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THE KARNATAKA STATE FREEDOM FIGHTERS' WELFARE RULES,  
AS APPROVED UNDER G.O NO GAD 294 PFS 68 DATED 21<sup>ST</sup> FEBRUARY  
1969, AND AMENDED UPTO 31<sup>ST</sup> MAY 1978.

1. Title and Commencement:-

- (i) These rules may be called the Karnataka State Freedom Fighters' Welfare Rules, 1964.
- (ii) They shall come into force at once.

2. Definition:- In these rules "Freedom Fighter" means any person who on account of participation in the National Movement.

- (a) had been sentenced to imprisonment for not less than three months; or
- (b) had been kept under detention (including detention as under-trial prisoner) for not less than three months; or
- (c) was killed in action; or
- (d) was sentenced to death; or
- (e) died due to police or military firing or lathicharge; or
- (f) lost his/her job or means of livelihood or the whole or substantial part of his/her property; and
- (g) who is domiciled in the State of Karnataka for a period not less than five years immediately preceding the date on which such person applies for grant of pension under these rules.

Explanation:

- (i) Persons who had participated in the activities of Indian National Army (INA) shall be deemed to be freedom fighters for purposes of these rules.
- (ii) National Movement includes the movement launched in the erstwhile State of Hyderabad in the year 1948 and other erstwhile princely States, the territories whereof have now been included in the State of Karnataka
- (iii) Persons who had been sentenced to imprisonment and persons detained (including where the detention is as an under-trial prisoner) shall also be deemed to be Freedom Fighters for purposes of these rules, if the term of sentence or period of detention or both together is not less than three months
- (iv) Persons who had been sentenced to imprisonment for a period of less than three months and ordered to pay fine and in default to undergo imprisonment for a specified term shall also be deemed to be Freedom Fighters for purposes of these rules, if the total of both the terms of imprisonment is not less than three months. Persons sentenced to pay fine and in default to undergo imprisonment for a period of not less than three months shall also be deemed to be Freedom Fighters for purposes of these rules even though the actual period of imprisonment undergone is less than three months

### 3. GRANT OF PENSION, ETC.-

- (i) Subject to the other provisions of these rules, every Freedom Fighter and the wife, husband, or minor child of a deceased Freedom Fighter shall be eligible for grant of pension under these rules:
- (ii) The grant of pension under these rules shall be in the discretion of the State Government and cannot be claimed as a matter of right.
- (iii) No pension shall be granted under these rules, if the annual income of the Freedom Fighter or the wife, husband or minor child of a deceased Freedom Fighter from all sources including income from lands, granted and other benefits, if any, conferred by the State Government exceeds Rs.2,400/- per annum:
- (iv) The State Government shall have power to grant pension, in relaxation of the provisions of this or any other rule, to any person who has participated in the National Movement, or when he/she is dead, to any one of his/her near relatives, if on the facts of the case Government comes to the conclusion that application of normal rules causes hardship and such person deserves the grant of pension in relaxation of rules
- (v) The State Government may also grant pension to the mother of a deceased Freedom Fighter till her death in cases where she has no means of sustenance and has no relative or relatives on whom she could depend for support

### 4. APPLICATION FOR PENSION.-

- Application for grant of pension under these rules shall be made in the appended Form and sent to the Tahsildar of the Taluk in which the applicant ordinarily resides.
- (i)(a) In the case of a Freedom Fighter, who is insane or of unsound mind, the application for grant of pension shall be made by his wife, or by a person who undertakes by executing an agreement to function as the guardian of such Freedom Fighter and to support him with the help of the pension and the pension shall be paid to the wife or such person as the case may be. The provisions of these rules shall *MUTATIS MUTANDIS* be applicable to such an application
  - (ii) On receipt of the application, the Tahsildar will verify the facts mentioned in the application and examine the genuineness and eligibility of the applicant for pension and forward, within one month from the date of receipt of the application, the records to the Deputy Commissioner for onward transmission to Government with his recommendations

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- (iii) Every application shall be accompanied by an affidavit sworn to by the applicant before a Magistrate or any other person authorised by law to administer oath that he/she is a Freedom Fighter or that the husband, wife or parent of the applicant was Freedom Fighter. A certificate that the Freedom Fighter concerned had been sentenced to imprisonment or suffered detention for not less than three months issued by the authorities of the Jail, where the imprisonment or detention was undergone, or by a contemporary Freedom Fighter or any other responsible person shall also be enclosed to the application. Every application shall also be accompanied by an affidavit sworn to by the applicant before a Magistrate or any other person authorised by law to administer oath, to the fact that his annual income from all sources does not exceed Rs 2,400/-.
- (iv) The State Government may after verifying the particulars furnished and after such enquiries as it considers necessary, by order, sanction the pension or reject the applicant.
- (v) The order passed under sub-rule(iv) shall be communicated to the applicant.
- (vi) The State Government may, for good and sufficient reason, review at any time an order rejecting the application and sanction the pension.

#### 5. AMOUNT OF PENSION.-

- (i) The amount of pension that may be sanctioned under these rules shall not exceed Rs.75-00 per month.
- (ii) The amount of pension in each case shall be determined having regard to the total income of the applicant from all sources, including the income from lands granted and other benefits conferred by the State Government.
- (iii) Where there are more than one claimant for pension, the amount of pension shall subject to Rule 6 be distributed among them in equal shares.

#### 6. DURATION OF PENSION.-

Subject to the provisions contained in Rule 7, the pension granted under these rules shall be payable.

- (i) In the case of Freedom Fighter, till his/her death;
- (ii) In the case of the Wife of a deceased Freedom Fighter till her death or till she re-marries;
- (iii) In the case of husband of a Freedom Fighter, till his death;
- (iv) In the case of minor son of a Freedom Fighter, till such son attains the age of 21 years;
- (v) In the case of minor daughter of a Freedom Fighter till she attains the age of 21 years or till she marries, whichever is earlier.

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## 7. DISCONTINUANCE OF PENSION.-

Pension granted under these rules may be discontinued:-

- (i) If the order granting it was based on mistake, mis-representation of fraud,
- (ii) If the annual income of the pensioner, excluding the amount of pension be increased so as to exceed the sum of Rs 2,400 - per annum;
- (iii) If the pensioner leaves the State of Karnataka for more than one year; and
- (iv) For any other reason considered good and sufficient by the State Government.

Provided that in a case covered by clause (iii), payment of pension may be revised in the discretion of the State Government, if the pensioner returns to the State of Karnataka and the reasons for his/her absence for more than one year are satisfactorily explained in such a case, the amount of pension payable for the period of absence may also be ordered to be paid

7 (A) RECOVERIES:- Notwithstanding anything contained in these rules, if at any time, Government come to know that:

- (a) the person who has been granted pension was not eligible for such grant;
- (b) the pension requires to be discontinued for any of the reasons specified in rule 7;  
the State Government may, by order, cancel the grant and direct that the amount of pension drawn by such person shall be recovered from him as arrears of land revenue:

Provided that in cases covered by Clause (b) only the amount drawn subsequent to the date on which the ineligibility for continuance occurred shall be recovered.

Provided further that no such order shall be passed except after giving the person concerned an opportunity to make representation.

## 8. DATE OF COMMENCEMENT OF PENSION.-

The pension sanctioned under these Rules will be effective from the 15<sup>th</sup> of the month or the 1<sup>st</sup> of next month according as the date of application was before or after the 15<sup>th</sup>, or from any later date as may be deemed fit by Government. This sanction will not also be effective from a date earlier than 1<sup>st</sup> January 1967

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## COMMUTATION NOT PERMITTED -

Commutation of the pension payable under these rules for a lumpsum payment shall not be permitted.

## 10. CHANGE OF RESIDENCE TO BE REPORTED-

Every pensioner under these rules shall intimate his or her change of residence to the Chief Controlling Officer, the Deputy Commissioner, the Treasury Officer or the Sub-Treasury Officer disbursing the pension.

## 11. PAYMENT OF PENSION.-

- (i) The payment of pension shall be regulated by the provisions contained in Chapter VIII of the Karnataka Treasury Code, Volume I.
- (ii) The payment of pension shall be made by the District Treasury Officer, Treasury Officer, Taluk Treasury Officer, as the case may be, on receipt of the pension payment order from the Accountant General, Karnataka, Bangalore.
- (iii) The pensioner should furnish a declaration once an year in April with the pension bill for the month of March payable in the month of April in the appended annexure 'A' duly signed by any of the authorities referred to in Article 180 of the Karnataka Treasury Code, Vol I.
- (iv) Every female pensioner shall furnish.-
  - (a) A certificate signed by the pensioner herself that she is not married has not married on the body of every pension bill except for the months of June and December.
  - (b) A declaration of her non-marriage in the form T R.40 of the CR.Is along with the pension bills for the months of June and December (Payable in July and January) every year.
- (v) The pensioners shall not be entitled for the facility of drawal of pension through Banks/Agents holding power of attorney. They may however draw pension through messengers on bills signed by themselves.

## 12. PAYMENT OF ARREARS OF PENSION TO LEGAL HEIRS -

Where the person to whom the pension under these rules is granted is dead, the arrears of pension payable to him/her till the date of his or her death shall be paid to the legal heirs of such person.

13. CHIEF SECRETARY MAY ISSUE INSTRUCTIONS -

Subject to special orders of the Government, the Chief Secretary may issue such instructions as he considers necessary for purposes of giving effect to these rules

14. REPEAL AND SAVINGS.-

- (i) The Karnataka State Freedom Fighters' Welfare Rules, 1957, are hereby repealed.
- (ii) Every pension sanctioned under the aforesaid repealed rules shall be continued to be paid as if they were granted under these rules.
- (iii) Every application made under the aforesaid repealed rules pending on the date of the commencement of these rules, shall be disposed of in accordance with these rules.

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