

**WEST BENGAL LEGISLATURE (PROHIBITION OF
SIMULTANEOUS MEMBERSHIP) ACT, 1952**

7 of 1952

[22nd July, 1952]

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An Act to provide for the vacation by a person who is chosen a member of both the West Bengal Legislative Assembly and the West Bengal Legislative Council of his seat in one House or the other. WHEREAS it is necessary to provide, in accordance with article 190 of the Constitution of India, for the vacation by a person who is chosen a member of both the West Bengal Legislative Assembly and the West Bengal Legislative Council of his seat in one House or the other ; It is hereby enacted as follows :

1. Short title and commencement :-

- (1) This Act may be called the West Bengal Legislature (Prohibition of Simultaneous Membership) Act, 1952.
- (2) It shall come into force immediately on the West Bengal Legislature (Prohibition of Simultaneous Membership) Ordinance, 1952, ceasing to operate.

2. Prohibition of simultaneous membership :-

- (1) Any person who is chosen a member of both the Houses of the West Bengal Legislature, and who has not taken a seat in any of the Houses, may, by notice in writing signed by him and delivered to the Secretaries of both the Houses, or to any person authorised

by the Governor in this behalf, within ten days from the date of publication in the Official Gazette of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the, later of such dates, as the case may be, intimate in which of the Houses he wishes to serve, and any choice so intimated shall be conclusive and his seat in the House in which he does not wish to serve shall thereupon become vacant. In default of such intimation, the seat of such person in the West Bengal Legislative Assembly shall become vacant.

(2) If a person who is already a member of the West Bengal Legislative Assembly and has taken his seat in such Assembly is chosen a member of the West Bengal Legislative Council, his seat in the Assembly shall, on the publication in the Official Gazette of the declaration that he has been so chosen, become vacant.

(3) If a person who is already a member of the West Bengal Legislative Council and has taken his seat in such Council is chosen a member of the West Bengal Legislative Assembly, his seat in the Council shall, on the publication in the Official Gazette of the declaration that he has been so chosen, become vacant.

3. Savings :-

On the West Bengal Legislature (Prohibition of Simultaneous Membership) Ordinance, 1952, ceasing to operate, section 8 of the Bengal General Clauses Act, 1899, shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.