

The M.P. Rajya Vitta Ayog Adhiniyam, 1994

MADHYA PRADESH

India

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Act 3 of 1994

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The M.P. Rajya Vitta Ayog Adhiniyam, 1994 M.P. Act No. 3 of 1994 [Dated 5th March, 1994] Received the assent of the Governor on the 5th March, 1994, assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 7th March, 1994. An Act to determine the qualifications requisite for appointment as members of the State Finance Commission and the manner in which they shall be selected, and to prescribe their powers. Be it enacted by the Madhya Pradesh Legislature in the Forty-fifth year of the Republic of India as follows :-

1. Short title and Commencement.

(1) This Act may be called the Madhya Pradesh Rajya Vitta Ayog Adhiniyam, 1994. (2) It shall come into force on such date, as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Commission" means the State Finance Commission constituted by the Governor of Madhya Pradesh in pursuance to clause (1) of Article 243-1 of the Constitution; (b) "Panchayat" means a Panchayat constituted under Article 243-B of the Constitution of India; (c) "Municipality" means a municipality constituted under Article 243-Q of the Constitution of India; (d) "Member" means a member of the Commission and includes the Chairman.

3. [Constitution of State Finance Commission. [Substituted by M.P. Act No. 33 of 1995 (w.e.f. 16-10-1995).]

- The State Finance Commission shall consist of a Chairman and [upto four other members] appointed by the Governor of whom one shall be Member-Secretary]: [Provided that no act or proceeding of the Commission shall be invalidated merely by reason of any vacancy in, or any defect in the constitution of, the Commission.] [Added by M.P. Act No. 24 of 2017, dated 24.8.2017.]

4. Qualification for appointment as, and the manner of selection of members of the Commission.

- The Chairman of the Commission shall be selected from among persons who have had experience in public affairs, and the other [***] [Omitted 'four' by M.P. Act No. 24 of 2017, dated 24.8.2017.] members shall be selected from among persons who, -(a) are, or have been, or are qualified to be appointed as Judges of a High Court; or (b) have special knowledge of the Finances and Accounts of Government; or (c) have had wide experience in financial matters and in administration; or (d) have special knowledge of economics : [Provided that the Member-Secretary of the Madhya Pradesh State Planning Board shall be ex-officio member of the Commission.] [Inserted by M.P. Act No. 26 of 2006.]

5. Personal interest to disqualify members.

- Before appointing a person to be a member of the commission, the Governor shall satisfy himself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission, and the Governor shall also satisfy from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the Governor proposes to appoint to be, a member of the Commission shall, whenever required by the Governor so to do, furnish to him such information as the Governor considers necessary for the performance by him of his duties under this section.

6. Disqualifications for being a member of the Commission.

- A person shall be disqualified for being appointed as or for being a member of the Commission, -(a) if he is of unsound mind; (b) if he is an undischarged insolvent; (c) if he has been convicted of an offence involving moral turpitude; (d) if he has such financial or other interests as likely to affect prejudicially his functions as a member of the Commission.

7. Terms of office of members and eligibility for re-appointment.

- Every member of the Commission shall hold office for such period as may be specified in the order of the Governor appointing him, but shall be eligible for re-appointment : Provided that he may, by letter addressed to the Governor, resign his office.

8. Conditions of service and salaries and allowances of members.

- The member of the Commission shall render whole-time or part-time service to the Commission as the Governor may in each case specify, and there shall be paid to the member of the Commission such fees or salaries and such allowances as the State Government may, by rules made in this behalf, determine.

9. Procedure and powers of the Commission.

(1)The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely :-(a)summoning and enforcing the attendance of witnesses;(b)requiring the production of any document;(c)requisitioning any public record from any Court or office.(2)The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.(3)The Commission shall be deemed to be a Civil Court for purposes of Sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).Explanation :- For the purpose of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of State of Madhya Pradesh.

10. Matters of which Commission to make recommendations.

- The State Finance Commission shall make recommendations to the Governor on matters provided under Articles 243-I and 243-Y of the Constitution.

11. Power to remove difficulties.

(1)If any difficulty arises in giving affect to the provisions of this Act, the State Government, may by order, do anything not inconsistant with the provisions thereof which appears to be necessary or expedient for the purpose of removing the difficulty :Provided that no such order shall be made under this Section after the expiry of 2 years from the commencement of this Act.(2)Every order made under this Act shall be laid on the table of Legislative Assembly.