

**THE HIMACHAL PRADESH LOKTANTRA PRAHRI
SAMMAN BILL, 2021**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

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in jails or police stations under the provisions of the Maintenance of Internal Security Act, 1971 (26 of 1971) repealed, Defence of India Rules, 1971 (repealed) and the Code of Criminal Procedure, 1973 (2 of 1974) for political and social reasons during the emergency period from 25th June, 1975 to 21st March, 1977.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. This Act may be called the Himachal Pradesh Loktantra Prahri Short title.
Samman Act, 2021.

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

(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the Himachal Pradesh who was detained in jail or police station under the Maintenance of Internal Security Act, 1971 (repealed) or the Defence of India Rules, 1971 (repealed) or Code of Criminal Procedure, 1973 for political or social reasons during emergency period and a person belonging to other State who was detained in jail or police station of the State of Himachal Pradesh under the Maintenance of Internal Security Act, 1971 (repealed) or the Defence of India Rules, 1971 (repealed) or Code of Criminal Procedure, 1973 for political or social reasons during emergency period; 26 of 1971
2 of 1974
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- (d) "Notification" means a notification published in the Rajpatra (e-Gazette), Himachal Pradesh;
- (e) "prescribed" means prescribed by rules made under this Act; 15
- (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 20
- (g) "section" means a section of this Act.

Eligibility
for Samman
Rashi.

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

- (a) Loktantra Prahri; and
(b) spouse of deceased Loktantra Prahri. 25

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

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

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

(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. (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. Constitution
of the
Committee.

(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.

Cancellation
of order of
Samman
Rashi.

8. (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.

5 9. Any order sanctioning Samman Rashi to a Loktantra Prahri Validation.
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 10. (1) The State Government may, by notification in the Rajpatra Power to
(e-Gazette), Himachal Pradesh, make rules for carrying out the purposes of make rules.
this Act.

15 (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
20 done under that rule.

अधिप्रमाणित



मुख्यमन्त्री
हिमाचल प्रदेश

STATEMENT OF OBJECTS AND REASONS

During the period of emergency in the Country (from 25th June, 1975 to 21st March, 1977), several people had fought for conservation of the existence of democracy and protection of fundamental rights of the people so that the democracy could be revived. The State Government has decided to grant Samman Rashi to those Loktantra Prahis who actively participated for the protection of democracy during emergency period and detained in jails or police stations under the provisions of the Maintenance of Internal Security Act, 1971 (repealed) or Defence of India Rule, 1971 (repealed) or the Code of Criminal Procedure, 1973 for political or social reasons. For this purpose, a Committee also has been proposed to be constituted to consider the claims of the applicants. The Committee shall also be empowered to cancel the order of Samman Rashi on certain grounds like submission of false documents and on punishment for committing any offences etc.

This Bill seeks to achieve the aforesaid objectives.

(JAI RAM THAKUR),

Chief Minister.

अधिप्रमाणित

SHIMLA:

The _____, 2021.


मुख्यमन्त्री
हिमाचल प्रदेश

FINANCIAL MEMORANDUM

The provisions of the Bill, if enacted, shall involve recurring expenditure of approximately Rs. 2,63,00,000/- (Rupees two crore sixty three lakh) per annum from the State Exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to empower the State Government to make rules for carrying out the purposes of the Act. The proposed delegation of power is essential and normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

(File No. GAD-E-D(6)-1/2020)

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Loktantra Prahri Samman Bill, 2021, recommends, under article 207 of the Constitution of India, the introduction and consideration of the Bill by the Legislative Assembly.

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(JAI RAM THAKUR)

Chief Minister.

अधिप्रमाणित

(YASHWANT SINGH CHOGAL)

Principal Secretary (Law).



मुख्यमन्त्री
हिमाचल प्रदेश

SHIMLA:

THE _____, 2021.