

THE UTTAR PRADESH PROHIBITION OF SIMULTANEOUS
MEMBERSHIP OF LEGISLATURE ACT, 1950¹

[U. P. Act No. XXII of 1950]

Amended by

U.P. Act No. 5 of 1952

[Passed in Hindi by the Uttar Pradesh Legislative Assembly
on June 1, 1950, and by the Uttar Pradesh Legislature Council on
April 24, 1950.

Received the assent of the Governor on June 24, 1950,
under Article 200 of the Constitution of India and was published in
the Uttar Pradesh Gazette, Extraordinary, dated July 10, 1950]

Authoritative English text of the Uttar Pradesh Vidhan
Mandal Ki Samkalin Sadsyata ka Nishedhak Adhiniyam, 1950

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ACT

To provide for the vacation by a person who is chosen as a
member of both Houses of Legislature of the State of Uttar Pradesh
of his seat in one House or the other.

Whereas Article 190(1) of the Constitution of India provides
inter alia that the Legislature of a State may provide by law for the
vacation by a person who is chosen a member of both Houses of
the State Legislature of his seat in one House or the other;

It is hereby enacted as follows :-

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Prohibition of
Simultaneous Membership of Legislature Act, 1950.

(2) It shall come into force at once.

Vacation of
seat of a person
chosen as
member of both
the Houses

2. (1) Where a person is chosen a member of both the Houses of
the Legislature of the State of Uttar Pradesh he shall, before taking his
seat in any House and within a period of ten days from the date of
publication in the *Gazette* of the declaration that he has been so chosen
or, if such publication have been made on different dates, ten days from
the later of such dates, as the case may be, intimate by notice in
writing signed by him and delivered to the Secretaries of both the
Houses or to any persons authorized by the Governor in this behalf, in
which House he wishes to serve, and any choice so intimated shall be
conclusive.

1. For Statement of Objects and Reasons, please see U.P. *Gazette (Extraordinary)*, dated March 24, 1950.

(2) Where such a person fails to intimate as aforesaid, his seat in Uttar Pradesh Legislative Assembly shall become vacant on the expiry of the period provided in sub-section (1).

**Vacation of
seat of a
member of the
Legislative
Assembly
chosen as
member of the
Legislative
Council**

3. Where a person who is already a member of Uttar Pradesh Legislative Assembly and has taken his seat in such Assembly is subsequently chosen a member of Uttar Pradesh Legislative Council, his seat in Uttar Pradesh Legislative Assembly shall, on publication in the *Gazette* of the declaration that he has been so chosen, become vacant.

**Vacation of
seat of a
member of the
Legislative
Council chosen
as member of
the Assembly**

4. Where a person who is already a member of Uttar Pradesh Legislative Council and has taken his seat in such Council is subsequently chosen a member of Uttar Pradesh Legislative Assembly, his seat in Uttar Pradesh Legislative Council shall, ¹ [upon the summoning of the said Assembly to meet for the first session], become vacant.

1. [Subs. by sec. 2 of U.P. Act no. V of 1952](#)

