

M.P. Loktantra Senani Samman Adhiniyam, 2018

MADHYA PRADESH

India

M.P. Loktantra Senani Samman Adhiniyam, 2018

Act 30 of 2018

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M.P. Loktantra Senani Samman Adhiniyam, 2018(M.P. Act No. 30 of 2018)Last Updated 13th June, 2019[Received the assent of the Governor on the 9th August, 2018; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 9th August 2018.]An Act for making provisions of honour money, facilities and related issued for the fighters of democracy, who were detained in jails or police stations for specified prohibited activities under the provisions of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971) (repealed) and Defence of India Rules, 1971 (repealed) during the emergency period from 25th June, 1975 to 21st March, 1977.Be it enacted by the Madhya Pradesh Legislature in the sixty-ninth year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Madhya Pradesh Loktantra Senani Samman Adhiniyam, 2018.(2)It extends to the whole of the State of Madhya Pradesh.(3)It shall come into force with effect from the date of its publication in the Madhya Pradesh Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Committee" means Committee constituted under section 7;(b)"D.I.R" means the Defence of India Rules, 1971 (repealed);(c)"emergency period" means the period commencing from 25th June, 1975 to 21st March, 1977;(d)"fighters of democracy" means person who is domicile of Madhya Pradesh and detained in jails or police stations under MISA or D.I.R. for political and/or social reasons during emergency period;(e)"honour money" means such money awarded as honour to the fighters of democracy which shall be determined by the State Government from time to time;(f)"MISA" means the Maintenance of Internal Security Act, 1971 (No. 26 of 1971) (repealed).

3. Eligibility of honour money.

(1) Following shall be eligible to get honour money for their lifetime:-(i) fighters of democracy; (ii) spouses of deceased fighters of democracy; (iii) in case where a person is domicile of Madhya Pradesh detained for political or social reasons under MISA or D.I.R during emergency period is dead and honour money has not been sanctioned, in such cases honour money shall be payable to the spouse of such person, on submitting application. (2) In case of clause (ii) and (iii) of sub-section (1), the eligibility shall be half of the specified honour money.

4. Ineligibility of honour money.

- Following shall be ineligible to get honour money:-(i) a person who had been detained in jail or police station for reasons other than the political or social reasons; (ii) a person who has produced false information or certificate or wrong details in respect of establishing his or other right to receive honour money and facilities.

5. Fixation of honour money.

(1) The honour money awarded as honour to the fighter of democracy and eligible period of detention for receiving such honour money shall be determined by the State Government from time to time. (2) Fighter of democracy or his/her spouse shall be eligible to get honour money from the date of sanction order issued by the District Magistrate or State Government. (3) The honour to be given at the time of funeral of fighters of democracy, medical and other facility to fighters of democracy and their spouse shall be such as may be prescribed.

6. Manner of submitting application.

- Fighters of democracy shall apply in such form as may be prescribed along with certificate of detention in the jail or police station for political or social reasons. In case of jail a certificate of Superintendent of Jail and in case of police station a certificate of Superintendent of Police shall be compulsorily attached and presented to the concerned District Magistrate.

7. Power and process of sanction of honour money.

(1) To scrutinize applications received for sanction of honour money at district level, and to recommend about eligibility or non-eligibility of applicant such committee shall be constituted as may be prescribed by rules. (2) The sanction or rejection order of honour money shall be issued by the District Magistrate on the basis of Committee's recommendation. (3) Payment of honour money sanctioned to spouse of deceased fighter of democracy may be automatically stop on his/her death. (4) If any record of confinement in jail or release from jail is available and jail certifies that the remaining relevant record is not available in jail, then the minimum period of detention shall be deemed and honour money shall be sanctioned. (5) Spouses of deceased fighters of democracy shall provide information only to sanction their honour money, in these cases application in prescribed

format are not required.

8. Representation.

- Any concerned person aggrieved by the order issued by the District Magistrate on the basis of recommendations of the Committee, may submit his representation to the State Government within 30 days from the date of order in such form as may be prescribed. The State Government shall consider and decide the representation on merit basis within 45 days from the date of receipt of representation and decisions of the State Government shall be final and binding on concerned person.

9. Cancellation of order of honour money.

(1) The order of sanction of honour money under this Act may be withheld or cancelled on the following grounds: -(a) participation in any crime of moral turpitude and in anti-national activity; (b) punishment in any offence; (c) receiving the honour money despite any ineligibility under the Act; (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 motu information received, the Committee after giving reasonable opportunity of hearing may enquire the case of concerned person whose honour money has been sanctioned. After recommendation of the Committee, the right to cancel order of sanction shall vest with the District Magistrate. The concerned person aggrieved by this order may submit his representation that may be disposed as per provisions of Section 8. (3) If any person who received honour money or facilities on the basis of false documents shall be recoverable as arrears of land revenue.

10. Powers to make rules.

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -(a) honour at the time of funeral, medical and other facilities under sub-section (3) of Section 5; (b) form of application to be submitted for grant of honour money under section 6; (c) the structure of committee to be constituted under sub-section (1) of Section 7; (d) form of representation to be submitted under section 8; (e) any other matter which has to be or may be prescribed. (3) Every rule made under this Act shall be laid before the Legislative Assembly.

11. Powers to remove difficulties.

(1) If any difficulty arises in implementing the provisions of this Act, the State Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act. (2) Every order made under this Section shall, as soon as after it is made, be laid before the

Legislative Assembly.

12. Repeal and saving.

(1)The Lok Nayak Jaiprakash Narayan (MISA/D.I.R. Rajnaitik Ya Samajik Karano Se Nirudha Vyakti) Samman Nidhi Niyam, 2008 published in the Madhya Pradesh Gazette (Extraordinary) dated 20th June, 2008 is hereby repealed.(2)Notwithstanding the repeal of the said rules, anything done or action taken under the said rules, shall be deemed to have been done or taken under the corresponding provisions of this Act.