

THE WEST BENGAL LEGISLATURE (REMOVAL OF DISQUALIFICATIONS) ACT, 1952¹

WEST BENGAL ACT VI OF 1952

[22nd July, 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^{2* * *}.

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^{2* * *}.

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 Legislative (Removal of Disqualifications) Ordinance, 1952 (West Ben. Ord. III of 1952), ceasing to operate.

³2. 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^{2* * *} 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 whole-time office remunerated either by salary or by fees;^{4* * *}

⁵(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;^{6* * *}

⁷(d) the Office of Chairman or member of a Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950 (64 of 1950) ⁸[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 (6 of 1974),] if the holder of such office is not entitled to any remuneration other than compensatory allowance.

1. For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, dated the 16th June, 1952, Pt. IVA, page 1248; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 21st June, 1952; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 4th July, 1952.

2. The words "or the West Bengal Legislative Council" omitted by the Adaptation of Bengal and West Bengal Laws Order, 1970 paragraph 3 and Sch.

3. Subs. by the West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1954 (West Ben. Act XXVII of 1954), s. 2.

4. The word "or" omitted by the West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1960 (West Ben. Act XI of 1960), s. 2(A).

5. Ins. by s. 2(B), *ibid*.

6. The word "or" was omitted by the West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1983 (West Ben. Act III of 1983), s. 2 (a).

7. Ins. by the West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1983 (West Ben. Act III of 1983), s. 2 (b).

8. Ins. by the West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1984 (West Ben. Act VII of 1984), s. 2.

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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 (Ben. Act 11 of 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 (31 of 1948), or in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (56 of 1948), or in the West Bengal National Volunteer Force raised and maintained under the West Bengal National Volunteer Force Act, 1949 (West Ben. Act I of 1949), ¹[or in the Air Defence reserve or the Auxiliary Air Force raised and maintained under the Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952)] and receives emoluments consequent thereon.

3. Repeal of Bengal Act III of 1937 and West Bengal Act XXXVII 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 (West Ben. Ord. III of 1952), ceasing to operate, section 8 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899), shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

1. Ins. by the West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1959 (West Ben. Act XXII of 1959), s. 2.