

GOVERNMENT OF KERALA

Abstract

Pension - Grant of Pension to Freedom Fighters - sanctioned

PUBLIC (MISCELLANEOUS) DEPARTMENT

G.O. (P) NO. 143/71/PD Dated, Trivandrum, 22.5.1971.

Read: Letter No. F 50/16/68 - Poll III dated 19.10.1968 from the Government of India, Ministry of Home Affairs.

ORDER

In October 1968, the Government of India brought to the notice of the State Government the necessity of giving financial assistance and other help to political sufferers who had participated in the national movements for the emancipation of the country during the thirties and forties of this century and who would be old and infirm by now, many of them being also impoverished due to their participation in these movements. West Bengal, Maharashtra, Tamil Nadu and Mysore are some of the Governments which have implemented a scheme of financial assistance to political sufferers. This Government have examined the proposal in detail in consultation with the Governments referred to above and are pleased to issue the following orders:

2. A scheme for the grant of pension to Freedom fighters subject to certain conditions will be introduced in this State. Rules relating to the scheme are attached to this G.O. as Annexure I.
3. The pension payable to each " Freedom Fighter " shall be Rs. 500/- per mensem with effect from 1.9.1991.
4. A specimen of the form in which the pension has to be applied is attached to this G.O. as Annexure II. 5000 copies of the form will be printed by the Superintendent, Government Presses, and distributed to all the District Collectors immediately.
5. Application forms will be made available to persons desirous of applying for pension in the offices of Tahsildars and District Collectors.
6. The Inspector General of Prisons will issue suitable instructions to all Superintendents of Jails to comply with requests from the District Collectors for information.

regarding imprisonment of the Freedom Fighters and also to furnish extracts from the convict registers free of cost.

7. The Superintendent of Government Presses will arrange to print copies of the lists of Freedom Fighters prepared by the Regional Records Survey Committee, Trivandrum and the Ex. INA personnel prepared by the Ex. INA Association, Kerala and distribute them to all the District Collectors for the purpose of verification of claims for pension.

8. An Advisory Committee will be constituted in each District to assist the District Collector for the purpose of the scheme. The Advisory Committee will advise the District Collector in regard to the disposal of the applications for pension under this scheme.

9. The expenditure on account of pension to Freedom Fighters will be debited to " 65 pensions and other retirement benefits ". A new sub head under this head of account will be opened for the purpose. As it is a ' New Service ', the expenditure on this scheme will be met by obtaining a supplementary grant from the Legislature. Pension sanction by the Legislature the initial expenditure will be met by drawing an advance from the Contingency Fund. Orders regarding these and also about the accounting procedure and mode of payment will be issued separately.

(By Order of the Governor)

C. BHASKARAN NAIR
SPECIAL SECRETARY.

To

- All District Collectors.
- The Accountant General
- The Finance Department.
- All Heads of Departments
- The Inspector General of Prisons.
- The Secretary to Government of India, Ministry of Home Affairs, New Delhi (with C.L)

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KERALA FREEDOM FIGHTERS PENSION RULES

1. These rules may be called 'The Kerala Freedom Fighters Pension Rules'.
2. These rules shall be applicable through out the Kerala state.
3. These rules shall come into force from 1.4.1971.
4. In these rules, a freedom fighter means any person who on account of participation in the National Movement.
 - (a) had undergone imprisonment for not less than six months or
 - (b) had been kept under detention (including detention as under trial prisoner) for not less than six months; or
xplanation : Period of normal remission upto one month will be
 - (c) was killed in action ; or treated as part of actual
 - (d) was sentenced to death; or imprisonment)
 - (e) died due to police or military firing or Lathi charge or
 - (f) lost his, her job or means of livelihood or the whole or substantial part of his / her property or
 - (g) became permanently incapacitated due to such participation or effected with grave disease for life
 - (h) had remained underground for more than six months consequent on warrant for arrest having been issued against him.
5. In these Rules, National movement means a movement against the British Government in India or any Government within the country supported by it.
6. This definition will cover participants from the present state of Kerala in all Freedom Movements within the country till 15.8.1947 and also those who participated in the struggle for responsible Government in the former Travancore State till 24.3.1948. This definition will also include those who had participated in the Goa Liberation Movement and the Liberation of Mahe from French Rule.
7. A pension of Rs. 500/- per mensem shall be payable to freedom fighter or his widow or minor children the widow/widower of a freedom fighter should be given the pension on his/her death if such widow / widower also happen to be a pensioner under the Kerala Freedom Fighters Pension Rules.
G.C.(MS) 87/88/GAD dated 2.3.1988.
- 7 (a) In the case of martyrs, near relatives are also eligible for pension. The term 'near relative' will include widow,

children, mother, father and in the absence of the above, any other relative as decided by Government. Preference will be given to the near relative in the order of the priority mentioned above.

Note to rule 7 (a): A martyr means a person who gave his life for the freedom of the country.

8. Ex. INA personnel including members of Indian Independence League and Azad Hind Dal are also eligible for pension of Rs. 500/- P.M under the scheme subject to the following conditions.

(i) An Ex. INA person including a member of Indian Independence League and Azad Hind Dal who applies for the grant of Pension shall produce a certificate from the All India INA Enquiry and Relief Committee, New Delhi to the effect that he served in the INA or was member of Indian Independence League or Azad Hind Dal. In the absence of certificate from the All India INA enquiry and relief Committee Certificates from any one of the following persons shall be accepted.

1. Shri K.N. Kunnampilly
2. Capt. Nellikka Achuthan, Chairman Ex- INA Association, Kerala Kadakkavur, P.O
3. Lt. Francis D' Cruz -- President Ex- INA Association, Kerala, Kadakkavur).

(ii) An ex. INA person including a member of the Indian Independence League or Azad Hind Dal who satisfies the other conditions laid down in these rules except imprisonment, detention etc. and production of certificates from the Prison Department will be eligible for the grant of pension.

(iii) Those persons who were dismissed from the Royal Indian Navy in 1946 due to their participation the general strike in the Navy during that year are eligible for pension provided they satisfy the other conditions prescribed in the rules.

9. Where there are two or more applicants claiming relationship with a deceased Freedom Fighter the total amounts to all of them shall be limited to Rs. 500/- per month. However the Kerala Freedom Fighters Pension Rules do not provide that on the death of one of the widows the other widow will be granted the entire pension. A pensioner under Kerala Freedom Fighters Pension Rules has no right other than those conferred by the said rules.

10. The widow, minor sons/ Unmarried daughters who have not otherwise become independent (G.O.(MS) 218/89/GAD dated 4.10.1991) of a Freedom Fighter who has been sanctioned

a pension under rule 6 shall be eligible to the continuance of the pension.

11. The pension shall be payable till death if the grantee is the Freedom Fighter. If the grantee is the wife of a Freedom Fighter, the pension shall be payable till her death or remarriage. If the grantee is a minor in the case of son, the pension shall cease on his attaining the age of 18 and in the case of daughters until they are married or otherwise become independent.

12. " Rule 12. A pension sanctioned under these rules shall be cancelled with retrospective effect if it is found that sanction was given on mistaken grounds or on false claims made by the applicant. The recovery of the wrongly drawn amount of pension in regard to persons who were sanctioned pension on mistaken grounds (attributable to the pension sanctioning authority) will be waived by Government. However, the recovery of wrongly drawn amount will continue to be made in respect of persons who obtained pension by fraudulent means or by impersonation or on production of false documents ".

Rule 13 (a) The pension sanctioned under the rule shall be payable also when the pensioner leaves the State to reside in another State in the Country either temporarily or permanently. In such cases, the pensioner shall intimate the District Collector concerned sufficiently in advance his intention to leave the State and give the correct address of residence outside the State, but within the country. In such cases, the pensioner shall forward to the District Collector a life certificate once in a year. The Pensioner may also forward a statement to the District Collector every month to the effect that he has received the money order.

(b) In cases where the money order sent to the pensioner is returned and the money order has to be sent again, it shall be done at the expense of the pensioner after deducting the M.O. Commission from the pension amount.

(c) The pension is liable to be suspended if the pensioner leaves India for short or long periods. In such cases, the pension suspended may be revived on his return to native District and arrears paid for the entire period. The Pensioner shall intimate his intention to leave India sufficiently early to the

District Collector concerned specifying the date on which he desires to leave India. Similarly, he shall intimate his intention to return to native District also sufficiently early specifying the date of return.

14. The District Collector shall be the authority competent to sanction pension under these rules.

15. Applications for the grant of pension under these rules in the form attached as Annexure II should be sent to the Collector of the District to which the applicant belongs.

16. On receipt of application from a Freedom Fighter for the grant of Pension, the District Collector should make enquiries regarding the eligibility through the Tahsildar.

17. On receipt of the report of enquiry from the Tahsildar in the Form as in Annexure III attached and on satisfying himself about the eligibility of the applicant for the pension, the Collector shall make an order on each application either sanctioning pension or rejecting the same. A specimen of the order sanctioning the pension is attached to this as Annexure IV.

18. Pension sanctioned under these rules will be payable from 1.4.1971 only in the case of applications received upto 15.8.1972. Applications received after 15.8.72 will be granted pension under these rules only from the date of issue of sanction order.

The last date for receipt of applications by the District Collectors will be 15.3.1985. Applications received after 15.8.1985 will not be considered.

19. It shall be the duty of the Pensioner to intimate his change of residence for more than three months to the District Collector and to the Treasury Officer who disburses the Pension in the form attached as Annexure V.

19 (a) If a pensioner changes his residence for more than three months from one district to another within the Kerala State, the District Collector who granted the pension shall furnish the details of the pensioner who has shifted his residence and the latter shall file such intimations

properly. Pension will be granted under these rules only after verification of such intimations.

20. The following instructions regarding the enquiry to be made for the grant of pension are also issued :

- (i) A freedom fighter or other claimant should submit the application form in duplicate, one copy direct and another copy through the Tahsildar concerned to the District Collector concerned furnishing all the particulars.
- (ii) In cases where all material particulars are furnished in a petition, the Collector need not insist on the application forms being filled in, but initiate action on the petition itself. The application form may however be separately sent to the applicant for being filled in and submitted for purpose of record.
- (iii) On receipt of a copy of the application from the applicant or from the District Collector, the Tahsildar will conduct enquiries personally or through his subordinates who shall in no case be lower in rank than Firka Revenue Inspector. The Enquiry Officer shall personally interview the Freedom Fighter or claimant or his/her guardian and such other person he considers necessary to satisfy himself whether the conditions of eligibility. The Tahsildar will submit his report to the Collector promptly with his specific recommendations in the Form attached as Annexure V.
- (iv) The period of imprisonment should ordinarily be verified with reference to Jail records. If the applicant for any reasons is unable to furnish an extract from the convict register, the Collector may address the superintendent(s) of the Jail(s) concerned and obtain an extract from the Convict register pertaining to the Freedom Fighter.

In the case of Freedom Fighters of old Travancore who were only under -- trial prisoners or were arrested and kept under custody/detention in lock - ups and Jails without cases being charged and without trial; for six months or more in connection with the struggle for responsible Government pension may be sanctioned to them provided the District Collector and the District Advisory Committee are satisfied on the basis of evidence or reliable persons that the applicant concerned was really kept in custody for six months

or more. Each such case should be carefully looked into, before pension is sanctioned.

(v) Production of certificates issued by the concerned Jail authorities need not be insisted on from the Freedom Fighters. They need only be asked to furnish full particulars of their imprisonment with period and dates, as accurately as they can with reference to their memory or any records in their possession. The Collector should get these particulars verified by correspondence direct with the Jail Superintendent concerned.

In Cases where the freedom fighters underwent imprisonment in a Jail which is now outside Kerala State, the District Advisory Committee will recommend the Pension provided the Committee is satisfied that the pensioner is a genuine Freedom Fighter. In the case of Freedom Fighters who underwent imprisonment in a Jail which is now within the Kerala State the District Advisory Committee may recommend pension if certificates of imprisonment are not available due to damage or destruction provided the Committee is satisfied that the pensioner is a genuine freedom fighter and he/she fulfils the conditions specified in the Rules.

(vi) In the absence of records to prove imprisonment the fact that the applicant had received fee concession sanctioned to Freedom Fighters / Political sufferers in G.O. MS.NO. 342/Edn dated 15.6.1961, G.O. MS.NO. 106/Edn dated 18.2.1962 G.O.MS No. 160/Edn dated 14.3.1963, G.O.MS 4058/64/Edn dated 28.8.1964 and G.O. MS. 88/66 Edn dated 24.2.1966 may be accepted as proof of his eligibility for receiving the pension subject to the other conditions being satisfied.

(vii) In cases where the applicant is a minor son or minor daughter, the Tahsildar/the Revenue Inspector should ascertain the age of the applicant by such verification and enquiry as are necessary. The correct age of the minor son or daughter of the Freedom Fighter should be incorporated in his report. Verification of age will be done with reference to the certificate of date of birth to be produced by the claimant or any other reliable record.

(viii) When the verifying Officer interviews personally the Freedom Fighter or other claimant, he shall also verify the identity marks.

(ix) The Collector will satisfy himself that the enquiry has been full and complete before sanctioning the pension.

(x) On receipt of a copy of the application first from the claimant, the Collector will watch whether the Tahsildar's report is received within a reasonable time and issue reminders. In case the report is not received within a reasonable time.

(xi) In case the pension is granted to the widow of a Freedom Fighter, the Collector shall cause a half yearly verification to see whether the widow gets married.

(xii) If the pension has to be discontinued with reference to rule (viii) the Collector may order, immediate discontinuance.

21. In cases where on account of the incarceration falling short of six months or due to provision regarding help from near relatives under rule 7, the applicant may be deprived of the pension, the District Advisory Committee is empowered to sanction pension by relaxing the relevant rules in deserving cases.

22. (i) The pensioner under the Kerala Freedom Fighters Pension scheme shall make a simple declaration / Authorisation duly attested by the District Collector or any of the subordinate Officer in the District not below the rank of a Tahsildar or any Gazetted Officer to Government and send two copies of the same to the Accountant General, through the District Collector. On receipt of this declaration the Accountant General will issue necessary instructions along with one copy of the declaration / Authorisation for verification of the signature of the attesting officers and for arranging necessary amendments of the Pension Payment Order with a view to ensuring that the payment of family pension is commended as soon as the intimation of death of a freedom fighter is received from his/her eligible legal heirs.

(ii) The Freedom Fighter pensioner is allowed to include as nominee, his wife/unmarried daughters / minor sons in the order of precedence in the nomination form.

(iii) The Freedom Fighter Pensioner shall submit along with the declaration three copies of the Joint Photograph of the Pensioner/his/her spouse / unmarried daughters / minor

sons as shown by the petitioner in his declaration and separate photo of those of them who could not be included in the Joint photo, duly attested.

(iv) Since the eligibility of the minor sons/ unmarried daughters could be decided as and when that is, only in the event of death of both freedom fighter and his/her spouse, details of the Minor Sons/ daughters furnished by the freedom fighter will be noted in the register kept in the Accountant General's Office, and these nominees may apply as and when occasion arises with necessary certificates for issuing fresh Pension Payment Orders.

(v) The benefit of full amount of Pension will be allowed as Family Pension. In the event of two or more eligible applicants claiming for family pension the total amount to all of them shall be limited to the amount of pension.