

The M.P. Vidhan Mandal Sadasya Nirhata Nivaran Adhiniyam, 1967

MADHYA PRADESH

India

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Act 16 of 1967

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The M.P. Vidhan Mandal Sadasya Nirhata Nivaran Adhiniyam, 1967(M.P. Act No. 16 of 1967)[Dated 14th July, 1997]Received the assent of the Governor on the 14th July, 1967, assent first published in M.P. Rajpatra (Asadharan) on the 17th July, 1967.An Act to declare certain offices of the profit not to disqualify their holders for being chosen as or for being members of the State Legislature.Be it enacted by the Madhya Pradesh Legislature in the Eighteenth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Madhya Pradesh Vidhan Mandal Sadasya Nirhata Nivaran Adhiniyam, 1967.

2. Definitions.

- In these Act, unless the context otherwise requires,-(a)"Committee" means any committee, council, board or any other body of persons whether a statutory body or not set up by the Central Government or any State Government;(b)"Statutory body" means any corporation, board, company, society or any other body of persons, whether incorporated or not, established, registered or formed by or under any law for the time being in force or exercising powers and functions under any such law.(c)["Compensatory allowance" means any sum of money payable to the Chairman or Member of any committee or statutory body by way of travelling allowance, daily allowance not exceeding the amount to which a member of the Legislative Assembly of Madhya Pradesh or the Legislative Council of Madhya Pradesh is entitled of receive under the Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972 (No. 7 of 1973), conveyance allowance, house rent allowance or communication allowance for the purpose of enabling the Chairman or Member of any

committee or statutory body to recoup any expenditure incurred by him in performing the functions of that office.] [Inserted by M.P. Act No. 1 of 2007 (w.e.f. 5-12-2003).]

3. [Removal of certain disqualifications. [[Substituted by M.P. Act No. 1 of 2007 (w.e.f. 5-12-2003), Prior to substitution it read as under:

'3. Prevention of disqualification. - (1) A person shall not be disqualified for being chosen as, or for being, a member of the Madhya Pradesh Legislative Assembly or the Madhya Pradesh Legislative Council by reason only of the fact that he holds any of the offices of profit under Government specified in the Schedule.(2)Subject to the provisions of sub-section (1), no person, holding the office of the Chairman or member of any committee, shall be disqualified at any time for being chosen, as, or for being, a member of the Madhya Pradesh Legislative Council by reason only of the fact that he holds such office :Provided that the holder of any such office is not in receipt of any fee, allowances or remuneration other than travelling or daily allowances, not exceeding, -(i)the travelling allowance and daily allowance admissible to a first grade officer, serving under the State Government, if such holder is not a member of the said Legislative Assembly or the Legislative Council, and(ii)the travelling allowance and daily allowance admissible to a member of the House of People or a member of the State Legislative Assembly the State Legislative Council according as the office held is under the control of the Central Government or the State Government, if such holder is a member of the said Legislative Assembly or Legislative Council.Explanation. - For the purposes of this sub-section, expression Chairman' shall include 'President'.']](1)It is hereby declared that none of the offices of profit specified in the Schedule shall disqualify or shall be deemed ever to have disqualified the holder thereof for being chosen as, or for being, a member of the Legislative Assembly of Madhya Pradesh or the Legislative Council of Madhya Pradesh, as the case may be.(2)Subject to the provisions of sub-section (1), no person holding the office of the Chairman or member of any statutory body or committee shall be disqualified at any time for being chosen as, or for being, member of the Legislative Assembly of Madhya Pradesh or the Legislative Council of Madhya Pradesh by reason only of the fact that he holds such office or is in receipt of any compensatory allowance in such office.Explanation. - For the purpose of this sub-section, expression "Chairman" shall include "President".]

4. Repeal.

- The Madhya Pradesh Legislative Assembly Prevention of Disqualification Act. 1956 (1 of 1957), is hereby repealed.

5. Special provisions as to validation and other matters.

(1)Notwithstanding any judgement or order of any Court or Tribunal or any order or opinion of any other authority, the offices mentioned in the Schedule of the principal Act shall not disqualify or shall be deemed never to have disqualified the holders thereof for being chosen as, or for being, a member of the Legislative Assembly of Madhya Pradesh or Legislative Council of Madhya Pradesh as if the principal Act as amended by this Act had been in force.(2)Nothing contained in sub-section

(1) shall be construed as to entitle any person who has vacated a seat owing to any order or judgement as aforesaid to claim any re-instatement or any other claim in that behalf.(3)For the removal of doubts, it is hereby clarified that any petition or reference pending before any Court or other Authority on the date of commencement of this Act, shall be disposed of in accordance with the provisions of the principal Act, as amended by this Act.The ScheduleList of Offices of profit under Government[Vide Section 3 (1)]

- 1. Speaker and Deputy Speaker of the State Legislative Assembly.**
- 2. Chairman and Deputy Chairman of the State Legislative Council.**
- 3. Minister of State.**
- 4. Deputy Minister.**
- 5. Parliamentary Secretary.**
- 6. Advocate-General.**
- 7. Government Pleader.**
- 8. Public Prosecutor as defined in the [Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted for 'Code of Criminal Procedure, 1898 (V of 1898)' by M.P. Act No. 1 of 2007 (w.e.f. 5-12-2003).].**
- 9. Any person appointed as, or performing the functions of, a Patel under the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959) or a Manjhi or a Chalki in Bastar District.**
- 10. Official Receiver appointed under the Provincial Insolvency Act, 1920 (V of 1920).**
- 11. Sarpanch of an irrigation panchayat as defined in the rules made under Section 62 of the Madhya Pradesh Irrigation Act, 1931 (III of 1931).**
- 12. Any office in the National Cadet Corps or the Territorial Army.**
- 13. Any office in the Auxiliary Ar Force or the Ar Defence Reserve raised under the Reserved and Auxiliary Air Forces Act, 1952 (LXII of 1952).**

14. Member of the naval, military, air forces or any other armed forces of the Union during the period, the proclamation of Emergency by the President of India, dated the 26th October, 1962, remains in force and six months thereafter.

15. Any office under an insurer the management of whose controlled business is vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 (IX of 1956).

Explanation. - For the purpose of item 15, "insurer" and "controlled business" shall have the meanings respectively assigned to them in the Life Insurance (Emergency Provisions) Act, 1956 (IX of 1956).

16. [The office of the Leader of the Opposition in the Madhya Pradesh Legislative Assembly. [Substituted by M.P. Act No. 9 of 1980.]

Explanation. - For the purpose of item 16, the Leader of the Opposition shall have the meaning assigned to it in the Madhya Pradesh Vidhan Mandal Virodhi Dal Ka Neta (Vetan Tatha Bhatta) Adhiniyam, 1980.]

17. [Chairman and Vice-Chairman or President and Vice-President or Managing Director or Director of a statutory body, or a member of any committee by whatever name any of the aforesaid office be called. [Substituted by M.P. Act No. 42 of 1982.]

Explanation. - For the purpose of item 17, the office mentioned therein shall include any other office held jointly with that office or any office held jointly with the office in item 17 in the statutory body.]

18. [Secretary of the Madhya Pradesh Khadi and Village Industries Boards.] [Inserted by M.P. Act No. 1 of 1974.]

19. [The Deputy Chairman, Rajya Yojna Mandal, Madhya Pradesh.] [Inserted by M.P. Act No. 3 of 1997.]

20. [The Chairman, Rajya Alpasankhyak Ayog, Madhya Pradesh; [Inserted by M.P. Act No. 22 of 1999.]

- 21. The Chairman, Rajya Mahila Ayog, Madhya Pradesh;**
- 22. The Chairman, Rajya Pichhada Varg Ayog, Madhya Pradesh.]**
- 23. [Any office held by the Chief Minister. Minister of State or Deputy Minister in ex-officio capacity; [Inserted by M.P. Act No. 1 of 2007.]**
- 24. The Chairman, Vice-Chairman and Member of Pancha-ja-Programme Implementation and Monitoring Committee;**
- 25. The Chairman and Members of the Standing Committee constituted under the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994);**
- 26. The Chairman and Vice-Chairman of the Madhya Pradesh Road Development Corporation;**
- 27. The Chairman of the Madhya Pradesh Hindi Granth Academy;**
- 28. The Chairman, Vice-Chairman and members of the Madhya Pradesh Krida Parishad;**
- 29. The Chairman of the general body of "Abhiyan " and "Yuva Sandhi" institutes of Government of Madhya Pradesh;**
- 30. The Chairman, Vice-Chairman and Members of the Madhya Pradesh Sanskrit! Parishad;**
- 31. The Chairman and Vice-Chairman of the Madhva Pradesh Jaiv Prodyogiki Parishad;**
- 32. The Chairman, Madhya Pradesh Jaiv Vividhata Board;**
- 33. The Chairman of the Madhya Pradesh Adivasi Vitt Avam Vikas Nigam;**
- 34. The Chairman and Vice-Chairman of the Madhya Pradesh Rajya Sahakari Anusuchit Jati Vitt Avam Vikas Nigam;**

- 35. The Chairman of the Madhya Pradesh Rajya Vimukt, Ghumakkar Avam Ardghumakkar Jati Vikas Abhikaran;**
- 36. The Chairman, Vice-Chairman and Members of the Madhya Pradesh Rajya Anusuchit Jati Salahkar Mandal;**
- 37. The Chairman and Members of the State-level Vigilance and Monitoring Committee constituted under the Madhya Pradesh Anusuchit Jati Avam Jan jati (Atyachar Nivaran) Niyam, 1995;**
- 38. The Chairman of the Madhya Pradesh State-level Pratishttha Samiti;**
- 39. The Chairman, Vice-Chairman and Members of the Madhya Pradesh Adim Jati Mantrana Parishad;**
- 40. The Chairman of the Madhya Pradesh Pariyojna Salahkar Mandal;**
- 41. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Rajya Vanya Prani Board;**
- 42. The Chairman of the Madhya Pradesh Rajya Van Anusandhan Sansthan, Jabalpur;**
- 43. The Chairman of the Madhya Pradesh Eco-Tourism Development Board;**
- 44. The Chairman of Local Management Committee of Government Colleges;**
- 45. The Chairman of the Madhya Pradesh Pichhda Varg Tatha Alp-Sankhyak Vitt Avam Vikas Nigam;**
- 46. The Chairman of the Madhya Pradesh State Urban Development Agency;**
- 47. Member of the Madhya Pradesh Housing Board, earmarked for the member of the State Legislature;**
- 48. The Chairman of the Madhya Pradesh Fisheries Federation Co-operative Limited;**

- 49. The Chairman, Vice-Chairman and Members of the Madhya Pradesh Go-palan Avam Pashudhan Samvardhan Board;**
- 50. The Chairman of the Madhya Pradesh State Co-operative Bank;**
- 51. The Chairman of the Madhya Pradesh State Co-operative Agriculture and Rural Development Bank;**
- 52. The Chairman of the Madhya Pradesh State Co-operative Marketing Federation;**
- 53. The Chairman and Vice-Chairman of the Madhya Pradesh State Co-operative Seed Producer and Marketing Federation;**
- 54. The Chairman of the Madhya Pradesh Poultry Co-operative Federation;**
- 55. The Chairman of the Madhya Pradesh State Sericulture Development and Training Co-operative Federation Limited;**
- 56. The Member of the Madhya Pradesh Board of Secondary Education;**
- 57. The Chairman and Member of the Madhya Pradesh Sanskrit Board;**
- 58. The Chairman and Member of the Advisory Committee of the Madhya Pradesh Madarsa Board;**
- 59. The President, Vice-President and Member of the Rajiv Gandhi Shiksha Mission;**
- 60. The Chairman and Member of the Madhya Pradesh State Agriculture Marketing Board;**
- 61. The member of the Jawaharlal Nehru Agriculture University, Jabalpur;**
- 62. The Chairman of the Madhya Pradesh Handicraft and Handloom Development Corporation;**

63. The Chairman of the Madhya Pradesh State Tourism Development Corporation;

64. The Chairman of the Madhya Pradesh Building and other Construction Workers Welfare Board;

65. The Chairman of the General Body of the Madhya Pradesh Society for Rural Livelihood Promotions;

66. The Chairman of the Mahatma Gandhi Rural Development Institute;

67. The Chairman of the General Body of the Sanjay Gandhi Yuva Netratva Avam Gramin Vikas Prashikshan Sansthan, Pachmarhi;

68. The President and Vice-President of the Madhya Pradesh Rural Road Development Agency;

69. The Chairman and Vice-Chairman of the Jan Abhiyan Parishad;

70. The Chairman and the Member of the General Body and Governing Body of the Pandit Kunjilal Dubey Rashtriya Sansdiya Vidhyapeeth;

71. The Chairman or Director of the Madhya Pradesh State Industrial Development Corporation Limited;

72. The Chairman or Director of the Madhya Pradesh State Industries Corporation Limited;

73. The Chairman or Director of the Madhya Pradesh State Textile Corporation Limited;

74. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Board for Employment Generation;

75. The Chairman, Vice-Chairman and Member of the Gwalior Vyapar Mela Pradhikaran;

- 76. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Agency for Promotion of Information Technology;**
- 77. The Chairman of the Provident Investment Company;**
- 78. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Khadi Avam Gramodyog Board;**
- 79. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Rajya Rozgar Guarantee Parishad;**
- 80. The Chairman or Director of the Madhya Pradesh Laghu Udyog Nigam Maryadit;**
- 81. The Chairman, Vice-Chairman and Member of the Madhya Pradesh State Planning Board;**
- 82. The Chairman and Member of the District Planning Committee;**
- 83. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Twenty Point Implementation Committee;**
- 84. Member of the Zonal Rail Upbhokta Samiti and Sambhagiya Rail Upbhokta Samanvaya Samiti, earmarked for the Member of the Madhya Pradesh State Legislative;**
- 85. The Chairman, Vice-Chairman or Director of the Madhya Pradesh State Forest Development Corporation Limited;**
- 86. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Rajya Laghu Vanopaj (Vyapar Avam Vikas) Sahakari Sangh Maryadit;**
- 87. The Chairman or Director of the Madhya Pradesh Trade and Investment Facilitation Corporation Limited;**
- 88. The Chairman or Director of the Madhya Pradesh Trade Fair Authority;**

89. The Chairman and Director of the Board of Madhya Pradesh Agro Industries Development Corporation Limited;

90. The Chairman and Director of the Madhya Pradesh Leather Development Corporation Limited;

91. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Text Book Corporation;

92. The Chairman, Vice-Chairman and Member of Deendayal Antyodaya Samiti;

93. The Chairman, Vice-Chairman and Member of the Madhya Pradesh Shasan Hindi Vidhai Samiti;

94. The Chairman of the Madhya Pradesh State Civil Supplies Corporation;

95. The Mayor of Municipal Corporation;

96. The Chairman and Vice-Chairman of Madhya Pradesh Warehousing Corporation;

97. The Chairman of the Madhya Pradesh State Export Corporation;

98. The Chairman of the Madhya Pradesh Electronics Development Corporation.]