

¹[THE MAHARASHTRA LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATION)
ACT, 1956]

ACT No. LII OF 1956

[12th December, 1956.]

An Act to provide for the removal of certain disqualifications for being chosen as, and for being, a member of, ²[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 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 Seventh Year of the Republic of India as follows:—

1. Short title and commencement.—³[(1) This Act may be called the Maharashtra Legislature Members (Removal of Disqualification) Act, 1956.]

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

2. Removal of certain disqualifications.—A person shall not be disqualified for being chosen as, or for being, a member of, the ⁴[Maharashtra Legislative Assembly] or the ⁵[Maharashtra Legislative Council] merely by reason of the fact that he holds any of the offices specified in Schedule I appended hereto.

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 Reorganisation Act, 1956 (37 of 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 1st 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 (Bom. XXV of 1951) is hereby repealed.

SCHEDULE I*
(See section 2)

1. The office of the Parliamentary Secretaries to the Ministers of the ⁶[Government of Maharashtra].
2. The office of part-time professors or lecturers in a Government college.
3. Any office in the National Cadet Corps. The Territorial Army, the Air Defence Reserve and the Auxiliary Air Force.

1. For Statement of Objects and Reasons, see Bombay Government Gazette, 1956, Part V, pages 345-346.

2. Subs. by Mah. Act 15 of 1980 and Sch., for "the Bombay Legislative Assembly and the Bombay Legislative Council".

3. Subs., *ibid.*, for sub-section (1).

4. Subs. by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960, for "Bombay Legislative Assembly".

5. Subs., *ibid.*, for "Bombay Legislative Council".

6. Subs., *ibid.*, "Government of Bombay".

*See also section 6(4) of Mah. Act 37 of 1961.

Maharashtra Legislature Members (Removal of Disqualification) Act, 1956
(PART IV.—Law Relating to Removal of Disqualification)

Explanation.—For the purpose of this entry, "compensatory allowance" shall mean the travelling allowance, the daily allowance or such other allowances 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.

¹[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 ²[Maharashtra Public Service Commission.]

13. The following offices held under the Employees' State Insurance Act, 1948 (34 of 1948) to provide medical benefit to insured person 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.]

³[14. The office of the Chairman or member of the Maharashtra State Police Commission appointed by the State Government.]

⁴[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 (Mah. XXVIII of 1977), 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.]

⁵[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 (Mah. IV of 1975) or of any of its committees or Boards constituted under that Act.]

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

⁷[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 Corporation Act, 1950 (LXIV of 1950) or of any of its committees constituted under that Act.]

⁸[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.

1. Added by Bom. Act 52 of 1958, s. 2.

2. Subs. by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 for "Bombay Public Service Commission".

3. Entry 14 added by Mah. Act 15 of 1962, s. 2.

4. Subs. by Mah. Act 28 of 1977, s. 192, for entry 15.

5. Entry 16 ins. by Mah. Act 4 of 1975, s. 10(2).

6. Entry 17 ins. by Mah. Act 7 of 1978, s. 2.

7. Entry 18 added by Mah. Act 23 of 1980, s. 2.

8. Entry 19 added by Mah. Act 38 of 1981, s. 2.

Maharashtra Legislature Members (Removal of Disqualification) Act, 1956
(PART IV.—Law Relating to Removal of Disqualification)

Explanation.—For the purpose of this entry,—

(1) the expression "a corporation" means any body corporate and shall include a society registered under the Societies Registration Act, 1860 (21 of 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 per cent. of the paid up share capital is held by the State Government.]

SCHEDULE II

(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 (37 of 1956).