



Bill Summary

Parliament (Prevention of Disqualification) Amendment Bill, 2013

- The Minister for Law and Justice, Mr. Kapil Sibal, introduced the Parliament (Prevention of Disqualification) Amendment Bill, 2013 in the Rajya Sabha on August 8, 2013.
- **Background:** Article 102 of the Constitution provides that a person shall be disqualified from being chosen as a Member of Parliament (MP) if he holds an office of profit under the government of India or the government of a state. However, Parliament can declare by law that the holding of certain offices will not incur this disqualification. The Parliament (Prevention of Disqualification) Act, 1959 lists certain offices of profit under the central and state governments, which do not disqualify the holders from being an MP. The Chairperson of the National Commission for Scheduled Castes and Scheduled Tribes is exempted from disqualification as per this list.
- **Amendment:** The Bill seeks to amend the Parliament (Prevention of Disqualification) Act, 1959. The amendment will exclude the Chairperson of the National Commission for the Scheduled Castes and the Chairperson of the National Commission for the Scheduled Tribes from incurring any disqualification from being an MP.
- The amendment to the 1959 Act reflects the change brought about by the Constitution (Eighty - ninth Amendment) Act, 2003. The constitutional amendment bifurcated the National Commission for the Scheduled Castes and Scheduled Tribes into two independent Commissions: the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes. Hence, the amendment to the 1959 Act was necessary to exclude the Chairperson of these two Commissions from incurring any disqualification from being an MP.

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