

Madhya Pradesh Local Bodies Services Commission Act, 1950

37 of 1950

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An Act to provide for the establishment of a Service Commission for Local Bodies in Madhya Pradesh. Whereas it is expedient to provide for the establishment of a Service Commission for local bodies in Madhya Pradesh; It is hereby enacted as follows : 1. Received the assent of the Governor on 1-11-1950; assent first published in the "Madhya Pradesh Gazettee" on 17-11-1950.

1. Short Title And Extent :-

- (1) This Act may be cited as the Madhya Pradesh Local Bodies Service Commission Act, 1950.
- (2) It extends to and shall be in force in the whole of Madhya Pradesh.

2. Definition :-

In this Act, unless there is anything repugnant in the subject or context, expression "local body" means 1[x x x] 2[a Municipal Corporation, Municipal Council, a Zilla Panchayat, a Janapada Panchayat or Notified Area Committee, as the case may be.

1. Omitted by M.P. A.O. 1956.

2. Substituted by M.P. Act No. 40 of 1961.

3. Constitution Of The Local Bodies Services Commission :-

(1) The State Government may, by notification, establish a Local Bodies Services Commission (hereinafter called the Commission) consisting of three members at least one of whom shall be a person who has held the post of a 1[Collector] or any other post of a similar or higher rank for less than two years. One of the three members to be specified by the State Government shall be the Chairman of the Commission.

(2) The Government may, at any time, cancel the appointment of any member of the Commission and appoint another member in his place.

(3) All appointments to the Commission shall be notified in the Gazette.

(4) The remuneration and other conditions of service of the members of the Commission shall be such as may be determined by rules made by the State Government.

(5) Subject to the provisions of this Act the members of the Commission shall hold office for five years.

(6) If any member is by reason of absence or for any other reason unable to perform the duties of his office, the State Government may appoint any person to such office for such period as it may think fit.

1. Substituted by M.P. A.O. 1956.

4. Consultation With The Commission :-

(1) Notwithstanding anything contained in any Act under which a local body is constituted, the State Government may, by notification, require that, from the date specified in such notification, all local bodies or any specified class of local bodies in the 1[State] shall consult the Commission :

(a) on all matters relating to the recruitment of such officers and servants other than the menial staff as may be specified in such notification;

(b) on all matters relating to the promotions and transfers of the officers and servants so specified;

(c) on all matters relating to the grant of extraordinary pension or gratuity to the officers and servants so specified;

(d) on all disciplinary matters affecting the officers and servants so specified; and

(e) on such other matter or matters affecting the officers and servants so specified or any of them as the State Government may direct :

Provided that the State Government may, by rules, specify the matters in which either generally, or in any particular class of cases or in any particular circumstances, it shall not be necessary to consult the Commission.

(2) From the date specified in the notification published under sub-section (1), no such local body shall decide any matter in which consultation with the Commission is necessary by or under the said sub-section until the Commissions report thereon has been received and considered.

1. Substituted by M.P. Act No. 40 of 1961.

5. Contribution By Local Bodies :-

(1) Every local body shall pay to the State Government such annual contribution towards the expenses of the Commission as the State Government may, having regard to the financial state of the local body concerned and the services likely to be rendered by the Commission to such local body, fix.

(2) If a local body makes default in the payment of the amount of the contribution so fixed, the State Government may, notwithstanding anything to the contrary in any Act under which a local body is constituted, make an order directing the person having the custody of the balance of the fund of such local body to make such payment either in whole or in such part as is possible from such balance.

6. Power To Make Rules :-

(1) The State Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the remuneration and other conditions of service of the members of the Commission;

(b) the matters in which it shall not be necessary to consult the Commission; and

(c) the principles to be observed in dealing with the recommendations made by the Commission.

7. Omitted :-

1[x x x]

1. Omitted by M.P. Act No. 40 of 1961.

8. Omitted :-

1[x x x]

1. Omitted by M.P. Act No. 40 of 1961.