

THE MADHYA PRADESH VIDHAN MANDAL SADASYA NIRHARTA NIVARAN
ADHINIYAM, 1967

ACT NO. 16 OF 1967

[14th 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 [Received the assent of the Governor on the 14th July, 1967 assent first published in the Madhya Pradesh Gazette, Extraordinary, on the 17th July, 1967.]

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 Nirharta Nivaran Adhiniyam, 1967.

2. Definitions.—In this 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.

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 the 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, the expression "Chairman" shall include 'President'.

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 Repeal.—The Madhya Pradesh Legislative Assembly Prevention of Disqualification Act, 1956 (1 of 1957) is hereby repealed.

THE SCHEDULE

List 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 Assembly.

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3. Minister of State.

4. Deputy Minister.

5. Parliamentary Secretary.

6. Advocate General.

7. Government Pleader.

8. Public Prosecutor defined as in the Code of Criminal Procedure, 1898 (5 of 1898).

9. Any person appointed as, or performing the functions of a Petal under the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959) or a Manjhi or a Chalki in Baster District.

10. Official Receiver appointed under the Provincial Insolvency Act, 1920 (5 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 Air Force or the Air Defence Reserve raised under the Reserved and Auxiliary Air Force Act, 1952 (62 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, force and six remains in 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 (9 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 (9 of 1956).

16. The office of the Leader of opposition in the Madhya Pradesh Legislative Assembly.

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 is called.

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

18. Secretary of the Madhya Pradesh Khadi and Village Industries Board.