



The Himachal Pradesh Loktantra Prahri Samman Act, 2021

Act 5 of 2021

Keywords:

Loktantra Prahri, Samman Rashi

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE HIMACHAL PRADESH LOKTANTRA PRAHRI SAMMAN ACT, 2021(As Assented to by the Governor on 29TH APRIL, 2021)

AN

ACT

for making provisions of Samman Rashi, facilities and the issues related thereto for such Loktantra Prahri, who were detained in jails or police stations under the provisions of the Maintenance of Internal Security Act, 1971 (26 of 1971) repealed, Defence of India Rules, 1971 (repealed) and the Code of Criminal Procedure, 1973 (2 of 1974) for political and social reasons during the emergency period from 25th June, 1975 to 21st March, 1977.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventy-second Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Himachal Pradesh Loktantra Prahri Samman Act, 2021.

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

- (a) “Committee” means Committee constituted under section 7;
- (b) “emergency period” means the period commencing from 25th June, 1975 to 21st March, 1977;
- (c) “Loktantra Prahri” means a person belonging to the Himachal Pradesh who was detained in jail or police station under the Maintenance of Internal Security Act, 1971 (26 of 1971) (repealed) or the Defence of India Rules, 1971 (repealed) or Code of Criminal Procedure, 1973 (2 of 1974) for political or social reasons during emergency period and a person belonging to other State who was detained in jail or police station of the State of Himachal Pradesh under the Maintenance of Internal Security Act, 1971 (repealed) or the Defence of India Rules, 1971 (repealed) or Code of Criminal Procedure, 1973 for political or social reasons during emergency period;
- (d) “Notification” means a notification published in the Rajpatra (e-Gazette), Himachal Pradesh;
- (e) “prescribed” means prescribed by rules made under this Act;
- (f) “Samman Rashi” means such money as may be notified and awarded by the State Government to honour the Loktantra Prahri or the spouse of deceased Loktantra Prahri under section 5; and
- (g) “section” means a Section of this Act.

3. Eligibility for Samman Rashi.—(1) Following persons shall be eligible to get Samman Rashi for their life time,—

- (a) Loktantra Prahri; and
- (b) spouse of deceased Loktantra Prahri

(2) The spouse of the deceased Loktantra Prahri shall also be eligible for full specified Samman Rashi.

4. Ineligibility for Samman Rashi.—Following persons shall be ineligible to get Samman Rashi,—

- (a) a person who has been punished by court of law on charges of moral turpitude; and
- (b) a person who has produced false information or certificate or wrong details in order to establish his or others' right to receive Samman Rashi and facilities.

5. Fixation of Samman Rashi.—(1) The Samman Rashi awarded as honour to the Loktantra Prahri and eligible period of detention for receiving such Samman Rashi shall be determined by the State Government from time to time.

(2) Any Loktantra Prahri, who is receiving less Samman Rashi or pension from other States in comparison to the Samman Rashi determined by the Government of Himachal Pradesh, shall be eligible to receive the difference amount of Samman Rashi as determined by the State Government.

(3) The Loktantra Prahri or his spouse after his death, shall be eligible to get Samman Rashi from the date of recommendation, made by the Committee.

6. Procedure for submitting application.—(1) The Loktantra Prahri shall apply to the Administrative Secretary in the General Administration Department in such manner as may be prescribed alongwith certificate of detention in the jail or police station.

(2) In case of jail, a certificate of Superintendent of Jail and in case of police station, a certificate of Superintendent of Police shall be attached compulsorily and submitted to the Administrative Secretary in the General Administration Department by the Loktantra Prahri.

7. Constitution of the Committee.—(1) To scrutinize applications received for sanction of Samman Rashi and to recommend about eligibility or non-eligibility of the applicant, a committee shall be constituted in the manner as may be prescribed.

(2) The Committee may *suo moto* accept any application and recommend it for Samman Rashi.

(3) The sanction or rejection order of Samman Rashi shall be issued by the Administrative Secretary in the General Administration Department on the basis of Committees' recommendations.

(4) It will be mandatory for the spouse of deceased Loktantra Prahri to apply in the prescribed form to sanction the Samman Rashi in case the same has not been sanctioned during the lifetime of the Loktantra Prahri.

(5) The payment of Samman Rashi sanctioned to spouse of deceased Loktantra Prahri shall automatically stop on his death.

8. Cancellation of order of Samman Rashi.—(1) The order of sanction of Samman Rashi under this Act shall be withheld or cancelled on the following grounds,—

- (a) participation in any crime of moral turpitude and in anti-national activity;

- (b) punishment for commission of any offence;
- (c) receiving the Samman Rashi despite any ineligibility under the Act; and
- (d) submission of false information and false affidavit.

(2) On the basis of grounds mentioned in sub-section (1) or any relevant complaint or representation or *suo moto* information received, the Committee after giving reasonable opportunity of being heard, may enquire the case of concerned person whose Samman Rashi has been sanctioned. After recommendation of the Committee, the Administrative Secretary in General Administration Department shall issue an order accordingly.

(3) If any person receives Samman Rashi or facilities on the basis of false documents, then the same shall be recoverable from him as arrears of land revenue.

9. Validation.—Any order sanctioning Samman Rashi to a Loktantra Prahri issued under the Himachal Pradesh Loktantra Prahri Samman Rashi Yojna, 2019 on or before the date of commencement of this Act, shall be deemed to have been validly made under this Act.

10. Power to make rules.—(1) The State Government may, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 12th March, 2021

No. HHC/GAZ/14-390/2019.—Hon'ble the Chief Justice has been pleased to grant *ex-post facto* sanction of 02 days commuted leave for 19-2-2021 & 20-2-2021 with permission to suffix Sunday fell on 21-02-2021 in favour of Ms. Shweta Narula, Civil Judge-cum-JMIC (II), Solan, H.P.

Certified that Ms. Shweta Narula has joined the same post and at the same station from where she proceeded on leave, after expiry of the above period of leave.

Also certified that Ms. Shweta Narula would have continued to hold the post of Civil Judge-cum-JMIC (II), Solan, H.P., but for her proceeding on leave for the above period.

By order,
Sd/-
Registrar General.