

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

ARRANGEMENT OF SECTIONS

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**THE HIMACHAL PRADESH LOKTANTRA PRAHRI SAMMAN ACT,
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(ACT NO. 5 OF 2021)¹

Received the assent of the Governor of Himachal Pradesh on the 29th April, 2021 and published both in Hindi and English in the Rajpatra, Himachal Pradesh (e-Gazette), dated 6th May, 2021, pp. 731-737).

AN ACT for making provisions of SammanRashi, facilities and the issues related thereto for such LoktantraPrahri, 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in jails or police stations under the provisions of the Maintenance of Internal Security Act, 1971 (26 of 1971) repealed, Defence of India Rules, 1971 (repealed) and the Code of Criminal Procedure, 1973 (2 of 1974) for political and social reasons during the emergency period from 25th June, 1975 to 21st March, 1977.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 LoktantraPrahriSammanAct, 2021.

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

- (a) “Committee” means Committee constituted under section 7;

1 . Passed in Hindi by the Himachal Pradesh Vidhan Sabha/ For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (e-Gazette), dated the 20th March, 2021, pp. 9377 and 9380-9381

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Pradesh who was detained in jail or police station under the Maintenance of Internal Security Act, 1971 (26 of 1971) (repealed) or the Defence of India Rules, 1971 (repealed) or Code of Criminal Procedure, 1973 (2 of 1974) for political or social reasons during emergency period and a person belonging to other State who was detained in jail or police station of the State of Himachal Pradesh under the Maintenance of Internal Security Act, 1971 (repealed) or the Defence of India Rules, 1971 (repealed) or Code of Criminal Procedure, 1973 for political or social reasons during emergency period;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

3. Eligibility for SammanRashi.-(1) Following persons shall be eligible to get SammanRashi for their life time,-

- (a) LoktantraPrahri; and
- (b) spouse of deceased LoktantraPrahri

(2) The spouse of the deceased LoktantraPrahri shall also be eligible for full specified SammanRashi.

4. Ineligibility for SammanRashi.-Following persons shall be ineligible to get SammanRashi,—

- (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 SammanRashi and facilities.

5. Fixation of SammanRashi.-(1) The SammanRashi awarded as honour to the LoktantraPrahri and eligible period of detention for receiving such SammanRashi shall be determined by the State Government from time to time.

(2) Any LoktantraPrahri, who is receiving less SammanRashi or pension from other States in comparison to the SammanRashi determined by

the Government of Himachal Pradesh, shall be eligible to receive the difference amount of SammanRashi as determined by the State Government.

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

6. Procedure for submitting application.-(1) The LoktantraPrahri 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.

(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 LoktantraPrahri.

7. Constitution of the Committee.-(1) To scrutinize applications received for sanction of SammanRashi 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 *suomoto* accept any application and recommend it for SammanRashi.

(3) The sanction or rejection order of SammanRashi 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 LoktantraPrahri to apply in the prescribed form to sanction the SammanRashi in case the same has not been sanctioned during the lifetime of the LoktantraPrahri.

(5) The payment of SammanRashi sanctioned to spouse of deceased LoktantraPrahri shall automatically stop on his death.

8. Cancellation of order of SammanRashi.- (1) The order of sanction of SammanRashi 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 SammanRashi 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 *suomoto* information received, the Committee after giving reasonable opportunity of being heard, may enquire the case of concerned person whose SammanRashi 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 SammanRashi 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 SammanRashi to a LoktantraPrahri issued under the Himachal Pradesh LoktantraPrahriSammanRashiYojna, 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.
