

**Government of Himachal Pradesh
Home Department**

No.Home-B(F)13-3/2009,

Dated,

June,2011.

NOTIFICATION

Whereas, during the last Budget Session of Himachal Pradesh Vidhan Sabha the Treasury and Opposition benches had raised the issue of Benami Land Transactions in violation of Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act,1972 and irregularities in the issue of Essentiality Certificates for buying land for development, under Himachal Pradesh Apartment and Property Regulation Act,2005.

Whereas, the Hon'ble Chief Minister had made an announcement in the Vidhan Sabha that the Government would institute a Judicial Inquiry into all issues related to Benami Land Transactions and issue of Essentiality Certificates under the Himachal Pradesh Apartment and Property Regulation Act,2005 in violation of the Statutory provisions thereof.

Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers vested in her under sub Section (1) of Section 3 of the Commission of Inquiry Act,1952, is pleased to appoint Justice Sh. D.P. Sood(Retired Judge of the H.P.High Court) as Commission of Inquiry to enquire into the issues relating to Benami Land Transactions and issuance of Essentiality Certificates under the Himachal Pradesh Apartment and Regulation of property Act, 2005. The Terms of Reference of the Commission shall be as follows:-

1. The Commission shall enquire into all cases of Benami Land Transactions in violation of Section 118 of H.P Tenancy & Land Reforms Act. 1972, since 2003, till 31.3.2011 in Himachal Pradesh, which have resulted in transfer of Agricultural Land to Non- Agriculturists.
2. The Commission shall also enquire into violations of statutory provisions and administrative

procedures regarding issuance of Essentiality Certificates under the H.P. Apartment and Property Regulation Act, 2005, since the inception of the Act, till 31.3.2011.

3. The Commission may also give its findings on any other issue which may be relevant to the above issues.

Further, the Governor of Himachal Pradesh is of the opinion that having regard to the nature of Inquiry to be conducted and other circumstances of the case, the provisions of Sub-Section (2),(3), (4) and (5) of Section 5 of the Commission of Enquiry Act, 1952 should be made applicable to the Commission and in exercise of the powers vested in her under Sub-Section(1) of the Section 5 of the aforesaid Act is pleased to direct that the provisions contained in Sub-Section(2),(3),(4) and (5) of Section 5 shall apply to the Commission.

The Commission shall have its headquarters at Shimla and it may visit such places in the State as may be necessary in connection with the inquiry and shall submit its enquiry report to the State Government, within a period of six months.

By Order

Chief Secretary to the
Govt. of Himachal Pradesh.

Endst No. as above,

Dated:

Copy forwarded for information and necessary action:-

1. Justice Sh. D.P.Sood(Retired Judge of H.P. High Court), Chotta Shimla-2.
2. All Secretaries to the Govt. of Himachal Pradesh.
3. Pr. Accountant General, H.P. Shimla-3
4. The Deputy Accountant General(A&E) , H.P. Shimla-3.
5. The Director General of Police, H.P.Shimla.
6. All Divisional Commissioners in H.P.
7. All D.Cs in Himachal Pradesh.
8. Controller, Printing & Stationery, H.P. Shimla-5 for its publication in the Rajpatera.
9. Director, Public Relation, H.P. Shimla-2.

Principal Secretary(Home) to the
Govt. of Himachal Pradesh

**Government of Himachal Pradesh
Home Department**

No.Home-B(F)13-3/2009, Dated, June,2011.

NOTIFICATION

In continuation of this Department notification of even number dated 16.06.2011, the Governor, Himachal Pradesh is pleased to notify the following terms and conditions of appointment of Justice Sh. D.P. Sood(Retired Judge of Himachal Pradesh High Court) who is the Commission of Inquiry to enquire into the issues relating to Benami Land transaction in violation of Himachal Pradesh Tenancy and Land Reforms Act, 1972 and issuance of Essentiality Certificates in violation of administrative procedures and of statutory provisions of the H.P. Apartment and Property Regulation Act,2005 :-

1. Justice Sh. D.P. Sood shall be entitled to salary per month equal to that of a sitting High Court Judge. The salary shall be reduced by the amount of pension being received by him and also the amount of that portion of pension which has been commuted by him.
2. Justice Sh. D.P. Sood would be entitled to House Rent Allowance per month at par with a sitting High Court Judge.
3. He shall be given a chauffer driven vehicle by General Administrative Department for performing day to day duty and also undertaking tours in connection with the work of the Commission of enquiry;
4. He shall be paid TA/DA at the scale and rate applicable to sitting Judge of High Court.
5. Justice Sood would be entitled to telephone facility at home and office, as is admissible to a High Court Judge.

6. He shall be provided office accommodation, alongwith furniture, office equipment etc. by the State Government .
7. This issues with prior concurrence of Finance Department dated 23.6.2011.

The expenditure on the Commission of Inquiry shall be debitable to the head of account of Secretariat Administration, which shall disburse salary and other entitlements of the Commission and its staff, as the DDO and Head of Department of the Commission.

By Order

Chief Secretary to the
Govt. of Himachal Pradesh.

Endst.No. as above,

Dated:

Copy forwarded for information and necessary action:-

1. Justice Sh. D.P.Sood(Retired Judge of High Court), Chotta Shimla-2.
2. All Administrative Secretaries to the Govt. of Himachal Pradesh.
3. Pr. Accountant General , H.P.
4. The Deputy Accountant General(A&E), H.P. Shimla-3.
5. All Divisional Commissioners in H.P.
6. The Director General of Police, H.P. Shimla-1
7. All D.Cs in Himachal Pradesh.
8. Controller, Printing & Stationery, H.P. Shimla-5 for its publication in the Rajpatera.
9. Director, Public Relation, H.P. Shimla-2.
10. The Distt Treasury Officer(Capital Treasury), H.P. Shimla-2.

Principal Secretary(Home) to the
Govt. of Himachal Pradesh