

West Bengal Legislature (Removal of Disqualifications) Act, 2007

WEST BENGAL

India

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Act 11 of 2007

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West Bengal Legislature (Removal of Disqualifications) Act, 2007(West Bengal Act No. 11 of 2007)Last Updated 6th January, 2020[Dated 27.8.2007.][Passed by the West Bengal Legislature.][Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 29th August, 2007.]An Act to declare that certain offices of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India shall not disqualify the holders thereof for being chosen as. or for being members of the West Bengal Legislative Assembly. Whereas it is expedient to declare in accordance with the provisions contained in sub-clause (a) of clause (1) of article 191 of the Constitution of India that the holders of certain offices of profit under the Government of India or the Government of any State specified in the First Schedule of the said Constitution shall not be disqualified for being chosen as, and for, being members of the West Bengal Legislative Assembly;It is hereby enacted in the Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. Short title and commencement.

(1)This Act may be called the West Bengal Legislature (Removal of Disqualifications) Act, 2007.(2)It shall come into force at once.

2. Removal of certain disqualifications for membership.

- 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 West Bengal Legislative Assembly, namely:-(a)any office held by a Minister, Minister of State or Deputy Minister of the State of West Bengal, whether ex-officio or by name;(b)the office of the Leader of the Opposition in the West Bengal State

Legislature;(c)the office of the Chairperson of any Committee of the West Bengal Legislative Assembly;(d)the office of Chief Government Whip, Deputy Chief Whip or Whip in the West Bengal Legislative Assembly or the office of a Parliamentary Secretary;(e)the office of Sheriff in the city of Kolkata;(f)the office of Chairman or member of the Syndicate. Senate. Executive Committee, Council or Court of any University in the State of West Bengal or any other body connected with a University;(g)the office of a member of any delegation or mission constituted by the Government of India or the State Government for any special purpose;(ga)[the office of Chairperson or member or director of a committee, or statutory or noil-statutory body including any board or trust or trust board, set up by the Central Government or the State Government or any other authority under the Central Government or the State Government, as the case may be, other than any such body mentioned in clause (I), for the purpose of advising on issue of any of the matters of public importance relating to education, culture, sports, press or media etc. or for the purpose of making an inquiry into, regulating or collecting statistics or promoting or taking part in any activities in respect of any of such matters;] [Inserted by West Bengal Act No. 18 of 2011, dated 15.2.2012.](h)the office of member of any force raised or maintained under the National Cadet Corps Act. 1948, (31 of 1948) the Territorial Army Act, 1948 (56 of 1948) or the Reserve and Auxiliary Air Forces Act. 1952 (62 of 1952) or the office of a member of a Home Guard constituted under any law in the State of West Bengal;(i)the office of member of any Zilla Parishad, Panchayat Samiti, Siliguri Mahakuma Parishad or Darjeeling Gorkha Hill Council;(j)the office of Mayor, Deputy Mayor, Mayor-in-council, Chairman, Vice-Chairman. Chariman-in-council or Councillor of any municipality or municipal corporation in the State of West Bengal;(k)the office of Chairperson or member of State Planning Board and District Planning Committee of any district of the State of West Bengal;(l)the office of Chairman, Deputy Chairman or Vice-Chairman, Director or member of any statutory or non-statutory body specified in the Schedule annexed to this Act.

3. Act to have overriding effect over judgement order etc.

(1)Notwithstanding any judgement or order of any court or tribunal or order or opinion of any other authority, the offices mentioned in clauses (a) to (l) of section 2 shall not disqualify or shall be deemed never to have disqualified the holders thereof for being chosen as. or being, a member of the West Bengal State Legislative Assembly as if this Act had been in force at all material times.(2)Nothing contained in sub-section (I) shall be construed as to entitle any person who has vacated a seat owing to any order or judgement as aforesaid, to claim any reinstatement or any other claim in that behalf.(3)For the removal of doubts, it is hereby clarified that any petition or reference pending before any court or other authority on the date of commencement of this Act shall be disposed of in accordance with the provisions of this Act.

4. Repeal of West Ben. Act VI 1952.

- The West Bengal Legislature (Removal of Disqualifications) Act. 1952, is hereby repealed.The Schedule[See section 2(1)]

- 1. Kolkata Metropolitan Development Authority.**
- 2. Asansol Durgapur Developement Authority.**
- 3. Siliguri Jalpaiguri Developement Authority.**
- 4. Haldia Development Authority.**
- 5. Sriniketan Santiniketan Development Authority.**
- 6. Burdwan Development Authority.**
- 7. Bhangore Rajarhat Area Development Authority.**
- 8. Digha Development Authority.**
- 9. Kolkata Metropolitan Planning Committee.**
- 10. West Bengal Industrial Development Corporation Limited.**
- 11. West Bengal Industrial Infrastructure Developement Corporation Ltd.**
- 12. West Bengal Small Industries Development Corporation Limited.**
- 13. West Bengal Handicrafts Development Corporation Limited.**
- 14. West Bengal Minorities Development and Finance Corporation Ltd.**
- 15. West Bengal Handloom and Powerloom Development Corporation Ltd.**
- 16. West Bengal Khadi and Village Industry Board.**
- 17. Society for Self-Employment for Urban Youth, a society registered under the West Bengal Societies' Registration Act, 1961.(West Ben. Act XXVI of 1961).**
- 18. State Fisheries Development Corporation Limited. West Bengal.**

- 19. West Bengal Fisheries Corporation Limited.**
- 20. Board of Wakf, West Bengal, a body constituted under the Wakf Act, 1995.(43 of 1995).**
- 21. West Bengal State Haj Committee, constituted under the Haj Committee Act. 2002.(35 of 2002).**
- 22. Central Wakf Council established under section 9 of the Wakf Act, 1995.**
- 23. Haj Committee of India, constituted under section 3 of the Haj Committee Act. 2002. .**
- 24. West Bengal Minorities Commission.**
- 25. West Bengal Board of Madrasah Education .**
- 26. West Bengal Urdu Academy.**
- 27. Planning Board (Asiatic Society) established under section 8 of the Asiatic Society Act, 1984. 5 of 1984.**
- 28. West Bengal Comprehensive Area Development Corporation.**
- 29. West Bengal State Rural Development Association.**
- 30. Society for Training and Research on Panchayat and Rural Development.**
- 31. West Bengal Forest Development Corporation Limited.**
- 32. West Bengal Wasteland Development Corporation Limited.**
- 33. West Bengal Pulpwood Development Corporation Limited. .**
- 34. State Board for Wildlife. West Bengal.**
- 35. West Bengal Labour Welfare Board.**

- 36. West Bengal Cooperative Milk Federation Limited.**
- 37. West Bengal Go-Sampad Bikash Sanstha.**
- 38. West Bengal Dairy and Poultry Development Corporation Limited.**
- 39. West Bengal Livestock Development Corporation Limited.**
- 40. Mother Dairy Limited.**
- 41. Society for Training and Research and Urban Governance.**
- 42. West Bengal State Council for Technical Education.**
- 43. West Bengal State Council for Vocational Education and Training.**
- 44. West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation.**
- 45. West Bengal Tribal Development Cooperative Corporation.**
- 46. West Bengal Backward Classes Development and Finance Corporation.**
- 47. Simdarban Development Authority.**
- 48. Sundarban Infrastructure Development Corporation Limited.**
- 49. West Bengal State Fishermen's Cooperative Federation Limited.**
- 50. West Bengal Ceramic Development Corporation Limited.**
- 51. West Bengal Food Processing and Horticulture Development Corporation Limited.**
- 52. West Bengal Power Development Corporation Limited.**
- 53. West Bengal Renewable Energy Development Authority.**

- 54. West Bengal Agro-Industries Corporation Limited.**
- 55. West Bengal State Minor Irrigation Corporation Limited.**
- 56. West Bengal State Seed Corporation Limited.**
- 57. West Bengal Essential Commodities Supply Corporation Limited.**
- 58. West Bengal State Consumers Federation Limited.**
- 59. Society of Self-Employment of Unemployed Youth. West Bengal.**
- 60. Institute of Environmental Studies and Wetland Management.**
- 61. West Bengal State Literacy Mission.**
- 62. West Bengal Sishu Siksha Mission.**
- 63. Kolkata State Transport Corporation Limited.**
- 64. North Bengal State Transport Corporation Limited.**
- 65. South Bengal State Transport Corporation Limited.**
- 66. West Bengal Surface Transport Corporation Limited.**
- 67. Kolkata Tramways Corporation Limited.**
- 68. West Bengal Transport Infrastructure Development Corporation Limited.**
- 69. West Bengal State Sports Council. .**
- 70. West Bengal Mountaineering and Adventure Sports Foundation.**
- 71. West Bengal State Council of Bio-Technology.**
- 72. State Productivity Council, West Bengal.**

- 73. Paschimbanga Rajya Prarambhik Siksha Unnayan Sanstha.**
- 74. West Bengal Council for Science and Technology. »**
- 75. Centre for Archaeological Studies and Training. .**
- 76. Netaji Institute of Asian Studies.**
- 77. West Bengal Horticulture Development Society.**
- 78. Uttarbanga Unnayan Parshad.**
- 79. Paschimanchal Unnayan Parshad.**
- 80. West Bengal State Marketing Board.**
- 81. West Bengal State Consumers' Cooperative Federation.**
- 82. West Bengal State Cooperative Marketing Federation.**
- 83. West Bengal Housing Board.**
- 84. West Bengal Housing Infrastructure Development Corporation Limited.**
- 85. West Bengal Films Development Corporation Limited.**
- 86. Roopkala Kendra.**
- 87. Mass Media Centre, West Bengal.**
- 88. West Bengal Minerals Development and Trading Corporation Limited.**
- 89. West Bengal Pharmaceutical and Phytochemical Development Corporation Limited.**
- 90. West Bengal State Leather Industries Corporation Limited.**

- 91. West Bengal State Handloom Weavers' Cooperative Society Limited.**
- 92. Paschim Banga Reshatn Silpi Satnabaya Mahasangha Limited.**
- 93. Basumati Corporation Limited.**
- 94. Kolkata Improvement Trust.**
- 95. Howrah Improvement Trust.**
- 96. Jaigaon Development Authority.**
- 97. Medinipur-Kharagpur Development Authority.**
- 98. West Bengal Social Welfare Board.**
- 99. West Bengal Commission for Women.**
- 100. West Bengal Women s Development Undertaking.**
- 101. West Bengal Pollution Control Board.**
- 102. West Bengal Heritage Commission.**
- 103. Durgapur Projects Limited.**
- 104. West Bengal State Council of Science and Technology.**
- 105. Hooghly River Bridge Commissioners.**
- 106. West Bengal Tourism Development Corporation.**
- 107. West-.Bengal Cooperative Milk Producers Federation.**
- 108. State Animal Welfare Board.**
- 109. West Bengal Cooperative Housing Federation.**

- 110. Health and Family Welfare Samitis at State, District and Block levels.**
- 111. All Swasthya Samitis of Medical Colleges and Hospitals and Decentralized Hospitals and Medical Teaching Institutions.**
- 112. Rogi Kalyan Samitis for District Hospitals, Sub-divisional/State General Hospitals, Block Primary Health Centres/Rural Hospitals.**
- 113. The West Bengal State Medicinal Plants Board.**
- 114. All Professional councils constituted under different Acts which have provisions of including members of West Bengal Legislative Assembly.**
- 115. State Supervisory Board for pre-conception and prenatal diagnostic techniques (Prohibition of Sex Selection) Act, 1994. .**
- 116. [All Co-operative Banks. [Inserted by West Bengal Act No. 18 of 2011, dated 15.2.2012.]**
- 117. All Wholesale Consumer Co-operative Societies.**
- 118. All Primary Consumer Co-operative Societies.**
- 119. All Primary Agricultural Marketing Co-operative Societies.**
- 120. All Co-operative Cold Storage Societies.**
- 121. All Primary Agricultural Credit Co-operative Societies.**
- 122. West Bengal State Co-operative Union.**
- 123. All District Co-operative Unions.**
- 124. West Bengal Central School Service Commission.**
- 125. West Bengal Regional School Service Commission.**

126. Shishu Kishore Academy.]