

Law
Trend

[THE] UTTAR PRADESH STATE LEGISLATURE (PREVENTION OF DISQUALIFICATION)
ACT, 1971¹
U. P. Act No. 15 OF 1971

An Act to declare certain offices of profit under the Government shall, not disqualify the holders thereof for being chosen as, or for being, members of the State Legislature.

It is hereby enacted in the Twenty-second Year of the Republic of India as follows: –

1. Short title. – This Act may be called the Uttar Pradesh State Legislature (Prevention of Disqualification) Act, 1971.

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

(a) “compensatory allowance” means any sum of money payable to the holder of an office by way of daily allowance, conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office, such allowance in the case of daily allowance, house rent allowance or travelling allowance being not higher in rates and not admissible on conditions more favourable than those applicable under any law for the time being in force made under Article 195 of the Constitution;

(b) “statutory body” means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;

(c) “non-statutory body” means any body of persons other than a statutory body;

(d) “the State” means the State of Uttar Pradesh.

3. Certain offices of profit not to disqualify.— It is hereby declared that none of the following offices in so far as it is an office of profit under the Government of India or the State Government shall disqualify or be deemed ever to have disqualified the holder thereof for being chosen as, or for being, a member of the State Legislature, namely:–

(a) the office of Minister of State for Deputy Minister, or of Parliamentary Secretary to a Minister, either for the Union or for the State;

(b) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948 (Act XXXI of 1948) the Territorial Army Act, 1948 (Act LVI of 1948), or the Reserve and Auxiliary Air Forces Act, 1952 (Act LXII of 1952);

(c) while a Proclamation of Emergency under Article 352 of the Constitution is in operation, the office of an officer, by whatever name called, of the Indian Army, the Indian Air Force or the Indian Navy, or of any Reserve Force, or of a member of any civil defence service;

(d) any office in the Home Guards constituted by or under any Law for the time being in force or under the authority of the State Government;

(e) any office in a village defence party, by whatever name called, constituted by or under any law for the time being in force or under the authority of the State Government;

(f) the office of Chairman or a member of the syndicate, senate, executive committee, council or court of a University or any other body connected with a University or of the managing committee, by whatever name called, of any educational institution receiving aid out of State funds;

(g) the office of a member of any delegation or mission sent outside India by the Government of India or the State Government for any special purpose;

1. Received the assent of the Governor on 17-7- 1971, published in U.P. Gazette, Extraordinary, dated 17th July, 1971, pp. 4-6.

(h) the office of Chairman or Deputy Chairman of the State Evaluation Advisory Board in the Planning Department of the State Government;

(i) the office of the Chairman or a member of the Committee of Management of a co-operative society nominated by the State Government under the Uttar Pradesh Co-operative Societies Act, 1965 (U. P. Act XI of 1966);

(j) the office of the Chairman or a member of the Irrigation Commission appointed by the State Government;

(k) the office of the Chairman or a member of the Labour commission appointed by the State Government;

(l) the office of the Chairman or a member of the Pay Commission appointed by the State Government;

(m) the office of Chairman, Deputy Chairman or a member or Secretary of a committee (whether consisting of one or more members), set up temporarily for the purpose of advising the Government of India or the State Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance;

(n) subject to the provisions of section 10 of the Representation of the People Act, 1951 (Act XVIII of 1951) the office of Chairman, Deputy Chairman, Director, member or Secretary of any statutory or non-statutory body other than any such body as is referred to in clause (h), clause (i), clause (j), clause (k), clause (l), or clause (m), if the holder of such office is not entitled to any remuneration other than compensatory allowance;

(o) the office of a village revenue officer, whether called *lambardar*, *pradhan*, *sargroh*, *malguzar*, village Siana, Khat Siana, or by any other name, whose duty is to collect land revenue and who is remunerated by a share of, or commission on, the amount of land revenue collected by him, but who does not discharge any police functions;

(p) the office of an agent (for commission, or without commission by whatever name called, for the sale of or for the collection of subscriptions towards Government Securities as defined in the Indian Securities Act, 1920 (Act X of 1920), or any savings certificates issued by the Government of India;

(q) an office of profit in connection with the management of any property taken over by Government of India or the State Government for a limited period under a law made under sub-clause (b) of clause (l) of Article 31-A of the Constitution, when held by a person who was employed in connection with the management of that property before such taking over;

(r) any office, which is not a whole time office, for the performance of any special duty, if the holder of such office is not entitled to any remuneration other than compensatory allowance;

(s) the office of a panel lawyer (including a panel lawyer appointed under section 127-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950), if the holder of such office is not entitled to any retainer or salary, by whatever name called;

(t) the office of a Notary Public or Oath Commissioner, or Commissioner or Receiver or *amicus curiae* appointed by any court or by the Collector or an Official Receiver but not including an Official Liquidator;

¹[(u) the office of Chairman, Deputy Chairman, or a member of the State Planning Commission,

(v) the office of the Chairman or a member of the Committee appointed by the State Government by Office Memorandum No. 4519-B/33-111-71, dated December 13, 1971, of the Panchayati Raj (2) Department of the State Government;

(w) the office of the Chairman or a member of the Revenue Judiciary Re-organisation Committee appointed by the Revenue Department of the State Government;

1. Ins. by the President's Act 14 of 1973 as re-enacted by U. P. Act 30 of 1974.

(x) the office of the Chairman or member (whether called Director or by any other name) of each of the following statutory bodies, namely: –

- (1) Uttar Pradesh State Financial Corporation,
- (2) Uttar Pradesh State Road Transport Corporation,
- (3) Uttar Pradesh State Warehousing Corporation,
- (4) Uttar Pradesh Awas Evam Vikas Parishad;

(y) the office of the Chairman or member (whether called Director or by any other name) of each of the following non-statutory bodies, namely-

- (1) Uttar Pradesh State Small Industries Corporation Ltd.
- (2) Uttar Pradesh State Agro-Industrial Corporation Ltd.
- (3) Uttar Pradesh Cement Corporation Ltd.
- (4) Uttar Pradesh State Industrial Corporation Ltd.
- (5) Uttar Pradesh State Sugar Corporation Ltd.
- (6) Uttar Pradesh State Textile Corporation Ltd.
- (7) Uttar Pradesh State Bridges Corporation Ltd.
- (8) Uttar Pradesh Export Corporation.
- (9) Hill Development Corporation Ltd.
- (10) Pradeshiya Industrial and Investment Corporation of Uttar Pradesh Ltd.
- (11) Indian Turpentine and Rosin Company Ltd.
- (12) Uttar Pradesh State Handloom Corporation.
- (13) Poorvanchal Vikas Nigam Ltd.
- (14) Bundelkhand Vikas Nigam Ltd.;

(z) the office of Chairman or a member, or, as the case may be, of the Controller, if any, of the Sunni Central Board or Shia Central Board of Waqfs in Uttar Pradesh.]

Explanation.— For the purposes of this section, the office of Chairman, Deputy Chairman, or Secretary shall include every office of that description by whatever name called.

4. Repeal of certain Acts. –The following Acts are hereby repealed:

- (1) The United Provinces Legislative Members Removal of Disqualifications Act, 1940 (U. P. Act VII of 1940);
- (2) The Uttar Pradesh Parliamentary Secretaries (Removal of Disqualification) Act, 1950 (U. P. Act II of 1950);
- (3) The Uttar Pradesh Legislature Members (Prevention of Disqualification) Act, 1951 (U.P. Act XIX of 1951);

(4) The Uttar Pradesh State Legislature Members (Prevention of Disqualification) Act, 1952 (U. P. Act IV of 1952);

(5) The Uttar Pradesh State Legislature Members (Prevention of Disqualification (Second) Act, 1952 (U. P. Act XIII of 1952);

(6) The Uttar Pradesh State Legislature Members Prevention of Disqualification (Supplementary) Act, 1953 (U. P. Act XX of 1953);

(7) The Uttar Pradesh Legislature Members (National Plan Loan) (Prevention of Disqualification) Act, 1954 (U. P. Act XXIII of 1954);

(8) The Uttar Pradesh State Legislature Members (Prevention of Disqualification) Act, 1955 (U. P. Act XVI of 1955);

(9) The Uttar Pradesh State Legislature Members (Life Insurance) (Prevention of Disqualification) Act, 1956 (U. P. Act XXXV of 1956);

(10) The Uttar Pradesh State Legislature Members (Prevention of Disqualification), (Supplementary) Act, 1956 (U. P. Act III of 1957).