

MAHARASHTRA LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT, 1956

52 of 1956

[17th December, 1956]

CONTENTS

1. Short title and commencement
2. Removal of certain disqualifications
3. Temporary provisions
4. Repeal

SCHEDULE 1 :- SCHEDULE

SCHEDULE 2 :- SCHEDULE

MAHARASHTRA LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT, 1956

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An Act to provide for the removal of certain disqualifications for being chosen as, and for being, a member of The Maharashtra Legislative Assembly and the Maharashtra Legislative Council 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 Govt. 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 the 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)¹ This Act may be called The Maharashtra Legislature Members (Removal of Disqualifications) Act.

(2) It shall be deemed to have come into force on the 1st day of November, 1956.

1. Sub-section (1) was substituted *ibid*.

2. Removal of certain disqualifications :-

A person shall not be disqualified for being chosen as, or for being a member of the ¹[Maharashtra Legislative Assembly] or the ²[Maharashtra Legislative Council] merely by reason of the fact that he holds any of the offices specified in Schedule1 appended hereto.

1. These words were substituted for the words "Bombay Legislative Assembly" by the Maharashtra Adaptation of Laws(State and Concurrent Subjects) Order, 1960.

2. These words were substituted for the words "Bombay Legislative Council" *ibid*.

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 Reorganization 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 1 st 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 Disqualifications) Act, 1951 is hereby repealed.

SCHEDULE 1

SCHEDULE

SCHEDULE I

- The office of the Parliamentary Secretaries to the Ministers of the [Government of Maharashtra].
- The office of part-time professors or lecturers in a Government college.
- Any office in the National Cadet Corps, the Territorial Army, the Air Defence Reserve and the Auxiliary Air Force.
- Any office in the Home Guards.
- Any office in a village defence party (by whatever name called) constituted by, or under the authority of the State Government.

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 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.

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.

[9-A. The office of Chairman or 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 cooperative 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 of the Registrar whether appointed individually or to a board of nominees.]

10. The office of the Chairman or member of the [Labour Welfare Board] constituted under the Bombay Labour Welfare Fund Act, 1953.

[10-A. The office-of a member of the Maharashtra Industrial Development Corporation nominated under clause (b), (c) or (d) of subsection

(1) of Section 4 of the Maharashtra Industrial Development Act, 1961, by reason only of his holding such office.]

[10-B. 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 committee constituted under that Act.]

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 such 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]].

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

[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.]

[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 any of its Committees or Boards constituted under that Act.]

[17. The office of the Chairman or a member of the Maharashtra State Law Commission constituted by the State Government.]

[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 Corporations Act, 1950 or of any of its committees constituted under that Act].

[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 to which appointment is made by the State

Government.

[20. The office of the Executive President of the Maharashtra State Planning Board.]

[21. The office of the Sabhapati of the Freedom Fighters' High Power Committee Constituted 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 percent, of the paid up share capital is held by the State Government].

SCHEDULE 2

SCHEDULE

(See Section 3)

SCHEDULE 2

(See Section 3)

1. The Hyderabad Legislative Assembly (Prevention of Disqualification) Act, 1955 (Hyderabad Act XVIII of 1955).
2. The Madhya Pradesh Offices 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 States Reorganisation Act, 1956 (XXXVII of 1956).