

**WEST BENGAL LEGISLATURE (REMOVAL OF
DISQUALIFICATIONS) ACT, 1952**

6 of 1952

[July 22, 1952]

CONTENTS

1. Short title and commencement
2. Removal of certain disqualifications for membership
3. Repeal of Bengal Act 3 of 1937 and West Bengal Act 38 of 1950
4. Savings

**WEST BENGAL LEGISLATURE (REMOVAL OF
DISQUALIFICATIONS) ACT, 1952**

6 of 1952

[July 22, 1952]

An Act to declare that the holders of 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 be disqualified for being chosen as, and for being, members of the West Bengal Legislative Assembly or the West Bengal Legislative Council. 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 to the said Constitution shall not be disqualified for being chosen as, and for being, members of the West Bengal Legislative Assembly or the West Bengal Legislative Council; It is hereby enacted as follows:

1. Short title and commencement :-

(1) This Act may be called the West Bengal Legislature (Removal of Disqualifications) Act, 1952.

(2) It shall come into force immediately on the West Bengal Legislature (Removal of Disqualifications) Ordinance, 1952, ceasing to operate.

2. Removal of certain disqualifications for membership :-

¹It is hereby declared that a person shall not be disqualified for being chosen as, and for being, a member of the West Bengal Legislative Assembly or the West Bengal Legislative Council by reason only of the fact

(i) that he holds any of the following offices of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, namely:

(a) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary;

(b) an office which is not a wholetime office remunerated either by salary or by fees; **²** * * *

³(c) an office in connection with the management of any property taken over by the State Government for a limited period under a law made under sub-clause (b) of clause (1) of article 31A of the Constitution of India, when held by a person who was employed in connection with the management of the property before such taking over; **⁴** * *

⁵(d) the office of chairman or member of a Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950, **⁶**[or the office of member of the West Bengal Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974,] if the holder of such office is not entitled to any remuneration other than compensatory allowance.

Explanation. For the purpose of this sub-clause, "compensatory allowance" shall mean any sum of money payable to the holder of the office as aforesaid by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a member of the West Bengal Legislative Assembly is entitled under the Bengal Legislative Assembly (Members' Emoluments) Act, 1937), any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office; or

(ii) that he has been enrolled in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948, or in the

Territorial Army raised and maintained under the Territorial Army Act, 1948, or in the West Bengal National Volunteer Force raised and maintained under the West Bengal National⁷ [or in the Air Defence Reserve or the Auxiliary Air Force raised and maintained under the Reserve and Auxiliary Air Forces Act, 1952], and receives emoluments consequent thereon.

1. Sec. 2 subs. by W.B. Act 27 of 1954, which was earlier as under:
"2. Removal of certain disqualifications for membership. It is hereby declared that a person shall not be disqualified for being chosen as, and for being, a member of the West Bengal Legislative Assembly or the West Bengal Legislative Council by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, namely: (a) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary: (b) an office which is not a wholetime office remunerated either by salary or by fees."

2. Word "or" om. by W.B. Act 11 of 1960.

3. Sub-clause (c) ins. by W.B. Act 11 of 1960.

4. Word "or" om. by W.B. Act 3 of 1983, w.e.f. 21.1.1983.

5. Sub-clause (d) ins. by W.B. Act 3 of 1983, w.e.f. 21.1.1983.

6. Words, figures, and brackets ins. by W.B. Act 7 of 1984, w.e.f. 4.2.1984.

7. Words ins. by W.B. Act 22 of 1959.

3. Repeal of Bengal Act 3 of 1937 and West Bengal Act 38 of 1950 :-

The Bengal Legislature (Removal of Disqualifications) Act, 1937 and the Legislative Assembly of West Bengal (Removal of Disqualifications) Act, 1950, are hereby repealed.

4. Savings :-

On the West Bengal Legislature (Removal of Disqualifications) 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.