

Maharashtra Legislature Members (Removal of Disqualifications) Act, 1956

MAHARASHTRA

India

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Act 52 of 1956

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Maharashtra Legislature Members (Removal of Disqualifications) Act, 1956Bombay Act No. 52 of 1956For Statement of Objective and Reasons, see Bombay Government Gazette, 1956, Part V, page 345-46.(This Act received the assent of Governor on the 12th December, 1956; assent was first published in the Bombay Government Gazette, Part IV, on the 17th December, 1956.)An Act to provide for the removal of certain disqualifications or being chosen as, and for being, a member of [the Maharashtra Legislative Assembly and the Maharashtra Legislative Council] [These words substituted for the words 'the Bombay Legislative Assembly and the Bombay Legislative Council' by Maharashtra 15 of 1980, Schedule.]Whereas by the Constitution of India provision has been made for declaring by Act of the State Legislature any office of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution not to disqualify its holder for being chosen as, and for being, a member or a State Legislature;And Whereas it is expedient to make such declaration; It is hereby enacted in the Seventh Year of the Republic of India as follows:-

1. Short title and commencement.

- [(1) This Act may be called the Maharashtra Legislature Members (Removal of Disqualifications) Act.] [Sub-section (1) was substituted by Maharashtra 15 of 1980, Schedule.](2)It shall be deemed to have come into force on the 1st day of November 1956.

2. Removal of certain disqualifications.

A person shall not be disqualified for being chosen as, or for being a member of the [Maharashtra Legislative Assembly] [These words were substituted for the words 'Bombay Legislative Assembly' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] or the

[Maharashtra Legislative Council] [These words were substituted for the words 'Bombay Legislative Council' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]
merely by reason of the fact that he holds any of the offices specified in Schedule I appended hereto.

3. Temporary provisions.

- For the removal of doubt, it is hereby declared that a person deemed to have been elected or chosen as a member of the Bombay Legislature under section 28 or section 34 of the States Reorganisation Act, 1956 shall not be deemed to be disqualified for being elected or chosen as, or for being, a member of the said Legislature merely by reason of the fact that he holds an office declared by any of the acts specified in Schedule-II or any other law in force immediately before the 1st day of November 1956, to be an office of profit which shall not disqualify the holder for being elected or chosen as, or for being, a member of a State Legislature.

4. Repeal.

- The Bombay Legislature Members (Removal of Disqualification) Act, 1951 is hereby repealed.

I [See also section 6(4) of Maharashtra 37 of 1961.]

(See section 2)

1. The office of the Parliamentary Secretaries to the Ministers of the [Government of Maharashtra] [These words were substituted for the words 'Government of Bombay' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.].

2. The office of part-time professors or lecturers in a Government college.

3. Any office in the National Cadet Corps, the Territorial Army, the Air Defence Reserve and the Auxiliary Air Force.

4. Any office in the Home Guards.

5. Any office in a village defence party (by whatever name called) constituted by or under the authority of the State Government.

6. [**] [Entry 6 was deleted by Maharashtra 2 of 1964, section 3.]**

7. The office of the Secretaries of the District or Regional Development Boards constituted by the State Government (by whatever name called).

Provided that the holders of such office do not hold any other office profit under the State Government.

8. Any office under an insurer the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956.

Explanation.- For the purpose of this entry, the expressions "controlled business" "and "insurer" shall have the meanings assigned to them in the Life Insurance (Emergency Provisions) Act, 1956.

9. The office of an Honorary Medical Officer or Honorary Assistant Medical Officer in a hospital under Government management.

9A. [The office of Chairman of member of the committee of any co-operative society (which is registered or deemed to be registered under any law for the time being in force relating to the registration of co-operative societies) to which appointment is made by the State Government or the office of liquidator or joint liquidator to which appointment is made by the Registrar of Co-operative Societies, or the office, of nominee or the Registrar whether appointed individually or to a board of nominees] [Entry 9A was deemed always to have been inserted by Maharashtra 23 of 1963, section 3.]

10. The office of the Chairman of member of the [Labour Welfare Board] [These words were substituted for the words 'Bombay Labour Welfare Board' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] constituted under the Bombay Labour Welfare Fund Act, 1953.

10A. [The office of a member of the Maharashtra Industrial Development Corporation nominated under [clause (d), (e), (f), (g) or (h) of section 4] [Entry 10A was inserted by Maharashtra 3 of 1962, section 69.] of the Maharashtra Industrial Development Act, 1961, by reason only of his holding such office.]

10B. [The office of a member (including the Chairman, Vice-Chairman, Member-Secretary) of the Maharashtra State Khadi and Village Industries Board, or of the Maharashtra State Khadi and Village Industries Council constituted under the Bombay Khadi and Village Industries Act, 1960 or the

office of a member of any of committee constituted under that Act.] [Entry 10B was inserted by Maharashtra 28 of 1965, section 39.]

11. The office of the Chairman or Member of any Committee or body appointed by the Central or State Government.

Provided that the Chairman or any Member of any Committee or body does not receive any remuneration other than the compensatory allowance. Explanation.- For the purpose of this entry, "compensatory allowance" shall mean the travelling allowance, the daily allowance or such other allowance which is paid to the holder of the office for the purpose of meeting the personal expenditure in attending the meeting of the committee or body or in performing any other functions as the holder of the said office.

12. [The office of an examiner for any examination held by the Central or State Government or by the Union Public Service Commission or the [Maharashtra Public Service Commission.] [Entries 12 and 13 were added by Bombay 52 of 1958, section 2.]

13. The following offices held under the Employees State Insurance Act, 1948 to provide medical benefit to insured persons under the said Act, that is to say,.

(a)the office of an Insurance Medical Practitioner,(b)the office of a part-time medical officer or specialist in a hospital, dispensary; nursing home, maternity home or other institution established by the Employees' State Insurance Corporation or the State Government, and(c)the office of a medical practitioner appointed to provide medical benefit to insured persons in any private hospital, dispensary, nursing home or maternity home or other institution recognised for the purpose by the Employees', State Insurance Corporation or the State Government.]

14. [The office of the Chairman or a member of the Maharashtra State Police Commission appointed by the State Government.] [Entry 14 was added by Maharashtra 15 of 1962, section 2.]

[15 . The office of a member of the Maharashtra Housing and Area Development Authority (including the President and the Vice-President thereof) constituted under the Maharashtra Housing and Area Development Act, 1976, or a Member of any of the Housing and Area Development Boards (including the Chairman and the Vice-Chairman thereof) established under that Act, or a member of any Panchayat (including the Sarpanch and Upa-Sarpanch thereof) established under that Act, by reason only of his holding such office.] [Section Entry 15 was substituted by Maharashtra 28 of 1977, section 192.]

16. [The office of the member (including the Chairman or Vice-Chairman) of the Authority constituted under the Bombay Metropolitan Region Development Authority Act, 1974 or of any of its Committees or Boards constituted under that Act.] [Entry 16 was inserted by Maharashtra 4 of 1975, section 10(2).]

17. [The office of the Chairman or a Member of the Maharashtra State Law Commission constituted by the State Government.] [Entry 17 was inserted by Maharashtra 7 of 1978, section 2.]

18. [The office of a Member (including the Chairman and the Vice-Chairman of the Maharashtra State Road Transport Corporation constituted under the Road Transport Corporation Act, 1950 or of any of its committees constituted under that Act.] [Entry 18 was added by Maharashtra 23 of 1980, section 2.]

[19 . The office of the Chairman, Vice-Chairman or any other member of the Board of Directors (by whatever name called) of any other Corporation, owned or controlled by the State Government, which is not mentioned in any of the above entries in this Schedule and which appointment is made by the State Government.Explanation.- For the purposes of this entry-(1)the expression "a corporation" means any body corporate and shall include a society registered under the Societies Registration Act, 1860, in its application to the State of Maharashtra, or any body constituted under any law for the time being in force:(2)the expression "a corporation controlled by the State Government" shall include a corporation in which not less than twenty-five per cent, of the paid-up share capital is held by the State Government.][20 . The office of the Executive President of the Maharashtra State Planning Board.] [Entry 20 was added by Maharashtra 6 of 1993, section 2.]

21. [The office of the Sabhapati of the Freedom Fighters High Power Committee constituted by the State Government.] [Entry 21 was added by Maharashtra 1 of 1996, section 2.]

[22 . The offices of the Chairman of the Vidarbha Development Board, the Marathwada Development Board and the Development Board for the rest of Maharashtra, established by the Governor of Maharashtra under the Development Boards for Vidarbha, Marathwada and the rest of Maharashtra Order, 1994, issued in pursuance of the State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and the rest of Maharashtra) Order, 1994.] [Entry 22 was added by Maharashtra 13 of 2001, section 2, (w.e.f. 15-12-1999).]

23. [The offices of the Chief Whip or Whip in the Maharashtra State Legislature.

Explanation. - (1) The expression "Chief Whip" or "Whip", in relation to the Maharashtra Legislative Assembly, means that Member of the House who is, for the time being, declared by the party forming the Government to be the Chief Whip or Whip in that House and recognized as such by the Speaker; and includes a member of the House, who, is for the time being, declared as such by the party having at-least ten per cent. of the total members of the House and recognized as such by the Speaker; and (2) the expression "Chief Whip" or "Whip", in relation to the Maharashtra Legislative Council, means that Member of the House who is, for the time being, declared by the party forming the Government to be the Chief Whip or Whip in that House and recognized as such by the Chairman; and includes a member of the House, who, is for the time being, declared as such by the party having at-least ten per cent. of the total members of the House and recognized as such by the Chairman.] [Inserted by Act No. 56 of 2017, dated 7.9.2017.]

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(See section 3)(1)The Hyderabad Legislative Assembly (Prevention of Disqualification) Act, 1955 (Hyderabad Act XVIII of 1955).(2)The Madhya Pradesh Office of Profit (Removal of Disqualifications) Act, 1950 (Madhya Pradesh Act VII of 1950).(3)The Saurashtra Legislative Assembly (Prevention of Disqualification) Act, 1950 (Saurashtra Act VI of 1950).(4)Section 28(5) of the State Reorganisation Act, 1956 (XXXVII of 1956).[Entry 19 was added by Maharashtra 38 of 1981, section 2.]