

BOMBAY ACT No. XII OF 1957¹**[THE BOMBAY PROHIBITION OF SIMULTANEOUS MEMBERSHIP ACT, 1957]**

[30th March 1957]

An Act to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Bombay of his seat in one House or the other.

WHEREAS it is necessary to provide, in accordance with Article 190 of the Constitution of India for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Bombay of his seat in one House or the other; It is hereby enacted in the Eighth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Prohibition of Simultaneous Membership Act, 1957. Short title,

2. (1) Any person who is chosen a member of both the Bombay Legislative Assembly and the Bombay Legislative Council and who has not taken his seat in either of the said Houses may, by notice in writing signed by him and delivered to the Speaker of the Bombay Legislative Assembly and the Chairman of the Bombay Legislative Council, or the person authorised by the Speaker or the Chairman in that behalf, within ten days from the date, or the later of the dates on which he is so chosen, intimate in which one of the Houses he wishes to serve, and thereupon his seat in the House other than the one in which he wishes to serve shall become vacant. Vacation of seats when elected to both Houses of State Legislature.

(2) In default of such intimation within the aforesaid period, his seat in the Bombay Legislative Council shall at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrecoverable.

3. (1) If a person who is already a member of the Bombay Legislative Assembly and has taken his seat in that House is chosen a member of the Bombay Legislative Council, his seat in the Bombay Legislative Assembly shall, on the date on which he is so chosen, become vacant. Vacation of seats by persons already members of one House on election to other House of State Legislature.

(2) If a person who is already a member of the Bombay Legislative Council and has taken his seat in that House is chosen a member of the Bombay Legislative Assembly, his seat in the Bombay Legislative Council shall become vacant—

(a) where he is so chosen in a by-election, on the date on which he is so chosen, and

(b) where he is so chosen in a general election, on the day next preceding the date the new Assembly is constituted under Section 73 of the Representation of the People Act, 1951.

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¹ For Statement of Objects and Reasons see *Bombay Government Gazette*, 1957, Part V. pages 57-58.

Meaning of
date on which
a person is
chosen for
purposes of
Sections 2
and 3.

4. You the purposes of Sections 2 and 3, the date on which a person is chosen to be a member of either. House of the Legislature of the State shall be, in the case of an elected member, the date of publication in the Official Gazette of the declaration that he has been so chosen under the Representation of the People Act, 1951 and in the case of a nominated member, the date of publication in the *Official Gazette* of his nomination.

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Repeal of
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1950.

5. The Bombay Prohibition of Simultaneous Membership Act, 1950 is repealed.

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1950.