

THE UTTAR PRADESH STATE LEGISLATURE (PREVENTION OF
DISQUALIFICATION) ACT, 1971¹

[U. P. Act No. 15 of 1971]

Amended by

President Act No. 14 of 1973

U. P. Act No. 10 of 2006

U. P. Act No. 39 of 2006

**[Passed in Hindi by the Uttar Pradesh Legislative Council
on May 8, 1970 and by the Uttar Pradesh Legislative Assembly on
July 14, 1971.**

**Received the assent of the Governor on July 17, 1971
under Article 200 of the Constitution of India and was published
in the *Uttar Pradesh Gazette Extraordinary*, dated July 19,
1971.]**

***[Authoritative English Text of the Uttar Pradesh Vidhan Mandal
(Anaharta Nivaran) Adhiniyam, 1971]***

AN

ACT

***to declare that 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 :—**

Short title

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

Definitions

2. 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 ²[honorarium, 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 the 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) ³[* * * *]

(c) ³[* * * *]

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

1. For Statement of Objects and Reasons see U. P. *Gazette Extraordinary*, dated July 23, 1969.
2. [Subs. by sec. 2 of U. P. Act no. 10 of 2006.](#)
3. [Omit. by sec. 2 of U. P. Act no. 39 of 2006.](#)

**Certain
offices of
profit not to
disqualify**

3. It is hereby declared that none of the following offices in so far as it is as 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 or 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, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Forces Act, 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 ;

(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;

(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, 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 (l), 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, 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 a Commissioner or Receiver or amicus curiae appointed by any court or by the Collector or an Official Receiver but not including an Official Liquidator.

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.

¹[(u) the office of the 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-III-71, dated December 13, 1971, of the Panchayati Raj (2) Department of the State Government.]

1. [Ins. by sec. 2 of U.P. Act No. 14 of 1973.](#)

(w) the office of the Chairman, or a Member of the Revenue Judiciary Reorganization Committee appointed by the Revenue Department of the State Government.

¹[(x) the office of the Chairman, or Vice-Chairman or member (whether called Director or by any other name) of each of the following bodies namely :—

- (1) Uttar Pradesh State Warehousing Corporation.
- (2) Uttar Pradesh State Road Transport Corporation.
- (3) Uttar Pradesh State Financial Corporation.
- (4) Uttar Pradesh Awas Evam Vikas Parishad.
- (5) Uttar Pradesh State Small Industries Corporation Ltd.
- (6) Uttar Pradesh State Agro-Industrial Corporation Ltd.
- (7) Uttar Pradesh Cement Corporation Ltd.
- (8) Uttar Pradesh State Industrial Corporation Ltd.
- (9) Uttar Pradesh State Sugar Corporation Ltd.
- (10) Uttar Pradesh State Textile Corporation Ltd.
- (11) Uttar Pradesh State Bridges Corporation Ltd.
- (12) Uttar Pradesh Export Corporation Ltd.
- (13) Hill Development Corporation Ltd.
- (14) Pradeshiya Industrial and Investment Corporation of Uttar Pradesh Ltd.
- (15) Indian Turpentine and Rosin Company Ltd.
- (16) Uttar Pradesh State Handloom Corporation.
- (17) Poorvanchal Vikas Nigam Ltd.
- (18) Bundelkhand Vikas Nigam Ltd.
- (19) Uttar Pradesh Vikas Parishad.
- (20) Uttar Pradesh Jal Nigam.
- (21) Uttar Pradesh Rajya Krishi Utpadan Mandi Parishad.
- (22) Uttar Pradesh Sinchai Evam Badh Niyantran Ayog.
- (23) Uttar Pradesh Film Vikas Parishad.
- (24) Uttar Pradesh Rajya Khadya Evam Avashyak Vastu Nigam.
- (25) Uttar Pradesh Khadi Board.
- (26) Uttar Pradesh Paryatan Vikas Nigam.
- (27) Uttar Pradesh Rajya Sahkari Ganna Samiti Sangh Ltd.
- (28) Uttar Pradesh Mahila Kalyan Nigam.
- (29) Pradushan Niyantran Board.
- (30) Bhootpurva Sainik Kalyan Nigam.
- (31) Uttar Pradesh Matsya Vikas Nigam.
- (32) Uttar Pradesh Rajya Karmachari Kalyan Nigam.

1. [Subs. by sec. 3 of U. P. Act no. 10 of 2006.](#)

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- (33) Beej Vikas Nigam.
- (34) Waqf Vikas Nigam.
- (35) Uttar Pradesh Hindi Sansthan.
- (36) Uttar Pradesh Desco.
- (37) Project Corporation.
- (38) Uttar Pradesh Van Nigam.
- (39) Poultry Evam Livestock Specialities Limited.
- (40) Ganna Shodh Parishad Uttar Pradesh.
- (41) Ganna Kisan Sansthan.
- (42) Ganna Beej Vikas Nigam.
- (43) Pradeshik Cooperative Union.
- (44) Alpasankhyak Vitta Evam Vikas Nigam.
- (45) Uttar Pradesh Pichhada Varg Vitta Evam Vikas Nigam.
- (46) Samaj Kalyan Nigam.
- (47) Sudoor Samvedan Upayog Kendra.
- (48) Uttar Pradesh Sanskrit Sansthan.
- (49) Uttar Pradesh Yuva Kalyan Parishad.
- (50) Uttar Pradesh Anusuchit Jati Vitta Evam Vikas Nigam.
- (51) Uttar Pradesh Sahkari Avas Sangh.
- (52) Uttar Pradesh Pravidhik Siksha Parishad.
- (53) Uttar Pradesh Vaikalpik Oorja Vikas Sansthan.
- (54) Bis Sutriya Karyakram Karyanvayan Samiti Uttar Pradesh.
- (55) Uttar Pradesh Gramin Avas Parishad.
- (56) Vittiya Sansadhan Paramarshda, Uttar Pradesh.
- (57) Uttar Pradesh Anusuchit Jati Evam Janjati Ayog.
- (58) Uttar Pradesh Nagrik Parishad.
- (59) Pradeshik Coperative Sericulture Federation, Uttar Pradesh.
- (60) Uttar Pradesh Rajya Vyapar Kar Salahkar Samiti.
- (61) Bhartendu Natya Akadami, Lucknow.
- (62) Uttar Pradesh Alpasankhyak Ayog.
- (63) Uttar Pradesh Rajya Mahila Ayog.
- (64) Uttar Pradesh State Horticulture Food Processing Federation.
- (65) Uttar Pradesh Shram Nirman Sahakari Sangh.

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- (66) Uttar Pradesh Goseva Ayog.
(67) Uttar Pradesh Rajya Pichada Varg Ayog.
(68) Bhu-Upyog Parishad.
(69) Uttar Pradesh Upbhokta Sahkari Sangh.
(70) Shram Kalyan Parishad, Uttar Pradesh.
(71) Vigyan Evam Prodyogiki Parishad, Uttar Pradesh.
(72) Nyuntam Vetan Salahkaar Board, Uttar Pradesh.
(73) Rajya Lalit Kala Academi.
(74) Acharya Narendra Dev Antrrashtriya Bouddh Vidya Shodh Sansthan.
(75) Arthik Paramarshdata Uttar Pradesh Shaasan.
(76) Uttar Pradesh Packs Federation.
(77) U. P. Cooperative Bank.
(78) Uttar Pradesh Bhoomi Vikas Bank.
(79) Zila Sahkari Bank.]
1[(80) Uttar Pradesh State Handloom Development Board.]
(y) 2[x x x]
(z) the office of Chairman or a Member or, as the case may be, of the Controller, if any, as the Sunni Central Board or Shia Central Board of Waqfs in Uttar Pradesh.]

Repeal of certain Acts

U. P. Act VII of 1940

U. P. Act II of 1950

U. P. Act XIX of 1951

U. P. Act IV of 1952

U. P. Act XIII of 1952

U. P. Act XX of 1952

U. P. Act XXIII of 1954

4. The following Acts are hereby repealed ;

- (1) the United Provinces Legislative Members Removal of Disqualifications Act, 1940 ;
(2) The Uttar Pradesh Parliamentary Seretaries (Removal of Disqualification) Act, 1950 ;
(3) The Uttar Pradesh Legislature Members Prevention of Disqualification Act, 1951 ;
(4) The Uttar Pradesh State Legislature Members Prevention of Disqualification Act, 1952 ;
(5) The Uttar Pradesh State Legislature Members (Prevention of Disqualification) (Second) Act, 1952 ;
(6) The Uttar Pradesh State Legislature Members Prevention of Disqualification (Supplementary) Act, 1953 ;
(7) The Uttar Pradesh Legislature Members (National Plan Loan) (Prevention of Disqualification) Act, 1954 ;

1. [Ins. by sec. 3 of U. P. Act no. 39 of 2006.](#)

2. [Omit. by sec. 3\(b\) of U.P. Act no. 10 of 2006.](#)

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

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

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