



**The Puducherry Members of the Legislative Assembly (Prevention of
Disqualification) Act, 1994**

Act 13 of 1994

Keyword(s):
Compensatory Allowance, Non-Statutory Body

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**THE PUDUCHERRY MEMBERS OF THE LEGISLATIVE ASSEMBLY
(PREVENTION OF DISQUALIFICATION) ACT, 1994**

(Act No.13 of 1994)

ARRANGEMENT OF SECTIONS

SECTION

- 1 Short title and commencement.
- 2 Definition.
- 3 Certain offices of profit not to disqualify.

SCHEDULE

**THE PUDUCHERRY MEMBERS OF THE LEGISLATIVE ASSEMBLY
(PREVENTION OF DISQUALIFICATION) ACT, 1994**

(Act No.13 of 1994)

[17-11-1994]

An
Act

to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being members of the Legislative Assembly of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Forty-fifth Year of the Republic of India as follows:-

(1) Short title and commencement

1. (1) This Act may be called the Puducherry Members of the Legislative Assembly (Prevention of Disqualification) Act, 1994.

(2) It shall come into force at once.

Definition

2. In this Act, unless the context otherwise requires,-

(a) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance, such allowance not exceeding the amount of daily allowance to which a member of the Legislative Assembly is entitled under the Salary, Allowances and Pension of Members of the Legislative Assembly (Puducherry) Act, 1964 any conveyance allowance, house rent allowance or traveling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office;

(b) "non-statutory body" means any body of persons other than a statutory body;

(c) "Schedule" means the Schedule appended to this Act; and

(d) "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.

3. Certain offices of profit not to disqualify

It is hereby declared that none of the offices specified in the Schedule shall disqualify the holder thereof for being chosen as, or for being a Member of the Legislative Assembly of Puducherry.

*[SCHEDULE
(see section 3)

The office of Chairman, President, Vice-Chairman, Vice-President, Director or Member of any of the following statutory or non-statutory bodies, namely:-

A. STATUTORY BODIES:

- | | | |
|--|---|--|
| <ol style="list-style-type: none"> 1. Puducherry Market Committee. 2. Karaikal Market Committee. 3. Yanam Market Committee. | } | <p>Registered under the Puducherry
Agricultural Produce Markets
Act, 1973.</p> |
| <ol style="list-style-type: none"> 4. Puducherry State Social Welfare Board. 5. Puducherry Planning Authority. 6. Puducherry Women's Commission. 7. Puducherry State Wakf Board. 8. Puducherry Ground Water Authority. 9. Puducherry Seed Certification Agency. 10. Puducherry Building and other Construction Workers Welfare Board. | | |

B. CORPORATIONS:

1. Puducherry Adi-Dravidar Development Corporation Limited (PADCO).
 2. Puducherry Agro Service and Industries Corporation Limited (PASIC).
 3. Puducherry Agro Products Food and Civil Supplies Corporation Limited (PAPSCO).
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1. Puducherry Power Corporation Limited.
 2. Puducherry Industrial Promotion Development and Investment Corporation Limited (PIPDIC).
 3. Puducherry Distilleries Limited.
 4. Puducherry Electronics Limited.
 5. Puducherry Textiles Corporation Limited.
 6. Swadeshi/Bharathi Textiles Corporation Limited.
 7. Puducherry Backward Classes and Minorities Development Corporation Limited.
 8. Puducherry Tourism Development Corporation Limited.
 9. Puducherry Road Transport Corporation Limited.
 10. Puducherry Corporation for the Development of Women and Handicapped Persons Limited.

C. SOCIETIES:

1. Pandit Jawaharlal Nehru College of Agriculture and Research Institute, Karaikal (PAJANCOA & RI).

* Substituted vide Act No.5 of 2009 w.e.f 25.09.2009

2. Perunthalaivar Kamarajar Krishi Vigyan Kendra, Puducherry.
3. Krishi Vigyan Kendra, Karaikal.
4. Puducherry Agricultural Workers Welfare Society.
5. Rajiv Gandhi College of Veterinary and Animal Sciences.
6. Bharathiar Palkalai Koodam.
7. Puducherry Institute of Linguistics and Culture.
8. Puducherry Experimental Solar Pond Power Project Society.
9. Fish Farmers Development Agency, Puducherry.
10. Fish Farmers Development Agency, Karaikal.
11. Fish Farmers Development Agency, Yanam.
12. Puducherry State Fishermen Co-operative Federation.
13. Fishing Harbour Management Society.
14. Mahatma Gandhi Post-graduate Institute of Dental Sciences.
15. Mother Theresa Post-graduate and Research Institute of Health Sciences.
16. Perunthalaivar Kamarajar Medical College and Research Institute.
17. Puducherry Medical Relief Society.
18. Puducherry Institute of Post-Matric Technical Education (PIPMATE).
19. Puducherry Engineering College.
20. Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal.
21. Puducherry Society for Higher Secondary Education.
22. Puducherry Unorganised Labour Welfare Society.
23. Franco-Indian Vocational Training Institute Society.
25. Puducherry State Sports Council.
26. Rajiv Gandhi School of Sports.
27. Puducherry Society for the Care of the Aged (PONCARE).
28. Puducherry Institute of Hotel Management and Catering Technology.
29. Building Centre, Villianur, Puducherry.
30. Building Centre, Poovam, Karaikal.
31. Puducherry e-governance Society.
32. Puducherry Urban Development Agency.
33. District Institute of Education and Training.
34. Renewable Energy Agency of Puducherry.
35. Puducherry Building Centre.
36. Puducherry Council for Science and Technology.
37. Puducherry Fishermen Distress Relief Society.
38. District Rural Development Agency.
39. Puducherry Management and Productivity Council.
40. Puducherry AIDS Control Society.
41. Sainik Welfare Board:

Provided that the holder of any such office is not in receipt of, or entitled to, any fee or remuneration other than compensatory allowance].

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 13 OF 1994.

The Legislative Assembly of Pondicherry has not so far enacted any separate law for prevention of disqualification of the Members of the Legislative Assembly for their appointment to some statutory and non-statutory bodies, which have been constituted by the Government. The Government have established some corporations which have been registered under the Companies Act and also some non-statutory Boards like the Pondicherry Legal Aid and Advice Board. It is considered that some of the elected representatives may also be appointed as Chairman or Vice-Chairman of the Board of Directors or Director or Members in such Corporations and Boards and therefore such office might be included in the Schedule to the said Bill, so that no disqualification shall be attracted.

2. It is proposed to include at present, the following bodies in the Schedule, namely :—

- (a) The Pondicherry Distilleries Limited ;
- (b) The Pondicherry Agro Service and Industries Corporation Limited ;
- (c) The Pondicherry Agro Products, Food and Civil Supplies Corporation Limited ;
- (d) The Pondicherry Tourism and Transport Development Corporation Limited;
- (e) The Pondicherry Adi Dravidar Development Corporation Limited; and
- (f) The Pondicherry Legal Aid and Advice Board.

3. The Bill seeks to give effect to the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 5 OF 2009.

The Puducherry Members of the Legislative Assembly (Prevention of Disqualification) Act, 1994 was enacted for the purpose of declaring that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being Members of the Legislative Assembly of Puducherry. By virtue of section 3 of the Act it has been declared that none of the office specified in the Schedule shall disqualify the holders thereof for being chosen as, or for being a Member of the Legislative Assembly of Puducherry. Thereafter, as and when the necessity has arisen necessary amendment has been made to the Act for bringing a certain office within the purview of the Schedule thereto.

Now, it has been proposed to bring all Government Societies, Corporations and Statutory Bodies within the purview of the Schedule to the Act so as to protect any person holding any office under the said Societies, Corporations and Statutory Bodies from being disqualified for being chosen as, or for being a Member of the Legislative Assembly, Puducherry. For the said purpose, it is proposed to amend the Act by substituting the Schedule under section 3 thereof.

The Bill seeks to achieve the above objects.