



**The Karnataka Legislature (Prohibition of Simultaneous Membership) Act,
1956**

Act 3 of 1957

Keyword(s):
Assembly, Council, Membership to Legislature

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**THE KARNATAKA LEGISLATURE (PROHIBITION OF SIMULTANEOUS MEMBERSHIP)
ACT, 1956.**

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STATEMENT OF OBJECTS AND REASONS

Act 3 of 1957.— Clause (1) of Article 190 of the Constitution provides that no person shall be a member of both Houses of the Legislature of the State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. As the Mysore Legislature (Prohibition of Simultaneous Membership) Act, 1951, passed by the old Mysore Legislature, does not apply to the new State and as it is necessary to implement the duty cast on the State Legislature by clause (1) of Article 190, the need for the Bill has arisen. If no bye-elections are held either to the Legislative Assembly or Legislative Council till their reconstitution, such a law will not be necessary till the election are held. But the law will have to be enacted before the next elections as cases of persons standing for election to both Houses may arise, and there should be some law as contemplated by Clause (1) of Article 190 of the Constitution. Hence this Bill.

(Published in the Gazette (Extraordinary) Part IV dated 17-12-1956 as No. 1175.)

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¹[KARNATAKA]¹ ACT No. 3 OF 1957

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-fourth Day of January, 1957.)

THE ¹[KARNATAKA LEGISLATURE]¹ (PROHIBITION OF SIMULTANEOUS MEMBERSHIP) ACT, 1956.

(Received the assent of the Governor on the Fifteenth Day of January, 1957.)

An Act to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the ¹[State of Karnataka]¹ 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 ¹[State of Karnataka]¹ of his seat in one House or the other;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Seventh Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

1. Short title.- This Act may be called the ¹[Karnataka Legislature]¹ (Prohibition of Simultaneous Membership) Act, 1956.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

2. Definitions.- In this Act unless there is anything repugnant in the subject or context,—

(1) “Assembly” means the Legislative Assembly of the ¹[State of Karnataka]¹;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) “Council” means the Legislative Council of the ¹[State of Karnataka]¹;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) “House” means the Assembly or the Council.

3. Vacation of seat by persons when elected as members of both the Assembly and the Council.- (1) Any person who is chosen a member of both the Assembly and the Council and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary of each of the Houses or to any person authorised by the Governor in this behalf, within ten days from the date of publication in the ¹[Karnataka Gazette]¹ of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the latter of such dates, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

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

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

4. Vacation of seats by persons already members of one House on election to the other House.- (1) If a person who is already a member of the Assembly and has taken his seat in the Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the ¹[Karnataka Gazette]¹, of the declaration that he has been so chosen, become vacant.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) If a person who is already a member of the Council and has taken his seat in the Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the '[Karnataka Gazette]'¹ of the declaration that he has been so chosen, become vacant.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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