



The Orissa Offices of Profit (Removal of Disqualifications) Act, 1961

Act 26 of 1961

Keyword(s):

Compensatory Allowance, Non-Statutory Body, Statutory Body

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ORISSA ACT 26 OF 1961

[THE ORISSA OFFICES OF PROFIT (REMOVAL
OF DISQUALIFICATIONS) ACT, 1961]

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AN ACT TO DECLARE CERTAIN OFFICES OF PROFIT
UNDER THE GOVERNMENT OF INDIA OR GOVERN-
MENT OF ANY STATE NOT TO DISQUALIFY THEIR
HOLDERS FOR BEING CHOSEN AS OR FOR
BEING MEMBERS OF THE ORISSA LEGIS-
LATIVE ASSEMBLY

BE it enacted by the Legislature of the State of Orissa
in the Twelfth Year of the Republic of India as
follows :—

1. (1) This Act may be called the Orissa Offices Short title
of Profit (Removal of Disqualifications) Act, 1961. and extent.

(2) It extends to the whole of the State of Orissa.

2. In this Act, unless the context otherwise Definitions.
requires,—

- (a) “compensatory allowance” means any sum
of money payable to the holder of an
office by way of daily allowance [such
allowance not exceeding (i) in the case of
Committees set up by or bodies under the
Central Government, the amount of daily
allowance to which a member of Parli-
ament is entitled under the Salaries and
Allowances of Members of Parliament
Act, 1954, and (ii) in the case of Committee
set up by or bodies under the State Govern-
ment, the amount of daily allowance to
which a member of the Orissa Legislative
Assembly is entitled under the Orissa
Legislative Assembly Members’ Salaries

(Sec. 3)

and Allowances Act, 1954], any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office ;

Orissa Act
19 of 1954.

- (b) "non-statutory body" means any body of persons other than a statutory body ;
- (c) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force.

Certain
offices of profit
not to dis-
qualify.

3. It is hereby declared that none of the following offices in so far as it is an office of profit under the Government of India or the Government of any State, shall disqualify the holder thereof for being chosen as, or for being a member of the Orissa Legislative Assembly, namely :—

- (a) any office held by a Minister [Minister of State] or Deputy Minister for the Union or for any State, whether *ex officio* or by name ;
- (b) the office of the Speaker or the Deputy Speaker of the Orissa Legislative Assembly or of Parliament and Legislative Assembly of any other State ;
- (c) the office of the Chief Whip, Deputy Chief Whip or Whip in any Legislative Assembly or in Parliament or the Office of a Parliamentary Secretary ;
- (d) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Forces Act, 1952 ;
- (e) the office of a member of a Home Guard constituted under any law for the time being in force in any State ;

31 of 1948
56 of 1948
62 of 1952

(Sec. 3—contd.)

- (f) the office of Chairman or member of the Syndicate, Senate, executive committee, council or court of a University or any other body connected with a University ;
- (g) the office of a member of any delegation or mission sent outside India by the Government of India or of any State or sent outside the State of Orissa by the Government of the said State for any special purpose ;
- (h) the office of Chairman or member of a Committee (whether consisting of one or more members), set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office, is not entitled to any remuneration other than compensatory allowance ;
- (i) the office of Chairman, Director or member of any statutory or non-statutory body other than any such body as is referred to in clause (h), if the holder of such office is not entitled to any remuneration other than compensatory allowance but excluding (i) the office of Chairman of any statutory or non-statutory body specified in Part I of the Schedule, and (ii) the office of Chairman or Secretary of any statutory or non-statutory body specified in Part II of the Schedule ;
- (j) the office of village revenue officer, whether called a lambarder, Gauntia, Karjee, Karanam, Sarvarakar or by any other name, whose duty is to collect land revenue and who is remunerated by a share of, or commission on, the amount of land revenue collected by him, but does not discharge any police functions.

(Secs. 4-5)

Temporary
suspension
of disquali-
fication in
certain cases.

4. If a person being a member of the Orissa Legislative Assembly who immediately before the commencement of this Act held an office of profit declared by any law repealed by this Act not to disqualify the holder thereof for being such member, becomes so disqualified by reason of any of the provisions contained in this Act, such office shall not, if held by such person for any period not extending beyond a period of six months from the commencement of this Act, disqualify him for being a member of the Orissa Legislative Assembly.

Repeal

5. The Orissa Offices of Profit (Removal of Disqualifications) Act, 1951 and any provision in any other enactment which is inconsistent with this Act are hereby repealed. ^{Orissa Act 35 of 1951.}

SCHEDULE

[See section 3 (i)]

PART I

BODIES UNDER THE CENTRAL GOVERNMENT

Air-India International Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953).

Air Transport Council constituted under section 30 of the Air Corporations Act, 1953 (27 of 1953).

Board of Directors of the Expert Risks Insurance Corporation (Private) Limited

Board of Directors of the Heavy Electricals (Private) Limited

Board of Directors of the Hindustan Cables (Private) Limited

Board of Directors of the Hindustan Insecticides (Private) Limited

Board of Directors of the Hindustan Machine Tools (Private) Limited

Board of Directors of the Hindustan Shipyard Limited

Board of Directors of the Nangal Fertilisers and Chemicals (Private) Limited

Board of Directors of the National Coal Development Corporation (Private) Limited

Board of Directors of the National Development Corporation (Private) Limited

Board of Directors of National Instruments (Private) Limited

Board of Directors of the National Small Industries Corporation (Private) Limited

Board of Directors of the Neyveli Lignite Corporation (Private) Limited

Board of Directors of the Sindri Fertilisers and Chemicals (Private) Limited

Board of Directors of the State Trading Corporation of India (Private) Limited

Central Warehousing Corporation established under section 17 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956).

Coal Board established under section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952).

Coal Mines Labour Housing Board constituted under section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947).

Commissioners for the Port of Calcutta

Committee for the allotment of land in the township of Gandhidam

Company Law Advisory Commission constituted under section 410 of the Companies Act, 1956 (1 of 1956).

Cotton Textiles Fund Committee constituted under the Textile Funds Ordinance, 1944 (34 of 1944).

(Sch.—contd.)

Dock Labour Board, Bombay, established under the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).

Dock Labour Board, Calcutta, established under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).

Dock Labour Board, Madras, established under the Madras Dock Workers (Regulation of Employment) Scheme, 1956 made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).

Forward Markets Commission established under section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952).

Indian Air Lines Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953).

Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948).

Licensing Committee constituted under rule 10 of the Registration and Licensing of Industrial Undertakings Rules, 1952, made under the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Mining Boards constituted under section 12 of the Mines Act, 1952 (35 of 1952).

National Co-operative Development and Warehousing Board established under section 3 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956).

Rehabilitation Finance Administration constituted under section 3 of the Rehabilitation Finance Administration Act, 1948 (12 of 1948).

Tariff Commission established under section 3 of the Tariff Commission Act, 1951 (50 of 1951).

Trustees of the Port of Bombay.

Trustees of the Port of Madras.

Trustees of Commissioners of any major Port as defined in the Indian Ports Act, 1908 (15 of 1908) other than the Port of Calcutta, Bombay or Madras.

BODIES UNDER THE GOVERNMENT OF ORISSA

Appeal Committee under the Board of Secondary Education.

Orissa Board of Communications and Transport.

Regional Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

State Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

Board of Directors of the Orissa Mining Corporation Limited.

Board of Directors of the Orissa State Warehousing Corporation.

(Sch.—contd.)

PART II

BODIES UNDER THE CENTRAL GOVERNMENT

Advisory Committee for the Air-India International Corporation appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953).

Advisory Committee for the Indian Air Lines Corporation appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953).

Central Silk Board constituted under section 4 of the Central Silk Board Act, 1948 (61 of 1948).

Coffee Board constituted under section 4 of the Coffee Act, 1942 (7 of 1942).

Coir Board constituted under section 4 of the Coir Industry Act, 1953 (45 of 1953).

Development Council for Acids and Fertilisers established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Alkalis and Allied Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Bicycles established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Drugs, Dyes and Intermediates established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Food Processing Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Heavy Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Internal Combustion Engines and Power Driven Pumps established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Light Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Machine Tools established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Non-ferrous Metals including alloys established under Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for oil-based and Plastic Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Sugar Industry established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

(Sch.—contd.)

Development Council for Textiles made of artificial silk including artificial silk yarn established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Textiles made of wool, including woollen yarn hosiery, carpets and druggets established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Durgah Committee, Ajmer, constituted under section 4 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955).

Indian Central Arecanut Committee.

Indian Central Coconut Committee constituted under section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944).

Indian Central Cotton Committee constituted under section 4 of the Indian Cotton Cess Act, 1923 (14 of 1923).

Indian Central Jute Committee.

Indian Central Oil-seeds Committee constituted under section 4 of the Indian Oil-seeds Committee Act, 1946 (9 of 1946).

Indian Central Sugarcane Committee.

Indian Central Tobacco Committee.

Indian Lac Cess Committee constituted under section 4 of the Indian Lac Cess Act, 1930 (24 of 1930).

Rubber Board constituted under section 4 of the Rubber Act, 1947 (24 of 1947).

Tea Board constituted under section 4 of the Tea Act, 1953 (29 of 1953).

BODIES UNDER THE GOVERNMENT OF ORISSA

Board of Wakfs constituted under the Muslim Wakfs Act, 1954 (29 of 1954).

Board of Secondary Education constituted under the Orissa Secondary Education Act, 1952 (Orissa Act 10 of 1953).

Regulated Market Committee.