



## The Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960

Act 1 of 1960

### Keyword(s):

Compensatory Allowance, Legislative Assembly, Non-Statutory Body, Office of Profit

Amendments appended: 17 of 1984, 3 of 1985, 2 of 1986, 16 of 1991, 1 of 1996, 2 of 1996, 1 of 1997, 4 of 2008

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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

THURSDAY, SEPTEMBER 22, 1960 / BHADRA 31, 1882.

Separate paging is given to this Part in order that it may be filed as a separate compilation

### PART IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 19th September 1960, is hereby published for general information.

M. G. MONANI,  
Secretary to the Government of Gujarat,  
Legal Department.

#### GUJARAT ACT No. I OF 1960

*( First published, after having received the assent of the Governor in the " Gujarat Government Gazette " on the 22nd September 1960. )*

An Act to provide for the removal of certain disqualifications for being chosen as, and for being a member of the Gujarat Legislative Assembly.

WHEREAS by the Constitution 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 Eleventh Year of the Republic of India as follows:—

Short title  
and comm-  
encement.

1. (1) This Act may be called the Gujarat Legislative Assembly Mem-  
bers ( Removal of Disqualifications ) Act, 1960.

(2) It shall come into force on the 1st day of May 1960.

Removal of  
certain  
disqualifica-  
tions.

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

Repeal of  
Guj. Ord.  
No. V of  
1960.

3. The Gujarat Legislative Assembly Members ( Removal of Disquali-  
fications ) Ordinance, 1960 is hereby repealed.

### THE SCHEDULE

( See section 2 )

1. The office of Parliamentary Secretary to a Minister of the Government  
of Gujarat.

2. The office of part-time professor or lecturer 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.

6. The office of a member of the Advisory Board constituted under the  
Bombay Wild Animals and Wild Birds Protection Act, 1951 or any corres-  
ponding law in force in any part of the State of Gujarat.

7. The office of Secretary of the District or Regional Development  
Boards constituted by the State Government ( by whatever name called ):

Provided that the holder of such office does 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 expression “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.

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

11. The office of 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 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 his personal expenditure in attending the meetings of the Committee or body or in performing any other functions as the holder of the said office.

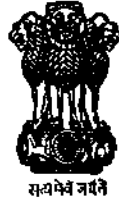
12. The office of an examiner for any examination held by the Central or State Government or by the Union Public Service Commission or the Gujarat Public Service Commission.

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



**The Gujarat Government Gazette**  
**EXTRAORDINARY**  
 PUBLISHED BY AUTHORITY

Vol. XXV] TUESDAY, OCTOBER 16, 1984/ASVINA 24, 1906

Separate paging is given to this Part in order that it may be filed as a separate Compilation.

**PART IV**

**Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th October, 1984 is hereby published for general information.

J. P. VASAVADA,  
 Secretary to the Government of Gujarat,  
 Legal Department.

**GUJARAT ACT NO. 17 OF 1984.**

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 16th October, 1984.).

An Act further to amend the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960.

It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Act, 1984.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st January, 1980.

Guj. 1  
 of  
 1980.

2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960, in the Schedule :—

Amendment of the Schedule to Guj. 1 of 1960.

(1) in entry 11, for the proviso, the following proviso shall be substituted, namely:—

“Provided that the Chairman or any Member of such Committee or body does not receive any remuneration other than compensatory allowance nor does he receive any facilities other than such facilities (including furnished office, staff, vehicle and free residential accommodation) as are deemed by Government to be essential for the efficient performance of his duties as such Chairman or Member.”;

(2) entry 13 A shall be renumbered as entry 14 and after entry 14 as so renumbered the following entries shall be added, namely:—

- “15. The Office of Chairman or Member of the Gujarat Tribal Development Corporation constituted under the Gujarat Tribal Development Corporation Act, 1972.
16. The Office of Chairman or Member of the Gujarat State Social Welfare Advisory Board.
17. The Office of Chairman or Member of the Gujarat Backward Classes Board.
18. The Office of Chairman or Member of the Gujarat Minorities Board.
19. The Office of Chairman or Member of the Gujarat Scheduled Castes Economic Development Corporation Limited.
20. The Office of Chairman or Member of the Gujarat State Scheduled Castes Welfare Advisory Board.
21. The Office of Chairman or Member of the Gujarat Women’s Economic Development Corporation.
22. The Office of Chairman or Member of the Gujarat Landless Labourers and Halpati Housing Board.
23. The office of the Executive Chairman and of the Additional Executive Chairman of the High Level Committee for effective implementation of the 20 Point Economic Programme.”.

**Repeal.** 3. The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1984 is hereby repealed.

Guj.  
Ord.  
4 of  
1984.



The Gujarat Government Gazette  
**EXTRAORDINARY**  
PUBLISHED BY AUTHORITY

Vol. XXVI]

FRIDAY, APRIL 12, 1985/CAITRA 22, 1907

Separate paging is given to this Part in order that it  
may be filed as a separate compilation.

**PART IV**

Acts of the Gujarat Legislature and Ordinance promulgated and  
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the  
Governor on the 12th April, 1985, is hereby published for general information.

J. P. VASAVADA,  
Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 3 OF 1985.**

(First published, after having received the assent of the Governor in the  
"Gujarat Government Gazettee" on the 12th April, 1985.).

An Act further to amend the Gujarat Legislative Assembly Members (Removal of  
Disqualifications) Act, 1960.

It is hereby enacted in the Thirty-sixth Year of the Republic of India, as  
follows.

1. This Act may be called the Gujarat Legislative Assembly Members Short  
(Removal of Disqualifications) (Amendment) Act, 1985. Short  
title.

Amendment  
of the  
Schedule  
to Guj. 1  
of 1980.

2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960, in the Schedule, after entry 23, the following entry shall be added, namely:—

"24. The Office of Government Chief Whip."





**The Gujarat Government Gazette**  
**EXTRAORDINARY**  
PUBLISHED BY AUTHORITY

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Vol. XXVII] WEDNESDAY, FEBRUARY 5, 1986/MAGHA 16, 1907

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Separate paging is given to this Part in order that it  
may be filed as a separate compilation.

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**PART IV**

**Acts of the Gujarat Legislature and Ordinances promulgated and  
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the  
Governor on the 3rd February, 1986 is hereby published for general information.

J. P. VASAVADA,  
Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 2 OF 1986.**

(First published, after having received the assent of the Governor in the  
"Gujarat Government Gazette" on the 5th February, 1986).

An Act further to amend the Gujarat Legislative Assembly Members  
(Removal of Disqualifications) Act, 1906.

It is hereby enacted in the Thirty-Seventh Year of the Republic of India  
as follows :—

1. (1) This Act may be called the Gujarat Legislative Assembly Members  
(Removal of Disqualifications) (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 19th October 1985.

Short  
title and  
commence-  
ment.

Amendment  
of Schedule  
to Guf.  
1 of 1960.

2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960, in the Schedule, after entry 24, the following entry shall be added, namely :—

Guj.  
1 of  
1960.

“25. The office of Chairman of the Film Development Corporation of Gujarat Limited.”

Repeal.

3. The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1985 is hereby repealed.

Guj.  
Ord.  
16 of  
1985.



**The Gujarat Government Gazette**  
**EXTRAORDINARY**  
PUBLISHED BY AUTHORITY

Vol. XXXII] WEDNESDAY, SEPTEMBER 18, 1991/BHADRA 27, 1913

Separate paging is given to this Part in order that it  
may be filed as a separate compilation.

**PART IV**

**Acts of the Gujarat Legislature and Ordinances promulgated and  
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the  
Governor on the 17th September, 1991 is hereby published for general information.

**R. H. GORI,**  
Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 16 OF 1991**

(First published, after having received the assent of the Governor in the  
"Gujarat Government Gazette" on the 18th September, 1991).

**AN ACT**

*further to amend the Gujarat Legislative Assembly Members (Removal of  
Disqualifications) Act, 1960.*

It is hereby enacted in the Forty-second Year of the Republic of India  
as follows :—

1. (1) This Act may be called the Gujarat Legislative Assembly  
Members (Removal of Disqualifications) (Second Amendment) Act, 1991.

Short title  
and commen-  
cement

(2) It shall be deemed to have come into force on the 3rd April, 1991.

Amendment  
of Schedule  
to Guj. I of  
1960.

2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960, in the Schedule,—

Guj. I  
1960.

(1) in entry 14, for the word "member", the word "Director" shall be substituted;

(2) after entry 25, the following entries shall be added, namely :—

"26. The office of Chairman of the Gujarat State Road Transport Corporation established under the Road Transport Corporations Act, 1950.

64 of  
1950.

27. The office of Chairman or Director of the Gujarat Dairy Development Corporation Limited.

28. The office of Chairman or Director of the Gujarat State Handloom Development Corporation Limited.

29. The office of Chairman or Director of the Gujarat State Export Corporation Limited.

30. The office of Chairman or Director of the Gujarat State Warehousing Corporation established under the Warehousing Corporations Act, 1962."

58 of  
1962.

Repeal and  
savings.

3. (1) The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1991 is hereby repealed.

Guj. Ord.  
1 of 1991.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.



The Gujarat Government Gazette  
**EXTRAORDINARY**  
 PUBLISHED BY AUTHORITY

Vol. XXXVII]. FRIDAY, MARCH 8, 1996/PHALGUNA 18, 1917

Separate paging is given to this Part in order that it  
 may be filed as a Separate Compilation.

**PART IV**

**Acts of the Gujarat Legislature and Ordinances promulgated  
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th March, 1996 is hereby published for general information.

SMT. K. R. TRIVEDI,  
 Secretary to the Government of Gujarat,  
 Legislative and Parliamentary Affairs Department.

**GUJARAT ACT NO. 1 OF 1996**

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 8th March, 1996).

*AN ACT*

further to amend the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960.

It is hereby enacted in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Act, 1996.

Short title  
 and  
 Commence-  
 ment.

(2) It shall be deemed to have come into force on the 9th September, 1995.

Guj. 1  
 of 1960.

2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960 (hereinafter referred to as "the principal Act"), in the Schedule, after entry 30, the following entry shall be added, namely:—

Amend-  
 ment of  
 Schedule  
 to Guj. 1  
 of 1960.

"31. The office of Chairman or Director of Sardar Sarovar Narmada Nigam Limited."

Repeal  
and  
savings.

3. (1) The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) (Second) Ordinance, 1995 is hereby repealed.

Guj. Ord.  
7 of 1995.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

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The Gujarat Government Gazette  
**EXTRAORDINARY**  
 PUBLISHED BY AUTHORITY

VOL. XXXVII ] FRIDAY, MARCH 8, 1996/PHALGUNA 18, 1917

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated  
 and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th March, 1996 is hereby published for general information.

SMT. K. R. TRIVEDI,  
 Secretary to the Government of Gujarat,  
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 1996

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 8th March, 1996.)

AN ACT

further to amend the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960.

It is hereby enacted in the Forty-seventh Year of the Republic of India as follows:—

Guj. 1 of 1960. 1. This Act may be called the Gujarat Legislative Assembly Members (Removal of Short title. Disqualifications) (Second Amendment) Act, 1996.

2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960, in the Schedule, after entry 31, the following entry shall be added, namely :— Amendment of Schedule to Guj. 1 of 1960.

\*32. The office of Chairman or Director of the Gujarat State Forest Development Corporation Limited.\*



The Gujarat Government Gazette  
**EXTRAORDINARY**  
 PUBLISHED BY AUTHORITY

Vol. XXXVIII | THURSDAY, FEBRUARY 27, 1997 / PHALGUNA 8, 1918

Separate paging is given to this Part in order that it may be filed as a separate compilation.

**PART—IV**

**Acts of the Gujarat Legislature and Ordinances promulgated  
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 26th February, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,  
 Secretary to the Government of Gujarat,  
 Legislative and Parliamentary Affairs Department.

**GUJARAT ACT NO. 1 OF 1997.**

( First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 27th February, 1997 ).

*AN ACT*

further to amend the Gujarat Legislative Assembly Members  
 ( Removal of Disqualifications ) Act, 1960.

it is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Act, 1997.

(2) The provisions of section 2 shall be deemed to have come into force on the 16th November, 1996, section 3 shall be deemed to have come into force on the 23rd November, 1996 and section 4 shall be deemed to have come into force on the 20th December, 1996.

Amendment of Schedule of Guj. 1960. 2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960 (hereinafter referred to as "the principal Act"), in the Schedule,—

(1) in entry 26, for the word "Chairman", the words "Chairman or Director" shall be substituted;



(2) after entry 32, the following entries shall be added, namely :—

"33. The office of Chairman or Director of the Gujarat State Financial Corporation established under the State Financial Corporations Act, 1951. 63 of 1951.

"34. The office of Chairman or Director of the Gujarat Mineral Development Corporation Limited.

"35. The office of Chairman or Director of the Gujarat State Seeds Corporation Limited."

Amendment of  
Schedule to  
Guj. 1 of 1960.

3. In the principal Act, in the Schedule, after entry 35 as so added, the following entry shall be added, namely :—

"36. The office of Chairman or Director of the Gujarat Agro-Industries Corporation Limited."

Amendment of  
Schedule to  
Guj. 1 of 1960.

4. In the principal Act, in the Schedule, after entry 36 as so added, the following entries shall be added, namely :—

"37. The office of Chairman or Director of the Gujarat Tractor Corporation Limited.

"38. The office of Chairman or Director of the Gujarat Water Resources Development Corporation Limited.

"39. The office of Chairperson or member of the Gujarat State Wakf Board established under the Wakf Act, 1995. 43 of 1995.

"40. The office of Chairman or member of the Gujarat Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974." 6 of 1974.

Repeal  
and savings.

5. (1) The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1996, the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Second Amendment) Ordinance, 1996 and the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Third Amendment) Ordinance, 1996 are hereby repealed. 14 of 1996, 15 of 1996, 19 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the principal Act as amended by this Act.



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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol : XLIX] FRIDAY, MARCH 7, 2008/PHALGUNA 17, 1927

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

### PART IV

Acts of the Gujarat Legislature and Ordinances promulgated  
And Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7<sup>th</sup> March, 2008 is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 4 OF 2008

*(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 7<sup>th</sup> Mach, 2008).*

#### AN ACT

further to amend the Gujarat Legislative Assembly Members  
(Removal of Disqualifications) Act, 1960.

It is hereby enacted in the Fifty-ninth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Act, 2008.

Short title and commencement.

(2) It shall come into force at once.

Guj. I of 1960. 2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960, in the Schedule,-

Amendment of Schedule to Guj. I of 1960.

(1) after entry 1, the following entry shall be inserted, namely:-

“1A. Any office held by a Minister, Minister of State or Deputy Minister, whether *ex-officio* or by name.”;

(2) in the entry 11,-

(i) for the words “The office of Chairman or member of any Committee or body appointed by the Central or State Government”, the words “The office of Chairman, Vice-Chairman, Director, Secretary or Member of any Committee or Statutory body appointed by the Central or State Government” shall be substituted;

(ii) in the proviso,-

(a) for the words “Chairman or any Member of such Committee or body”, the words “Chairman, Vice-Chairman, Director, Secretary or Member of such Committee or Statutory body” shall be substituted;

(b) the words “Chairman or Member” at the end shall be deleted;

(3) in the entry 24, after the words “Government Chief Whip”, the words “ Government Deputy Chief Whip or Government Whip” shall be added.