

CHIEF MINISTER'S SECRETARIAT

[PART IIA] THE ASSAM GAZETTE, MAY I, 1991 369

The 26th March 1991

Assam Swatantrata Sainik Relief Rules 1988 which was issued under No. CMS.155/86/Pt.-I dated 3rd May 1989 is re-issued below bearing the same number and date.

The 3rd May 1989

ASSAM SWATANTRATA SAINIK RELIEF RULES 1988

No.CMS.155/86/Pt.I. – Whereas it is considered expedient to frame rules on matters relating to general Welfare of the Freedom Fighter in Assam as well as rules governing the condition under which relief to Freedom Fighters in Assam may be given and to determine the nature and extent of such relief.

Now, therefore, the Governor of Assam is pleased to make the following Rules, namely: - THE ASSAM SWATANTRATA SAINIK RELIEF RULES, 1988.

1. Short title commencement and applicability: -

1. These rules may be called the Assam Swatantrata Sainik Relief Rules, 1988.
2. They shall come into force on their publication in the official gazette. However, in cases of Freedom Fighters who once draw enhanced Pension @ Rs.200 P. M., they will continue to draw at same rate since the date of first drawal at that rate.
3. They shall apply to all Swatantrata Sainiks who were previously formed as Freedom Fighters and were then residents within the geographical area of pre 1942 Assam and are presently permanent residents of Assam on the present date.

2. Definition : - In these Rules, unless the context otherwise requires;

- (i) "National Movement" means any of the national struggle launched under the leadership of Mahatma Gandhi since 1921, or any other movement for attainment of India's Independence as recognised from time to time by the Government of India till 15th day of August, 1947;

- (ii) **“Swatantrata Sainik”** means;
- (a) a person who was imprisoned due to conviction or arrested or kept in Jail as under Trial Prisoner or as detenu under order of the competent authority or an internee or externee or remained underground or who was fined or whose property was confiscated or who lost his life or was permanently disabled or who suffered bodily injury due to Police lathi charge or Bullet injury for participation in any of the national Movement launched under the leadership of Mahatma Gandhi since 1942 or in any other movement for attainment of India’s Independence;
 - (b) a person who was dismissed or removed from service or forced to resign his service or a Civil Pensioner whose pension was forfeited because of his association with the National Movement;
 - (c) a person who was expelled or rusticated from any of the educational institution due to his participation in any of the national movements indicated under sub-rule (i);
 - (d) a person who was active participant in any of the National Movement indicated under sub-rule (i) and has significant contribution to that;
- (iii) **“State Board”** means the State Advisory Board for Swatantrata Sainiks constituted under Rule-6;

- (iv) "Pension" means the Swatantrata Sainik Samman Pension sanctioned by the State Government to living Swatantrata Sainik or their legal windows or unmarried daughters of the deceased Swatantra Sainiks;
- (v) Tamrapatra means, tamrapatra awarded by Government of India to Swatantrata Sainiks;
- (vi) Central Pension referred to in these Rules means Swatantrata Sainik Samman Pension awarded by the Central Government.

3. Compensation: -

No compensation will be paid to a Swatantrata Sainik only because of his association in the National movement.

4. (1) Eligibility of pension: - The State Government may sanction a monthly pension to a living Swatantrata Sainik on the recommendation of the State Board who fulfils the following conditions: -

- (a) Whose minimum age was 60 years on 1st Junnary, 1986;
- (b) Who suffered minimum period of one month imprisonment as Convict or as Under Trial Prisoner or as Security Prisoner;

- (c) Who was externed or interned or proclaimed in the Official gazette as absconder for a period of not less than 6 months and was actually working in the field;
- (d) Who lost his service or property or education or who was permanently incapacitated due to police lathi charge or bullet injury.

In case of Scheduled Castes, Scheduled Tribes and Woman Swatantrata Sainiks, the above conditions may be relaxed by the State Board.

NOTE : In order to substantiate the suffering of a Swatantrata Sainik to stake his claim for a monthly pension, the following supporting documents are to be submitted for the satisfaction of the State Government :-

- (i) In case of imprisonment as Undertrial Prisoner or on Conviction, a certificate copy from the Jail entry and release is to be furnished;
- (ii) (a) In case of non-availability of jail records (Which should be certified by the respective jail authority) a co-prisoner's certificate in prescribed form from a Swatantrata Sainik who had suffered imprisonment for not less than six months, and is a holder of Tamrapatra or Central Pensioner, may be accepted. Certificate of non-availability of jail records from the jail in respect of those who suffered imprisonment or was an Under Trial Prisoner in jails which do

not fall within India after independence of the country is not compulsory.

- (b) In case of “Underground” suffering copy of official documents such as “Court records” or “Warrant of arrest” are to be furnished. In case of non-availability of official records, a certificate in prescribed form from a Swatantrata Sainik whose field of activities in the National Movement was the same with that of the applicant who had suffered imprisonment for not less than 2 (two) years and a recipient of “Tamrapatra” and a “Central Pension” or certificate from a prominent Swatantrata Sainik of the same district unit who remained as a Proclaimed absconder for not less than 2 years and whose period of underground activities should be same as that of the applicant and a recipient of Tamrapatra and Central pension, may be accepted. The ground for going underground by the applicant should be clearly stated on the body of the certificate which should be acceptable to the State Board.
- (c) In case of “exterument” or “interment, sufferings, official document shall have to be furnished.
- (d) In case of expulsion or rustication from Educational institutions for participation in the National movement, documentary evidence from the School records should be furnished.

- (e) In case of loss of service acceptable documentary evidence from the appointing authority should be furnished.
4. (2) Subject to fulfilment of conditions as Provided in Rule 4.1 (a), (b), (c), (d) and (e), a monthly pension may be sanctioned to the widow of a deceased Swatantrata Sainik if the later either could not apply for the same during his lifetime or died after submission of application in case of re-marriage, the Pension shall be discontinued from the date such re-marrige; and in case of death of the Swatantrata Sainik and his widow, the unmarried daughter or daughters of the deceased Swatantrata Sainik may apply for such Pension, and may be admissible for pension at full rate, till she or they remain unmarried.
4. (3) Disqualification: - Any Swatantrata Sainik who gave undertaking to the authority not to continue in the Movement or who got released on bail or who acted subsequently against the National Movements or who paid fines imposed on him under the law shall be treated as disqualification for sanction of State Swatantrata Sainik Samman Pension.
4. (4) The Pension sanctioned shall ordinarily continue for life. Sanction of Pension may however be withheld or withdrawn or revised either temporarily or permanently if the State Government are satisfied that such an action is justified in view of his association in undersirable activities.

4. (5) Rate of Pension – The amount of monthly pension shall be uniform rate per month as fixed by State Government from time to time, on recommendation of State Board. In specially deserving cases reasons for which be recorded in writing, the Government may sanction a higher rate of Pension.
4. (6) The Swatantrata Sainiks who enjoy the Swatantrata Sainik Samman Pension from the Central Revenue will be automatically eligible for the State Swatantrata Sainik Samman Pension, at the rate mentioned in sub-rule (5).
4. (7) In respect of matter of drawal, all Swatantrata Sainik Pension under these rules shall be subject to any procedure or rules relating to ordinary Pensioners for the time being in force, to the extent that such procedure or rules are applicable and are not inconsistent with these rules.
4. 8) A Swatantrata Sainik in receipt of pension under these rules will not ordinarily be debarred from any other kind of relief and shall also be entitled to medical facility envisaged under these rules and stipend to his children for educational purpose, if found deserving under the existing rules, of the Education Department.
4. (9) The Swatantrata Sainik Samman Pension granted under these rules shall be regarded as a “Samman” (Honour) to a Swatantrata Sainik for the sufferance caused to him due to his participation in the National Movements for the cases of Independence of the

Country and shall not therefore debar a Swatantrata Sainik from enjoying any other kind of pension sanctioned by the State Government.

5. Procedure to apply for pension : -

The eligible Swatantrata Sainiks for their heir claimants may submit their applications in the prescribed form in Annexure 'A' through their respective Deputy Commissioner duly supported by official documentary evidence in support of their suffering.

The Deputy Commissioner concerned will forward the same to the State Government with recommendation of District Level Advisory Committee with their verification on each case with special reference to the age and suffering of the Swatantrata Sainik concerned.

NOTE :- The word "Eligible Swatantrata Sainik" means a Swatantrata Sainik who fulfils the requisite in rule 4 (1) (a), (b), (c), (d) and (e).

6. State Board :-

(1) There shall be constituted a State Board to be called State Advisory Board for Swatantrata Sainik in Assam by the State Government consisting of 18(Eighteen) members and appoint its members.

- (2) The State Board shall advise the State Government in the matter of sanction of pension to Swatantrata Sainiks and in the matter pertaining to their welfare and such other matters affecting their interest and shall verify the cases recommended by the District Level Advisory Committee and approve the genuine cases for sanction of pension by the State Government.
- (3) The Chief Minister will be the Chairman of the State Board and the Principal Private Secretary to the Chief Minister, will act as its Secretary. During the President's Rule in the State, the Government will appoint a Chairman the Members and one Officer of the State Government as Secretary to the State Board. The Head Quarters of the Stae Board will be the State Capital.
- (4) The term of the State Board shall be for a period of five years. Any person included in the State Board to be fill-up any vacancy shall be for the remaining term of the State Board.
- (5) In the case of delay in reconstituting State Board by the State Government, the existing State Board shall continue to function till a new Satte Board is reconstituted.

- (6) There shall be a meeting of the State Board at least twice in a year at an interval of not more than six months.
- (7) One-third of the members of the State Board shall form the quorum of the meeting.
- (8) In any adjourned meeting for one of quorum, no quorum shall be necessary to transact the business of adjourned meeting.
- (9) While calling for a meeting, Secretary shall give at least fifteen days notice to the Board Members : Provided, however that any meeting of the Board may be called at a short notice if the Chairman so desires.
- (10) Any members of the Board may resign in writing addressed to the Secretary of the State Board. If an office of the membership falls vacant by way of resignation or otherwise then the Secretary shall immediately bring the matter to the notice of the Chairman.
- (11) If any member fails without sufficient cause, to attend three consecutive meetings of the State Board, he shall cease to be members.

(12) The Chairman of the State Board shall preside over all the meetings of the State Board. In absence of the Chairman, the members present will elect one of them to preside over such meeting.

7. Non-official members who reside beyond eight kilometers from Headquarter shall draw travelling expenses at the rate as admissible to the Grade I officers of the State Government in addition to the sitting allowance for attending meetings of the State Board and any Committee formed by the State Board. All non-official members irrespective of their distance from Headquarter shall be entitled to draw a sitting allowance at the rate of Rs.50/- (Rupees fifty) only for each day of sitting of any such meeting.

8. **District Committee :-**

(1) There shall be constituted a District Level Advisory Committee for Swatantrata Sainik consisting of the following members :-

1. Deputy Commissioner Chairman

2. Four Freedom Fighters
nominated by the

Deputy Commisssioner Members

An officer nominated by the Deputy Commissioner shall be non-member convenor of the District Committee.

- (2) All non-official member of the District Level Committee will be entitled to a sitting allowance of Rs. 50/- (Rupees Fifty) only for each day of sitting of the District Level Advisory Committee and non-official members who normally resides beyond 8 Kilometers from the District Headquarter will be entitled to travelling expenses at the rate admissible to Grade I officers of the State Government in addition to the sitting allowance.

9. **Recommendation of the State Board :-**

The recommendation of the State Board duly approved by its Chairman will be normally accepted by the State Government for implementation. It will, however, be open to the State Government to modify any of the recommendations in suitable manner as may be considered fit and proper.

10. **Transfer of pension :-**

- (1) The pension already enjoyed by a Swatantrata Sainik shall be transferred to his widow in case of death of the Swatantrata Sainik subject to production of death certificate from the medical officer of B. D. O. or S.D.C. concerned and verification report from the District authority about the legal heir of the deceased Swatantrata Sainik in case of any dispute arises.

- (2) in case were, there are two or more widow, the pension will be equally devided and payable to all the widows.
- (3) The widows shall be entitled to the transfer of a pension which her deceased Swatantrata Sainik husband applied during his life time but could enjoy due to his death before it was sanctioned.
- (4) In case of death of the widow/widows of the Swatantrata Sainik the unmarried daughters may apply to the State Government through the District authority concerned with held of the legel guardian for transfer of the pension supported by requisited certificate showing proof of age, date and cause of death of the widow/father and legel heir of the deceased Swatantrata Sainik.

11. **Medical facility :-**

- (1) The ailing Swatantrata Sainik pensioner will be entitled to the free medical facilities as envisaged in the Government of Assam, Health Department letter No. HLA.537/70/8, dated 26th June 1976.
- (2) In case of a Swatantrata Sainik or his widow/widows suffering from deadly disease like T.B., Cancer, Leprosy or Paralysis and Heart disease, the State Government may arrange for his treatment by hospitalising in any of the Government Hospitals within the State or if such treatment is not available

within the State, the State Government may on the recommendation of the Director of Health Services arrange for his treatment outside the State where such treatment is available or sanction him a lumpsum amount of Rs. 10,000.00 (Rupees ten thousand) only for his treatment subject to production of medical certificate from the competent medical authority recognised by the State Health Department.

- (3) The Principal Private Secretary to the Chief Minister or any officer authorised by the State Government will issue the sanction. He will also draw the amount and disburse direct to the grantee concerned by Bank Draft maintaining a separate account for the amount so disbursed.

:: OTHER FACILITIES ::

12. Reservation of State for Children of Swatantrata Sainik in the Engineering, Medical, Veterinary Colleges, Agricultural and Technical Institutions :-

- (1) Two seats shall be kept reserved for the children of the Swatantrata Sainik in each of the Engineering Colleges, Medical Colleges, Veterinary and Agricultural Colleges and in the Technical Institutions of the State.
- (2) Selection of candidate will be made by the Selection Board constituted for admission to such colleges/institutions on order of academic merit of the candidates.
- (3) The claim for the “Reserved Seats” shall be supported by a Swatantrata Sainik certificate in respect of the father/mother of the candidates, as the case may be, from the Principal Private Secretary to the Chief Minister or any officer authorised by the State Government.
- (4) The reservation of seats for the children of the Swatantrata Sainik should be clearly expressed in the advertisement for admission in the different colleges/institutions.

13. Award of special Scholarship to the Children of the Swatantrata Sainik :- The children of the Swatantrata Sainik shall be entitled to “Special Scholarship” as per rules and procedures finalised by the Director of Public Instruction, Assam.
14. Book of Reference:- In deciding the genuineness of Swatantrata Sainik apart from official documentary evidence as Jail Certificate, Police Records, Court Judgement and such other documents the reports published by the State Government from time to time, will be taken as valid reference.
15. Notwithstanding anything contained in the Rules it shall be competent for the State Government to sanction such monthly pension or any relief to Swatantrata Sainik as may be considered appropriate and proper in exceptional case without consulting in State Board.
16. Repeal and Saving: - The Assam Political Sufferers Relief Rules, 1959 is hereby repealed.

Notwithstanding such repealed any action taken, any order passed, any notification issued under the Rules so repealed, had be deemed to have been taken, done and issued under the relevant provisions of these Rules.

P.C. SARMA
Secretary to Chief Minister
Assam, Dispur

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