേണ്ടതാണ്, അതായത്:—

“വിശദീകരണം. ഈ ഖണ്ഡത്തിന്റെ ആവശ്യത്തിനേക്കാടി, നിയമസഭാംഗങ്ങൾ എന്നതിൽ മന്ത്രിമാരും സ്പീക്കറും ഡെപ്യൂട്ടി സ്പീക്കറും പ്രതിപക്ഷ നേതാവും ചീഫ് വിപ്ലം ഇൾപ്പെടുന്നതാണ്.

കൂറിപ്പ്.—ഈ വിശദീകരണം പ്രതിപക്ഷ നേതാവിനെ സംബന്ധിച്ചിടത്തോളം 1977 സെപ്റ്റംബർ 1-ാം തീയതിയും ചീഫ് വിപ്ലിനെ സംബന്ധിച്ചിടത്തോളം 1982 ഒക്ടോബർ 1-ാം തീയതിയും പ്രാബല്യത്തിൽ വന്നിട്ടുള്ളതായി കരുതപ്പെടേണ്ടതാണ്.”

എം. ഒ. എച്ച്. ഫറൂഖ്,

ഗവർണ്ണർ.

(ശരിത്തർജ്ജനം)

ജി. മോഹനൻ പിള്ള.

നിയമവകുപ്പ് അഡീഷണൽ സെക്രട്ടറി.



KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

| | | | |
|-----------|-----------------------------------|--------------------|------------|
| Vol. LVI | } Thiruvananthapuram, Thursday | 10th November 2011 | } No. 2129 |
| വാല്യം 56 | | 2011 നവംബർ 10 | |
| | } തിരുവനന്തപുരം, വ്യാഴം | 19th Karthika 1933 | } നമ്പർ |
| | | 1933 കാർത്തികം 19 | |

GOVERNMENT OF KERALA

Law (Legislation-I) Department

NOTIFICATION

No. 22205/Leg. I2/2011/Law. Dated, Thiruvananthapuram, 10th November, 2011.
19th Karthika, 1933.

The following Ordinance promulgated by the Governor of Kerala on the 10th day of November, 2011 is hereby published for general information.

By order of the Governor,

C. K. PADMAKARAN,
Special Secretary (Law).

ORDINANCE No. 47 OF 2011

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT ORDINANCE, 2011

AN

ORDINANCE

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 (XV of 1951) for the purposes hereinafter appearing;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2011.

(2) Save as otherwise provided in this Ordinance, the provisions of this Ordinance shall be deemed to have come into force on the 11th day of October, 1951.

2. *Act XV of 1951 to be temporarily amended.*—During the period of operation of this Ordinance, the Legislative Assembly (Removal of Disqualifications) Act, 1951 (XV of 1951) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in section 3.

3. *Amendment of section 2.*—In section 2 of the principal Act, after clause (i) of sub-section (1), the following Explanation and Note shall be inserted, namely:—

“Explanation.—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note.—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and in respect of the Chief Whip on the 1st day of October, 1982.”.

M. O. H. FAROOK,
GOVERNOR.

Bill No. 75

REPORT OF THE SUBJECT COMMITTEE
ON
THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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2012

REPORT OF THE SUBJECT COMMITTEE
ON
THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012

(Report of the Subject Committee)

Subject Committee XIV—Home Affairs to which the Legislative Assembly (Removal of Disqualifications) Amendment Bill, 2012 was referred, considered the Bill clause by clause and now submits this report with the Bill as reported by the Committee annexed thereto.

2. The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 2012 was published as a Gazette Extraordinary dated May 28, 2012. The Bill was introduced in the Assembly on June 11, 2012, and was referred to the Committee on the same day.

3. The Committee considered the Bill clause by clause at its meeting held on June 12, 2012 and the Committee recommends to adopt the Bill without any modification.

4. The minutes of dissent is appended.

OOMMEN CHANDY,

*Chairman,
Subject Committee XIV.*

വിയോജനക്കുറിപ്പ്

The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 2012 സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിന് താഴെപ്പറയുന്ന വിയോജനക്കുറിപ്പ് ഞങ്ങൾ രേഖപ്പെടുത്തുന്നു :

പാർലമെന്ററി വകുപ്പ് പ്രത്യേക മന്ത്രിയുടെ മേൽനോട്ടത്തിൽ ഒരു ഭരണവകുപ്പായി പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുന്ന പശ്ചാത്തലത്തിൽ സർക്കാർ ചീഫ് വിപ്പിന് പ്രത്യേകമായ ഒരു ചുമതലയും നിർവ്വഹിക്കുവാനില്ല. ആയതിനാൽ സർക്കാർ ചീഫ് വിപ്പിന് മന്ത്രികളുടേതുലൂടെ ആനുകൂല്യങ്ങളും സജ്ജീകരണങ്ങളും നൽകുന്നതിനുവേണ്ടി ഉള്ള ശ്രമം പൊതുപണത്തിന്റെ ദുർവിനിയോഗമാണ്. അംഗീകൃത രാഷ്ട്രീയ പാർട്ടികൾ ചുമതലപ്പെടുത്തുന്ന ആളുകൾക്ക് അവരുടെ പാർട്ടിയംഗങ്ങളായ നിയമസഭാ സാമാജികർക്ക് നിയമസഭാ നടപടികൾ സംബന്ധിച്ച് നിർദ്ദേശം നൽകാമെന്നല്ലാതെ, ചീഫ് വിപ്പായി നിയമിക്കപ്പെടുന്ന ആളിന് യാതൊരാൾക്കും ഒരു നിർദ്ദേശവും നൽകാവുന്നതല്ല. ഈ പശ്ചാത്തലം വിസ്മരിച്ചുകൊണ്ടുള്ളതാണ് ഭേദഗതി നിയമം.

കോടിയേരി ബാലകൃഷ്ണൻ, എം. എൽ. എ. (ഒപ്പ്)

സി. ദിവാകരൻ, എം. എൽ. എ. (ഒപ്പ്)

മാത്യു റ്റി. തോമസ്, എം. എൽ. എ. (ഒപ്പ്)

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012

(As reported by the Subject Committee)

A

BILL

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 (XV of 1951), for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third 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, 2012.

(2) Save as otherwise provided in this Act, 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 (XV of 1951) (hereinafter referred to as the principal Act), after clause (i) of sub-section (1), the following Explanation and Note shall be inserted, namely:—

“Explanation.—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note:—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and in respect of the Chief Whip on the 1st day of October, 1982.”.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (23 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
12th June, 2012.

P. K. MURALEEDHARAN,
Secretary-in-charge.

Bill 100-95

REPORT OF THE SUBJECT COMMITTEE
ON
THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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REPORT OF THE SUBJECT COMMITTEE
ON
THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012

(Report of the Subject Committee)

Subject Committee XIV—Home Affairs to which the Legislative Assembly (Removal of Disqualifications) Amendment Bill, 2012 was referred, considered the Bill clause by clause and now submits this report with the Bill as reported by the Committee annexed thereto.

2. The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 2012 was published as a Gazette Extraordinary dated May 28, 2012. The Bill was introduced in the Assembly on June 11, 2012, and was referred to the Committee on the same day.

3. The Committee considered the Bill clause by clause at its meeting held on June 12, 2012 and the Committee recommends to adopt the Bill without any modification.

4. The minutes of dissent is appended.

OOMMEN CHANDY,

*Chairman,
Subject Committee XIV.*

വിയോജനക്കുറിപ്പ്

The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 2012 സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിന് താഴെപ്പറയുന്ന വിയോജനക്കുറിപ്പ് ഞങ്ങൾ രേഖപ്പെടുത്തുന്നു :

പാർലമെന്ററി വകുപ്പ് പ്രത്യേക മന്ത്രിയുടെ മേൽനോട്ടത്തിൽ ഒരു ഭരണവകുപ്പായി പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുന്ന പശ്ചാത്തലത്തിൽ സർക്കാർ ചീഫ് വിപ്പിന് പ്രത്യേകമായ ഒരു ചുമതലയും നിർവ്വഹിക്കുവാനില്ല. ആയതിനാൽ സർക്കാർ ചീഫ് വിപ്പിന് മന്ത്രിയുടെ തുല്യമായ ആനുകൂല്യങ്ങളും സജ്ജീകരണങ്ങളും നൽകുന്നതിനുവേണ്ടി ഉള്ള ശ്രമം പൊതുപണത്തിന്റെ ദുർവിനിയോഗമാണ്. അംഗീകൃത രാഷ്ട്രീയ പാർട്ടികൾ ചുമതലപ്പെടുത്തുന്ന ആളുകൾക്ക് അവരുടെ പാർട്ടിയംഗങ്ങളായ നിയമസഭാ സാമാജികർക്ക് നിയമസഭാ നടപടികൾ സംബന്ധിച്ച് നിർദ്ദേശം നൽകാമെന്നല്ലാതെ, ചീഫ് വിപ്പായി നിയമിക്കപ്പെടുന്ന ആളിന് യാതൊരാൾക്കും ഒരു നിർദ്ദേശവും നൽകാവുന്നതല്ല. ഈ പശ്ചാത്തലം വിസ്മരിച്ചുകൊണ്ടുള്ളതാണ് ഭേദഗതി നിയമം.

കോടിയേരി ബാലകൃഷ്ണൻ, എം. എൽ. എ. (ഒപ്പ്)

സി. ദിവാകരൻ, എം. എൽ. എ. (ഒപ്പ്)

മാത്യു റ്റി. തോമസ്, എം. എൽ. എ. (ഒപ്പ്)

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS)
AMENDMENT BILL, 2012

(As reported by the Subject Committee)

A

BILL

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 (XV of 1951), for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third 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, 2012.

(2) Save as otherwise provided in this Act, 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 (XV of 1951) (hereinafter referred to as the principal Act), after clause (i) of sub-section (1), the following Explanation and Note shall be inserted, namely:—

“Explanation.—For the purpose of this clause, members of the Legislative Assembly shall include the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.

Note.—This explanation shall be deemed to have come into force in respect of the Leader of the Opposition on the 1st day of September, 1977 and in respect of the Chief Whip on the 1st day of October, 1982.”.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 2012 (23 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
12th June, 2012.

P. K. MURALEEDHARAN,
Secretary-in-charge.