

Rajasthan Political Sufferers Relief Rules, 1956

RAJASTHAN

India

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Rule

RAJASTHAN-POLITICAL-SUFFERERS-RELIEF-RULES-1956 of 1956

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Rajasthan Political Sufferers Relief Rules, 1956Published vide Notification No. F. 1(8) Pol (C)/50-2 dated 19-5-1956, Published in Rajasthan Gazette Part 4-C. dated 26-5-1956 at pages 102 to 109.Notification No. F. 1(79) Pol. (C)/50 IL.- With a view to affording some relief to political sufferers of and in the State of Rajasthan, commensurate with the limited resources of the State, His Highness the Rajpramukh of Rajasthan is pleased, in exercise of all powers enabling him in that behalf, to make the following rules, namely:-

1. Short title.

- These rules may be cited as the Rajasthan Political Sufferers Relief Rules, 1956.

2. Definitions.

- In these rules, unless the subject or context otherwise requires, -(i)"dependents" means any of the following relations of a deceased political sufferer, namely, a wife, a destitute parent, a minor son or son's son or brother, an unmarried daughter or sister and widowed daughter-in-law as well as minor children of a pre-deceased son;(ii)"political movement" means any movement or activity in a Covenanted State-(a)for the achievement of independence for India, or(b)for the achievement of responsible Government in that State, or(c)for the amelioration of the conditions of the tenantry or the backward classes or labour therein, or(d)for the formation of the State of Rajasthan, or(e)which may be declared by the State Government by notification in the Rajasthan Gazette to be a political movement for the purpose of these rules;(iii)"political sufferer"-(a) means a person who, on account of his association with or participation in a political movement or on other political grounds, may have, previously to the 7th day of April 1949, been the subject of any suffering for which he is entitled to relief under these rules, under the orders or at the instigation or with the connivance of

the Government of a Covenanting State or any officer thereof or of the holder of a Thikana therein or his subordinate or servants, or; and(b)includes relation of such persons, who may have been the subject of any such suffering: and(iv)"relief" means relief which is admissible under these rules.

3. Sufferings for which relief may be granted.

- The sufferings for which relief may be granted under these rules to a political sufferer or, in case of his death to his dependents shall be all or any of the following, namely:-(a)death caused-(i)in pursuance of a political sentence for an offence related to or arising from during a political movement, or(ii)while in imprisonment as a convict or as an under trial prisoner for any such offence, or(iii)while in detention on political grounds,(iv)in consequence of a hunger strike undertaken during the course of a political movement or while in such imprisonment or detention, or(v)in consequence of some disease contracted while in such imprisonment or detention or on such hunger strike, or(vi)in consequence of having been shot down or beaten or otherwise tortured while in such imprisonment or detention as aforesaid or on account of his political activities, or during the course of rioting in connection with a political movement or otherwise, under the orders or at the instigation or with the connivance of the Government of a Covenanting State or of any officer thereof or of the holder of a Thikana therein or his subordinates or servants, or(vii)otherwise during the course of an official, Thikana, or nonofficial activity in connection with a political movement;(b)permanent bodily or mental disablement caused in the circumstances specified in clause (a);(c)loss of or damage to property, whether movable or immovable caused-(i)by seizure, confiscation or forfeiture, or(ii)by imposition and recovery of fine including a collective fine, or(iii)by attachment or attachment and sale or sale without attachment or sale of property seized, confiscated or forfeited, or(iv)by loot or plunder, or(v)by any other similar thing or event which the State Government may in its discretion decide to have been done or to have taken place.on political grounds or of any offence related to or arising from or during the course of any action taken for the suppression of such movement under the orders or at the instigation or with the connivance of the Government of a Covenanting State of any officer thereof or of the holder of a Thikana therein or his subordinates or servants or otherwise during the course of a political movement or of any official, Thikana, or non official activity in connection therewith;(d)loss of Government service by dismissal, discharge or forced resignation on political grounds or for association with or participation in a political movement or on the ground of association or relationship with a person participating in a political movement or engaged in any political activity.

4. Forms of Relief.

- The forms in which relief may in the discretion of the State Government be granted under these rules shall be all or any of the following namely.-(i)pension for life or for specified periods:(ii)lump-sum grants for taking up some business or industry or otherwise;(iii)restoration of or compensation for property and refund of fines;(iv)re-employment in Government service and proportionate pension or employment of dependents in Government service;(v)land grants for settlement as agriculturists.

5. Pensions to dependents in case of death of political surrender.

(1)Where a political sufferer has died in any of the circumstances specified in clause (a) of Rule 3 a suitable pension by way of compensation may be granted-(i)for life to the widow, destitute parents and widowed daughter-in-law of the deceased.(ii)until attainment of majority, to the minor sons and brothers or minor children of a pre deceased son of the deceased, and(iii)until marriage, to his un married daughters or sisters:Provided that no pension shall be granted under this rule, unless and until it is sufficiently proved that the said dependents of the deceased or any of them are actually in distress.(2)In determining the amount of pension under this rule, the following factors shall be taken into consideration, namely-(a)the average earnings of the deceased,(b)the number of his dependents,(c)any other existing source of their livelihood, and(d)whether all the dependents claiming relief depended solely on the deceased.(3)If the deceased political sufferer, while alive, was not an earning member, a pension under this rule may be granted only to his widow or parents by way of solatium.(4)No pension or pensions granted under these rules to the dependents of the deceased political sufferer shall exceed fifty rupees per mensem in the aggregate.(5)Further good conduct is an implied condition of Every grant of pension under this rule and of the continuance thereof and the State Government reserves to itself the right of withholding or withdrawing a pension or any part thereof if the pension holder be convicted of serious crime or be guilty of grave misconduct.

6. Pension to political sufferers.

(1)Subject to the provision contained in sub rule (5) of Rule 5 a suitable pension not exceeding fifty rupees per mensem in any case may b granted for life-(a)to a political sufferer who has been permanently disabled as stated in clause (b) of Rule 3, or(b)to a person who, having devoted his whole time in a political movement continuously for a period of not less than ten years after attaining the age of majority and having occasionally been in jail during such period-(i)has since attained the age of fifty five years and become infirm or unfit for further work or employment, or(ii)is in acute distress owing to lack of work or employment even though he is educationally qualified and physically and mentally fit therefor.(2)In determining the amount of pension under this rule, the following factors shall be taken into consideration, namely-(a)the earnings of such political sufferer or person before such disablement or devotion,(b)the loss in his earning capacity by reason thereof,(c)the number of persons solely dependent on him for their livelihood, and(d)any other existing source of livelihood.

7. Lump-sum grants and loans.

(1)The State Government may in its discretion allow lump sum cash grants-(a)in lieu of any pension under rule 5 or rule 6 in deserving cases for the purpose of taking up some business or industry or resorting to agriculture, and(b)in addition to such pension or pensions for performing the marriage of an un-married daughter or sister of a political sufferer covered by clauses (a) and (b) of rule 3 or for the medical treatment of a political sufferer covered by clause (b) of that rule:Provided that no such grant shall exceed five hundred rupees.(2)In lieu of a lump-sum cash grant admissible under clause (a) of sub-rule (1) the State Government may in its discretion advance a secured or

un-secured loan of not more than two thousand rupees repayable with or without interest within such period as may be specified in the peculiar circumstances of each case.

8. Restoration of property.

(1) Any property seized, forfeited, confiscated or attached in the circumstances specified in clause (c) of rule 3 shall be liable to restoration, together with the income, if any, received there from by the State Government since the date of such seizure, forfeiture, confiscation or attachment. (2) Where any such property shall have been sold, only the sale proceeds thereof shall be restored without any interest and after deducting actual expenses of sale, if any. (3) Any restoration under this rule shall be ordered only in favour of the political sufferers themselves or in favour of their dependents or in favour of such of their other heirs as are not collaterals or other distant relations. (4) The State Government may in its discretion—(a) make ex-gratia payments not exceeding five hundred rupees in any one case to political sufferers by way of compensation for loss of or damage to their properties caused in the circumstances specified in clause (c) of rule 3 or (b) advanced to them secured or un-secured loans of not more than two thousand rupees in any one case repayable with or without interest within such period as may be specified in the peculiar circumstances of each case: Provided that no such payment shall be made and no such loan shall be advanced if such property has since passed hands.

9. Refund of fines

- Refund of fines including collective fines imposed during, or for an offence related to or arising from, a political movement, which have been recovered at any time before the passing of these rules, shall be refunded to the persons on whom they were imposed or to their dependents or heirs.

10. Non-liability for payment of school or college fees.

- Minor children and grand children of political sufferers mentioned in [rules 5 and 6] [Substituted for the original expression 'Rules 4 and 5' by Notification No. F. 1 (79) Pol. (a) 50/11, dated 22-11-1955, Published in Rajasthan Gazette Part IV-C- dated 13-2-1956 at p. 659.] will not be required to pay any fees in schools and colleges.

11. Relaxation of restrictions on entry into Government Service.

(1) No conviction for any offence committed in furtherance of a political movement shall constitute a bar to appointment in Government Service. (2) Participation in a political movement will be regarded as an additional qualification and, other things being equal, preference will be accorded to candidates who took part in any such movement. (3) A candidate who has taken part in a political movement and has either been—(a) debarred from or refused admission to a competitive examination or interview held by a Public Service Commission or other authority appointed by the Government of a Covenanting State for the purpose on account of his political activities, or (b) imprisoned or detained in jail on account of such activities, thereby preventing his candidature for such

examination or interview, will be allowed one chance to appear at any such examination or interview if he is not over thirty five years of age on the date of the commencement without such examination or interview.

12. Employment in Government Service etc.

(1) A person who lost Government service in the circumstances specified in clause (d) of rule 3 will be eligible to re-employment in Government service if he is below fifty five years of age. (2) Such person may be granted with retrospective effect from the date of the termination of his service such proportionate pension or gratuity or both as would have been admissible to him on that date according to the rules to which he was then subject as if he had been compulsorily retired on and from that date on grounds of ill health. (3) A civil pensioner whose pension was forfeited in any of the circumstances specified in clause (d) of rule 3 will be restored his pension with retrospective effect from the date on which the forfeiture took effect. (4) Except as provided in sub-rule (5) no claim for any relief under this rule shall be entertained if made by any dependent, heir or successor of a political sufferer. (5) If a person who lost Government service in the circumstances specified in clause (d) of rule 3 has since died or is more than fifty five years of age or has become infirm and unfit for Government service the State Government may provide suitable employment in Government service to any two of such persons dependents or, if there be no dependents in existence to any one of his heirs if it is satisfied of the existence of acute distress for want of such employment.

13. Land grants.

- The State Government may, if it is satisfied that a political sufferer who had to give up his profession, calling or studies on account of his political activities or imprisonment or detention in jail on political desires to resort to agriculture in future, grant him free of any premium or other charge land not exceeding 20 Bighas of irrigated land or 60 Bighas of un-irrigated land, whether in lieu or or in addition to any other relief under these rules, with a view to facilitating his settling down as an agriculturist.

14. Procedure.

(1) An application (in the form appended) for relief under these rules shall, without any limit as to time, be presented by the claimant to the Collector of the district in which he ordinarily resides or works for gain or in which the property sought to be restored is situate: Provided that an application claiming any relief under rule 12 shall be so presented to the Government department in which the applicant was last employed. (2) Every such application shall be accompanied by documentary evidence, if any, in proof of the facts stated therein. (3) The Collector or the Government Department as the case may be, shall, upon presentation of each such application, make such enquiries as may be deemed necessary to ascertain:-(a) if the claimant is a political sufferer within the meaning of these rules or his dependent, (b) if the conditions subject to which relief may be granted under these rules are fulfilled, (c) the form in which such relief shall, on the merits of the claim, be granted, and (d) the quantum of such relief. (4) After such inquiry as in referred to in sub-rule (3) the Collector or the Government department as the case may be shall forward the original application with

specific recommendations based on merits to the State Government in the General Administration Department and the orders of the State Government passed thereon shall be final and not liable to be questioned in any court or tribunal.

15. General clauses Act to apply.

- The provisions of the Rajasthan General Clauses Act, 1955, shall apply to the interpretation of these rules in the same manner as they apply to the interpretation of a Rajasthan Law. Rajasthan Political Sufferers Relief Rules, 1956 Application for relief. (Rule 14) To, The Collector/Secretary, District/Department Sir, I, the undersigned, beg to submit herewith my application for relief under the Rule 14 of the Rajasthan Political Sufferers Rules, 1956.

2. The following are the sufferings within the meaning of rule 3 of the said Rules, which the claimant suffered and for which relief is claimed.

3. The circumstances in which the said sufferings where met were as follows:-

4. The following documents in support of the claim are enclosed.

1.

2.

3.

4.

5.

5. The claimant claims the following reliefs admissible under rule 4 of the said Rules:-

1.

...

2.

...It is therefore humbly prayed that the application of the claimant may kindly be considered favourably and the reliefs claimed for may kindly be granted to him. Yours faithfully. Signature of

applicant.....Full address.....Date.....