



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ३१]

शनिवार, एप्रिल १, २०१७/चैत्र ११, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००

### असाधारण क्रमांक ६०

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Legislature Members (Removal of Disqualification) (Amendment) Bill, 2017 (L. A. Bill No. XXIV of 2017), introduced in the Maharashtra Legislative Assembly on the 1st April 2017, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,  
Principal Secretary to Government,  
Law and Judiciary Department.

### L. A. BILL No. XXIV OF 2017.

### A BILL

*further to amend the Maharashtra Legislature Members  
(Removal of Disqualification) Act.*

Bom.  
LII of  
1956.

Whereas it is expedient further to amend the Maharashtra Legislature Members (Removal of Disqualification) Act, for the purpose hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Legislature Members (Removal of Disqualification) (Amendment) Act, 2017. Short title.

2. 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 ; and accordingly, in Schedule I to the Maharashtra Prevention of disqualification of membership of State Legislature.

Bom.  
LII of  
1956.

Legislature Members (Removal of Disqualification) Act, after entry 22, the following entry shall be added, namely:—

“23. The offices of the Chief Whip or Whip in the Maharashtra State Legislature.

*Explanation.*— 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 that Member of the Maharashtra Legislative Council 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.”.

STATEMENT OF OBJECTS AND REASONS.

Sub-clause (a) of clause (1) of article 191 of the Constitution of India provides that a person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State, if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder.

Pursuant to the said provisions of sub-clause (a) of clause (1) of article 191, the Maharashtra Legislature Members (Removal of Disqualification) Act (Bom. LII of 1956) has been enacted, with a view to provide that the holder of the offices specified in the Schedule appended to the said Act shall not be disqualified for being chosen as, and for being, a member of the State Legislature.

2. The offices of the Chief Whip and Whip of the party forming the Government in the State Legislature are of utmost importance for the functioning of both Houses of the State Legislature. It is, therefore considered expedient to provide that the Member of the State Legislature who are holding the Chief Whip and Whip in the State Legislature shall not be disqualified for being chosen as, and for being, a member of the State Legislature, due to the certain facilities attached to the said offices. It is, therefore, considered expedient to amend the said Act, suitably.

3. The Bill seeks to achieve the above objectives.

Mumbai,

dated the 31st March 2017.

GIRISH BAPAT,

Minister for Parliamentary Affairs.