

# **The Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960**

GUJARAT

India

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### **Act 1 of 1960**

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The Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960 Gujarat Act No. 1 of 1960 [Dated 22nd September, 1960] For Statement of Objects and Reasons, see Gujarat Government Gazette, Extraordinary, Part V, dated the 14th July, 1960, p. 13. An Act to provide for the removal of certain disqualifications for being chosen as, and for being a member of the Gujarat Legislative Assembly. Whereas by the Constitution 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 of a State Legislature : And Whereas it is expedient to make such declaration; It is hereby enacted in the Eleventh Year of the Republic of India as follows.-

### **1. Short title and commencement.**

(1) This Act may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960. (2) It shall come into force on the 1st day of May, 1960.

### **2. [ Removal of certain disqualifications. [Please see Section 34 of the Gujarat Slum Areas (Improvement, Clearance and Redevelopment) Act, 1973 (Gujarat 11 of 1973).]**

- A person shall not be disqualified for being chosen as, or for being a member of the Gujarat Legislative Assembly merely by reason of the fact that he holds any of the offices specified in the Schedule appended hereto.]

### **3. Repeal of Gujarat Ordinance No. V of 1960.**

- The Gujarat Legislative Assembly Members (Removal of Disqualification) Ordinance, 1960 (Gujarat Ordinance No. V of 1960) is hereby repealed. The Schedule (See Section 2)

#### **1. The office of Parliamentary Secretary to a Minister of the Government of Gujarat.**

**1A. [ Any office held by a Minister, Minister of State or Deputy Minister, whether ex-officio or by name;] [Entry 1A inserted by Gujarat 4 of 2008, dated 7, h March, 2008 (w.e.f. 07-03-2008).]**

#### **2. The office of part-time professor or lecturer 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. The office of a member of the Advisory Board constituted under the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951) or any corresponding law in force in any part of the State of Gujarat.**

#### **7. The office of Secretary of the District or Regional Development Boards constituted by the State Government (by whatever name called:**

Provided that the holder of such office does not hold any other office of 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 (IX of 1956).**

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

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

**10. The office of Chairman or member of the Labour Welfare Board constituted under the Bombay Labour Welfare Fund Act, 1953 (Bombay XL of 1956).**

**11. [The office of Chairman, Vice-Chairman, Director, Secretary or Member of any Committee or Statutory body appointed by the Central or State Government] [Substituted by Gujarat 4 of 2008, dated 7th March, 2008 (w.e.f. 07-03-2008).]:**

[Provided that the [Chairman, Vice-Chairman, Director, Secretary or Member of such Committee or Statutory body] [This proviso was submitted by Gujarat 17 of 1984, Section 2 (1) (w.r.e.f. 01-01-1980).] does not receive any remuneration other than compensatory allowance nor does he receive any facilities other than such facilities (including furnished office, staff, vehicle and free residential accommodation) as are deemed by Government to be essential for the efficient performance of his duties as such Chairman or Member.] 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 his 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 Gujarat Public Service Commission.**

**13. The following offices held under the Employees' State Insurance Act, 1948 (XXXIV of 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.] [Entry 13-A was inserted by Gujarat 23 of 1962, Section 59.] The officer of a [Director] [This word was substituted for the word 'member' by Gujarat 16 of 1991, Section 2 (1) (w.r.e.f. 03-04-1991).] of the Gujarat Industrial Development Corporation nominated under clause (b), (c), or (d) of sub-section (1) of Section 4 of the Gujarat Industrial Development Act, 1962 (Gujarat XXIII of 1962) by reason only of his holding

such office.]

**15. [ The Office of Chairman or Member of the Gujarat Tribal Development Corporation constituted under the Gujarat Tribal Development Corporation Act, 1972 (Gujarat 5 of 1972). [Entries 15 to 23 were added, by Gujarat 16 of 1991, Section 2 (1) (w.r.e.f. 03-04-1991).]**

**16. The Office of Chairman or Member of the Gujarat State Social Welfare Advisory Board.**

**17. The Office of Chairman or Member of the Gujarat Backward Classes Board.**

**18. The Office of Chairman or Member of the Gujarat Minorities Board.**

**19. The Office of Chairman or Member of the Gujarat Scheduled Castes Economic Development Corporation Limited.**

**20. The Office of Chairman or Member of the Gujarat State Scheduled Castes Welfare Advisory Board.**

**21. The Office of Chairman or Member of the Gujarat Women's Economic Development Corporation.**

**22. The Office of Chairman or Member of the Gujarat Landless Labourers and Halpati Housing Board.**

**23. The Office of the Executive Chairman and of the Additional Executive Chairman of the High Level Committee for effective implementation of the 20 Point Economic Programme.]**

**24. [ The Office of Government Chief Whip, [Government Deputy Chief Whip or Government Whip] [Entry 24 was added by Gujarat 3 of 1985, Section 2.].]**

**25. [ The Office of Chairman of the Film Development Corporation of Gujarat Limited.] [Entry 25 was added by Gujarat 2 of 1986, Section 2 (w.r.e.f. 19-10-1985).]**

- 26. [ The Office of [Chairman or Director] [Entries 26 to 30 were added by Gujarat 16 of 1991, Section 2 (2) (w.r.e.f. 03-04-1991).] of the Gujarat State Road Transport Corporation established under the Road Transport Corporation Act, 1950 (64 of 1950).**
- 27. The Office of Chairman or Director of the Gujarat Dairy Development Corporation Limited.**
- 28. The Office of Chairman or Director of the Gujarat State Handloom Development Corporation Limited.**
- 29. The Office of Chairman or Director of the Gujarat State Export Corporation Limited.**
- 30. The Office of Chairman or Director of the Gujarat State Warehousing Corporation established under the Warehousing Corporations Act, 1962 (58 of 1962).]**
- 31. [ The Office of Chairman or Director of Sardar Sarovar Narmada Nigam Limited.] [Entry 31 was added by Gujarat 1 of 1996, Section 2 (w.r.e.f. 09-09-1995).]**
- 32. [ The Office of Chairman or Director of the Gujarat State Forest Development Corporation Limited.] [Entry 32 was added by Gujarat 2 of 1996, Section 2 (w.r.e.f. 09-09-1995).]**
- 33. [ The Office of Chairman or Director of the Gujarat State Financial Corporation established under the State Financial Corporations Act, 1951 (63 of 1951). [Entries 33 to 35 were added by Gujarat 1 of 1997, Section 2 (2).]**
- 34. The Office of Chairman or Director of the Gujarat Mineral Development Corporation Limited.**
- 35. The Office of Chairman or Director of the Gujarat State Seeds Corporation Limited.]**

- 36. [ The Officer of Chairman or Director of the Gujarat Agro-Industries Corporation Limited.] [Entry 36 was added by Gujarat 1 of 1997, Section 3.]**
- 37. [ The Office of Chairman or Director of the Gujarat Tractor Corporation Limited. [Entries 37 to 40 were added, by Gujarat 1 of 1997, Section 4.]**
- 38. The Office of Chairman or Director of the Gujarat Water Resources Development Corporation Limited.**
- 39. The Office of Chairperson or member of the Gujarat State Wakf Board established under the Wakf Act, 1995 (43 of 1995).**
- 40. The Office of Chairman or Member of the Gujarat Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).]**