

THE ANDHRA PRADESH STATE LEGISLATURE (VACATION OF SEAT ON  
SIMULTANEOUS MEMBERSHIP) ACT, 1959

ACT NO. XII OF 1959

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SECTIONS

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[4<sup>th</sup> February, 1959]

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 ANDHRA PRADESH, OF HIS SEAT IN ONE HOUSE OR  
THE OTHER.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Tenth  
Year of the Republic of India as follows:-

1. Short title and commencement - (1) This Act may be called the Andhra  
Pradesh State Legislature (Vacation of Seat on Simultaneous Membership) Act,  
1959.

(2) It shall be deemed to have come into force on the 1st day of July,  
1958.

2. Definitions - In this Act, unless the context otherwise requires,-

(1) "Assembly" means the Legislative Assembly of the State of Andhra  
Pradesh;

(2) "Council" means the Legislative Council of the State of Andhra  
Pradesh;

(3) "House" means the Assembly or the Council

3. Vacation of seat by a person already member of one House, on being  
chosen a member of the other House - (1) If a person who is already a  
member of the Assembly and has taken his seat in that House, is chosen a  
member of the Council, his seat in the Assembly, shall on the date on which he  
is so chosen, become vacant.

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

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

(b) where he is so chosen in a general election, on the date next  
preceding the date the new Assembly is constituted under section  
73 of the Representation of the People Act, 1951 (Central Act 43 of  
1951).

4. Vacation of seat by a person who is chosen a member 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 of the  
said Houses may, by notice in writing signed by him and delivered to the  
Speaker of the Assembly or the person authorised by him in that behalf and to  
the Chairman of the Council or the person authorised by him in that behalf,  
within fifteen days from the date, or the later of the dates on which he is so  
chosen, intimate in which of the Houses he wishes to serve, and thereupon, his  
seat in the other House 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-section (1) shall be final and irrevocable.

5. Meaning of date on which a person is chosen for purposes of sections 3 and 4- For the purposes of sections 3 and 4, the date on which a person is chosen to be a member of either House shall be, in the case of an elected member, the date of publication in the Andhra Pradesh Gazette of the declaration that he has been so chosen under the Representation of the People Act, 1951 (Central Act 43 of 1951), and in the case of a nominated member, the date of publication in the Andhra Pradesh Gazette of his nomination.