

**SALIENT FEATURES OF  
SWATANTRATA SAINIK SAMMAN PENSION SCHEME, 1980**

During the Silver Jubilee year of Independence a Central Scheme for grant of pension to freedom fighters and their eligible dependents (Where freedom fighters have already expired) was introduced by Government of India with effect from 15.08.1972. In 1980, the Scheme was liberalized and renamed as "Swatantrata Sainik Samman Pension Scheme, 1980" (the Scheme) and made effective from 01.08.1980. A copy of the said Scheme is as per Appendix A. Several provisions of the Scheme have been modified and clarified since then through different orders and circulars of the Govt. of India. A gist of such relevant orders and circulars is as per Appendix B-I to B-IV. A list of the movements which have been recognised for grant of pension under the Scheme is as per Appendix C. The Government of India, Ministry of Home Affairs places reliance on the principles propounded by the Apex Court and the Hon'ble High Courts in the cases cited in Appendix D.

Salient features of the basic provisions of the Scheme, as amended up to date, are as follows-

**2. Who is eligible for Samman Pension :-**

All the persons who participated in the freedom movement in some way or the other are not eligible for Samman Pension. Only following category of freedom fighters are eligible for the Samman Pension under the Scheme subject to furnishing of the specified evidences:-

**2.1 Eligible dependents of martyrs :-** A martyr is a person who died or who was killed in action or in detention, or was awarded capital punishment due to participation in the freedom struggle of India. Relevant documents from official records and newspapers of the relevant time are considered as evidences in such cases.

**2.2 Imprisonment :-** A person who had suffered minimum imprisonment of six months (3 months in case of women, SC/ST freedom fighters) on account of participation in freedom struggle subject to furnishing of the following evidences:-

(a) Imprisonment/detention certificate from the concerned jail authority, District Magistrate or the State Govt. indicating the period of sentence awarded, date of admission, date of release, facts of the case and reasons for release. OR

(b) In case records of the relevant period are not available, a non-availability of records certificate (NARC) from the concerned State/Union Territory Administration along with 2 co-prisoner certificates (CPC) from freedom fighters who have proven jail sufferings of

2.5 **Loss of property :-** A person whose property was confiscated or attached as a result due to participation in the freedom struggle is eligible subject to furnishing of orders of confiscation and sale of property, provided that the persons whose property was restored are not eligible for Samman Pension.

- Gist of relevant Circulars/Instructions issued by the Govt. of India under the Scheme regarding claims based on 'Loss of Property' is given in Appendix-B-III.

2.6 **Permanent Incapacitation :-** A person who on account of participation in freedom struggle, became permanently incapacitated during firing or lathi charge subject to furnishing of:-

- (a) certificate from the District Magistrate stating that permanent incapacitation was done by bullet injury/lathi charge sustained during participation in the National Freedom Struggle and
- (b) Medical certificate from the Civil Surgeon in support of the handicap.

2.7 **Loss of Government Job :-** A person who lost his Govt. job for participation in freedom struggle is eligible subject to furnishing of orders of dismissal or removal from service. However, persons who were reinstated in service before expiry of two years from their dismissal or removal from service and were in receipt of benefits or pay and allowances are not eligible for pension.

- Gist of relevant Circulars/Instructions issued by the Govt. of India under the Scheme regarding claims based on 'Loss of Government Job' is given in Appendix B-III.

2.8 **Canning/Flogging/Whipping :-** A person who was awarded the punishment of 10 strokes of caning/flogging/whipping due to his participation in freedom struggle is eligible subject to furnishing of copies of orders passed by the competent authority from official records.

- Gist of relevant Circulars/Instructions issued by the Govt. of India under the Scheme regarding claims based on 'Canning/Flogging/Whipping' is given in Appendix B-III.

### 3. Procedure

Persons who consider themselves eligible for Samman Pension under the Scheme and desire the Samman Pension, should apply in duplicate on the prescribed application form. The application, duly filled in and supported with required documents as proof of claim of suffering, should be sent to the Chief Secretary of the concerned State Government/Union Territory Administration. A copy of such application should be sent to the Deputy Secretary to the Government of India, FF Division, MHA, New Delhi as an advance copy. *However, claims can be processed by the Central Govt. only on receipt of verification & entitlement to pension report from the State Govt./ U.T. Administration concerned.*

A 1 year and who were with the applicant in the jail. In case the certifier happens to be a Member of Parliament or Ex. M.P./ M.L.A., only one certificate in place of the two is required.

Gist of relevant Circulars/Instructions issued by the Govt. of India under the Scheme regarding claims based on 'Imprisonment/Detention' is given in Appendix B-I.

**2.3 Underground :-** A person who on account of his participation in freedom struggle remained underground for more than six months provided he was ;

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- A. a proclaimed offender; or
  - B. one on whom an award for arrest was announced; or
  - C. one for whose detention, order was issued but not served.

**Explanation:** Voluntary underground suffering or self exile suffering for party work under the command of the party leaders, are not covered as eligible sufferings for pension under the Scheme.

The claim of underground suffering is considered subject to furnishing of the following evidence:-

(i) Documentary evidence by way of Court's /Govt.'s orders proclaiming the applicant as an offender, announcing an award on his head or for his arrest or ordering his detention. OR

(ii) Where records of the relevant period are not available, a non-availability of records certificate (NARC) from the concerned State/Union territory Administration along with a Personal Knowledge Certificate (PKC) from a prominent freedom fighter who has proven jail suffering of a minimum two years and who happened to be from the same administrative unit.

Gist of relevant Circulars/Instructions issued by the Govt. of India under the Scheme regarding claims based on 'Underground/Abscondence' is given in Appendix B-II.

**2.4 Internment/Externment :-** A person who, on account of participation in the freedom struggle, was interned in his home or externed from his district for a minimum period of 6 months is eligible subject to furnishing of order of Internment or externment issued by the competent authority, from official records. In absence of the official records, NARC from the State Govt./ UT Administration concerned, along with a certificate from prominent freedom fighter, who had proven jail sufferings of at least two years; who belonged to the same administrative unit and whose area of operation was same as that of the applicant, should be furnished.

Gist of relevant Circulars/Instructions issued by the Govt. of India under the Scheme regarding claims based on 'Internment/Externment' is given in Appendix B-III.

#### 4. Cases Recommended by Committees

The Government of India had constituted certain non official Screening Committees, such as "Hyderabad Special Screening Committee", to scrutinize the claims of freedom fighters pension in the cases where primary evidences from official records were not available due to efflux of time. These Committees consisted of the prominent freedom fighters who were leading lights of the movements for freedom of the nation or for merger of the princely states in the Union of India. The Committees were expected to recommend the genuine claims of freedom fighters who fulfilled the criteria for the pension as laid down in the Scheme. In other words, neither nature of the sufferings nor their period was relaxed in the cases considered by such Committees. Recommendation of the Committees is advisory in nature and the Govt. of India could accept or reject such recommendations. The cases recommended by the Committees could also be referred to the State Governments for such verification as was deemed appropriate.

#### 5. Acceptability of Secondary Evidence

Secondary evidences can be considered only if supported by a valid NARC. The provisions of the Scheme were clarified to the State Governments in several circulars of the Govt. of India, gist of which is available in the Appendix attached herewith. The instructions on NARC were reiterated by the Govt. of India, Ministry of Home Affairs, vide Circular No. 8/12/95-FF(P) dated 2.11.98, relevant extracts of which are reproduced as follows-

"As per the scheme, claims of the applicants for samman pension are required to be supported by the duly verified official records of the relevant times. Only in case of non-availability of such records, secondary evidences, as specified in the scheme, can be made basis of such claims. However, due care and caution is required in such cases in view of several instances of bogus/forged claims which have come to the notice of the Central Government. It is of utmost importance that before recommending such cases, complete facts of the case in which the applicant claims involvement, are verified from all the agencies which could have been concerned with the matter. These may include the police station concerned, the District administration, the jurisdictional court, competent authority issuing detention order, the advisory board/appellate court, prison authorities, and intelligence agencies. Discrete enquiry should also be made to ascertain genuineness of the claims. The NARC should be issued only after the above verification. It is reiterated that *the NARC should invariably be worded as follows*

All concerned authorities of the State Government who could have relevant records in respect of the claim of the applicant, have been consulted and it is confirmed that the official records of the relevant time are not available."

#### 6. Important judicial pronouncements in the context of the Scheme.

Appendix D gives gist of important principles laid down by Hon'ble Supreme Court and the High Courts in the context of the Scheme.

## Most common reasons for rejection of claims of Samman Pension

The following is an illustrative list of the most common reasons for rejection of claims or non-acceptance of the recommendation of a State Government under the SSSP Scheme 1980.

- i. Non-submission of application in the prescribed form supported by specified evidences duly verified by the State Government.
- ii. Non-recommendation of the claim by the State Government. Mere forwarding by the State Government does not amount to recommendation.
- iii. Recommendation of the claim by the State Government without verification of the claimed sufferings and supporting evidences.
- iv. Recommendation of the claim by the State Government ignoring its earlier non-recommendation without any fresh material evidences and valid justification.
- v. Furnishing of CPCs or PKCs from ineligible/indiscriminate certifiers.
- vi. Lack of or inappropriate or unacceptable NARC lacking vital information such as facts of the case, case number, dates etc. or NARC issued by the State Government or any other authority without verifying all possible sources as required in para-5 ibid.
- vii. Contradictory claims made by the applicant from time to time in his applications/representations etc. or contradiction between the claims and evidences furnished.
- viii. Forgery, mis-representation of facts regarding documents, age etc.
- ix. Certifier and the applicant not belonging to the same districts (in case of underground sufferings).
- x. Period of imprisonment of applicant not tallying with that of the certifiers in case of CPCs.
- xi. Applicant claiming to be part of "others" mentioned in Court document pertaining to some case related to freedom struggle, without adducing reliable evidence in support of the claim.