THE MAHARASHTRA LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT

[*Text as on 25th April 2024*]

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1 Maharashtra Ordinance No. XIV of 1980 was repealed by Mah. 23 of 1980, s. 3.

2 Maharashtra Ordinance No. VII of 1981 was repealed by Mah. 38 of 1981, s. 3.

3 Maharashtra Ordinance No. IX of 1981 was repealed by Mah. 44 of 1981, s. 6.

4 Maharashtra Ordinance No. XVII of 1992 was repealed by Mah. 6 of 1993, s. 4.

5 Section 3 of Mah. 6 of 1993 reads as under :—

"3. Removal of doubt.— For the removal of doubt it is hereby declared that the office of the Executive President of the Maharashtra State Planning Boards, in so far as it is an office of profit under the State Government, shall not disqualify or shall be deemed never to have disqualified the holder thereof for being a member of the Maharashtra Legislative Assembly notwithstanding the fact that he has availed himself of the facilities provided by the State Government, such as, rent free residential accommodation, telephone at the residence and office, chauffeur driven car and travelling and daily allowances for journeys on official tours.".

6 Maharashtra Ordinance No. XI of 1995 was repealed by Mah. 1 of 1996, s. 3.

7 Maharashtra Ordinance No. V of 2001 was repealed by Mah. 13 of 2001, s. 4.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT No. LII OF 1956[1]

[THE MAHARASHTRA LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT.]

[This Act received the assent of the Governor on the 12th December 1956; assent was first published in the *Bombay Government Gazette*, Part IV, on the 17th December 1956.]

An Act to provide for the removal of certain disqualifications or 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 Disqualifications) Act.]

(*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 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 (XXXVII 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.

1 For Statement of Objects and Reasons of the L. A. Bill No. LXVII of 1956, *see Bombay Government Gazette,* 1956, Extraordinary, Part V, dated 15th November 1956, pages 345-46.

2 These words were substituted for the words “the Bombay Legislative Assembly and the Bombay Legislative Council” by Mah. 15 of 1980, Schedule.

3 Sub-section (*1*) was substituted by Mah. 15 of 1980, Schedule.

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

5 These words were substituted for the words “Bombay Legislative Council” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

SCHEDULE I[1]
(*See* section 2)

1. The office of the Parliamentary Secretaries to the Ministers of the [2][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.

4.Any office in the Home Guards.

5.Any office in a village defence party (by whatever name called) constituted by or under the authority of the State Government.

[3]* * * * *

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 (IX of 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 (IX of 1956).

9. The office of an Honorary Medical Officer or Honorary Assistant Medical Officer in a hospital under Government management.

[4][9A. 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 co-operative societies) to which appointment is made by the State Government, or the office of the 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 [5][Labour Welfare Board] constituted under the [6]Bombay Labour Welfare Fund Act, 1953 (Bom. XL of 1953).

[7][10A. The office of a member of the Maharashtra Industrial Development Corporation nominated under [8][clause (*d*), (*e*), (*f*) or (*h*) of section 4] of the Maharashtra Industrial Development Act, 1961 (Mah. III of 1962), by reason only of his holding such office].

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

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

3 Entry 6 was deleted by Mah. 2 of 1964, s. 3.

4 Entry 9A was inserted by Mah. 23 of 1963, s. 3.

5 These words were substituted for the words "Bombay Labour Welfare Board" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

6 The short title of this Act was amended as "the Maharashtra Labour Welfare Fund Act" by Mah. 24 of 2012, Sch., entry 48, w.e.f. 1-5-1960.

7 Entry 10A was inserted by Mah. 3 of 1962, s. 69.

8 These words, brackets, letters and figures were substituted for the words, brackets, letters and figures "clause (*b*), (*c*) or (*d*) of sub-section (*1*)" by Mah. 44 of 1981, s. 5.

[1][10B. 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 [2]Bombay Khadi and Village Industries Act, 1960 (Bom. XIX of 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.

[3][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 [4][Maharashtra Public Service Commission.]

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

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

[6][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. XXXVIII 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.]

[7][16. The office of the member (including the Chairman or Vice-Chairman) of the Authority constituted under the [8]Bombay Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975) or of any of its Committees or Boards constituted under that Act.]

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

1 Entry 10B was inserted by Mah. 28 of 1965, s. 39.

2 The short title of this Act was amended as "the Maharashtra Khadi and Village Industries Act" by Mah. 24 of 2012, Sch., entry 84, w.e.f. 1-5-1960.

3 Entries 12 and 13 were added by Bom. 52 of 1958, s. 2.

4 These words were substituted for the words "Bombay Public Service Commission" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

5 Entry 14 was added by Mah. 15 of 1962, s. 2.

6 Entry 15 was substituted by Mah. 28 of 1977, s. 192.

7 Entry 16 was inserted by Mah. 4 of 1975, s. 10(*2*).

8 The short title of this Act was amended as "the Mumbai Metropolitan Region Development Authority Act" by Mah. 25 of 1995, Sch., entry (*2*).

9 Entry 17 was inserted by Mah. 7 of 1978, s. 2.

[1][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.]

[2][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.

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 (XXI 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.]

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

[4][21. The office of the *Sabhapati* of the Freedom Fighters High Power Committee constituted by the State Government.]

[5][22. The office of the Chairman of the Vidarbha Development Board, the Marathwada Development Board and the Development Board for the rest of Maharashtra, established by the Governor of Maharashtra under the Development Boards for Vidarbha, Marathwada and the rest of Maharashtra Order, 1994, issued in pursuance of the State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and the rest of Maharashtra) Order, 1994.]

[6][23. The offices of the Chief Whip or Whip in the Maharashtra State Legislature.

Explanation.—(*1*) The expression “Chief Whip” or “Whip”, in relation to the Maharashtra Legislative Assembly, means that Member of the House who is, for the time being, declared by the party

forming the Government to be the Chief Whip or Whip in that House and recognized as such by the Speaker ; and includes a member of the House, who, is for the time being, declared as such by the party having at-least ten per cent. of the total members of the House and recognized as such by the Speaker ; and

(*2*) the expression “Chief Whip” or “Whip”, in relation to the Maharashtra Legislative Council, means that Member of the House who is, for the time being, declared by the party

forming the Government to be the Chief Whip or Whip in that House and recognized as such by the Chairman ; and includes a member of the House, who, is for the time being, declared as such by the party having at-least ten per cent. of the total members of the House and recognized as such by the Chairman.]

[1] Entry 18 was added by Mah. 23 of 1980, s. 2.

[2] Entry 19 was added by Mah. 38 of 1981, s. 2.

[3] Entry 20 was added by Mah. 6 of 1993, s. 2.

[4] Entry 21 was added by Mah. 1 of 1996, s. 2.

[5] Entry 22 was added by Mah. 13 of 2001, s. 2.

[6] Entry 23 was added by Mah. 56 of 2017, s. 2.

The relevant portion of section 2 of Mah. 56 of 2017 reads as under :—

"2. Prevention of disqualification of membership of State Legislature.— A person shall not be disqualified or shall be deemed never to have been disqualified for being chosen as, or for being a member of the Maharashtra Legislative Assembly or the Maharashtra Legislative Council, merely by the reason of the fact that he holds the office of Chief Whip or Whip, as the case may be.".

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 (XXXVII of 1956).