

Rajasthan Political Sufferers Aid Rules, 1959

RAJASTHAN

India

Rajasthan Political Sufferers Aid Rules, 1959

Rule RAJASTHAN-POLITICAL-SUFFERERS-AID-RULES-1959 of 1959

- Published on 18 April 1959
- Commenced on 18 April 1959
- [This is the version of this document from 18 April 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Political Sufferers Aid Rules, 1959 Published vide Notification No. F. 1(79) Pol. (C) 50-3 dated 18-4-1959, Published in Rajasthan Gazette Part 4-C, dated 18-6-1959 at pages 211 to 220. With a view to providing aid to persons who suffered in political movement in the State of Rajasthan and the persons domiciled in Rajasthan but who have suffered in political movement at any place out of Rajasthan commensurate with the limited resources of the State, the Governor 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 Aid Rules, 1959.

1A. [Extent and repeal. - (a) These rules shall extend to the whole of the State of Rajasthan as re-organised under the State Re-organisation Act, 1956.

(b) All rules on the subject in force in the Abu, Ajmer and Sunel areas and the Rajasthan Political Sufferers Relief Rules, 1956 are hereby superseded, provided that any concession and relief already granted under any previous Order or Rules hereby so superseded shall continue to be enjoyed by the recipients till the expiry of the period for which they were sanctioned. (c) The displaced persons who have settled in the State of Rajasthan permanently will also be entitled to aid under the rules provided they have suffered in a political movement at any place outside Rajasthan as hereinafter provided and are otherwise entitled to the grant of aid under those rules. (d) Any person domiciled in Rajasthan and who may have suffered on account of his participation in a political movement at any place out of Rajasthan will also be entitled to aid under these rules.]

2. Definitions.

- In these rules unless the subject or context otherwise requires, -(i)"dependent" means any of the following relations of a deceased political sufferer, namely, a wife, a destitute parent a minor son or son's son, a brother, an unmarried daughter or sister and a widowed daughter-in-law as well as minor children of a predeceased son;(ii)"political movement" means or activity in the area comprising the State of Rajasthan or at any place outside Rajasthan in respect of persons who have domiciled in Rajasthan;(a)for the achievement of independence for India, or(b)for the achievement of responsible Government in any of the erstwhile States, now forming part of Rajasthan,(c)for the amelioration of the conditions of the tenantry or the back ward classes or labour, 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 purposes 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 subject to any sufferings hereinafter enumerated, under the orders or of the holder of a Thikana or his subordinate or servants, (b) includes a relation f such person who have been subject to any such suffering;[and (c) includes ex-I.N.A. personnel belonging to the following categories:-(i)The Ex.-I.N.A. personnel disabled or incapacitated during the I. N. A. movement and those who had joined the I.N.A. and now, through advanced age, infirmity or other disability are not in a position to earn their livelihood.(ii)Those who suffered losses on account of their active participation in the I.N.A. movement and loss their service or occupation and are now in straitened circumstances as well as those who contributed all that they possessed to I.N.A. movement and are now in indigent circumstances.(iii)The Ex. I.N.A. personnel who on return to India joined the country's political activities and have continued to do so ever since and are now in straitened circumstances.(iv)Destitute widows, children and mothers of the Ex. I.N.A. personnel who were killed abroad while participating in the I.N.A. movement.(v)Number 21 Central India Horse.(vi>Loading/Up-loading cases (M. T. Drivers) who refused to load and un-load Military Stores in addition to their duties as drivers.(vii)Steel helmet cases (Sikhs of Indian Army who refused to wear steel helmets).(viii)Naval personnel who mutinied in the year 1945-46].(iv)"aid" means any of the different form of aids which are admissible under these rules.]

3. Sufferings from which aid may be given.

- The sufferings for which aid 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 capital sentence for an offence committed in pursuance or in furtherance of a political movement or otherwise related to such political movement, or(ii)while in imprisonment as a convict or an under-trial prisoner for any such offence, or(iii)while in detention on the grounds connected with political movement, or(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 other wise tortured while in such imprisonment or detention as aforesaid or on account of his activities connected with political movement, 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 or of any officer thereof or of the holder of a Thikana in Rajasthan or his subordinate or servants for any activities connected with such movement, or(vii)otherwise during the course of any official, non official or Thikana 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 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 grounds connected with political movement or as a result of any act or 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 or any officer thereof or of the holder of a Thikana in Rajasthan or his subordinates or servants or otherwise.(d)loss of Government service by dismissal, discharge, forced resignation on grounds connected with political movement or for association with or participation in a political movement or on the grounds of association or relationship with a person participating in a political movement or engaged in any activity connected with political movement.(e)termination of the educational career by expulsion or rustication from any educational institution or examination on account of participation in a political movement, subject to production of clear proof to that effect.

4. Forms of aid.

- The forms in which aid 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 period;(ii)lump sum grants for taking to some business or industry or otherwise;(iii)restoration of or compensation for the property confiscated, forfeited, seized, lost or damaged in the circumstance mentioned in rule 3 (c) 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 of political sufferers.

- A suitable pension by way of compensation may be granted to the dependents of a political sufferer who has died in any of the circumstances mentioned in clause (a) of rule 3, or to dependents of a person who mainly devoted his time in a political movement continuously for a period of not less than ten years after attaining the age of majority and had been in jail in connection with such movement. In such cases pensions may be given with the concurrence of the Finance Department:-(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 unmarried daughters or sisters;Provided that no pension shall be granted under this rule unless it is proved to the satisfaction of the Government that the said dependents of the deceased or any of them are in financial 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 aid depended solely on the deceased.(3)(a)No pension or pensions granted under these rules to the dependents of the deceased political sufferers shall exceed seventy five rupees per mensem in the aggregate;(b)provided further that pension shall cease as soon as a pensioner gets gainful work or employment or on marriage in the case of a widow.(4)Good conduct shall always be 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 a serious crime or be guilty of grave misconduct.

6. Pensions to political sufferers.

(1)Subject to the provision contained in sub-rule (4) of rule 5 a suitable pension not exceeding seventy five rupees per mensem in any case may be granted for life in concurrence with the Finance Department.(a)to a political sufferer who, has been permanently disabled as state din clause (b) of rule 3, or(b)to person who, has mainly devoted his time in a political movement continuously for a period of not less than ten years after attaining the age of majority, and has been in jail during such period provided that he has not been released from jail after tendering apology and who is financially in distress.(2)In determining the amount of pension under this rule, the following factors shall be taken into consideration, namely:-(a)the earning of such political sufferer or person before such disablement or devotion;(b)the loss in his earning capacity by reason of participating in or as a result of political movement;(c)the number of persons solely dependent on him for their livelihood; and(d)any other existing sources 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 or pensions 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 unmarried daughter or sister of a political sufferer covered by clauses (a) and (b) of rule 3 for the medical treatment of a political sufferer covered by clause (b) of that rule:Provided that no such grant shall exceed one thousand 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 secured or un-secured loan of not more than three 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 therefrom 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 by the Government 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 the circumstances specified in clause (c) of rule 3, or (b) advance 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.

- Fines including collective fines imposed during, or for an act or 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 fee.

- The children and grand children of political sufferers mentioned in rules 5 and 6 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 connection with or 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 for the purpose on account of activities connected with a political movement, 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 application for such post.

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 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 successors 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 one of such person's 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 activities connected with political movement or imprisonment or detention in jail on grounds connected with political movement desires to resort to agriculture, grant him land free of any premium or other charge not exceeding 20 bighas of irrigated land or 60 bighas of un-irrigated land, whether in lieu of or in addition to any other aid under these rules with a view to facilitating his setting down as an agriculturist.[14. Procedure. - (1) An application for aid under these rules shall be in the form appended and presented by the claimant or his guardian (with out any time limit) personally or sent by registered post, acknowledgement due to the Secretary or Deputy Secretary, General Administration Department, Government of Rajasthan, Jaipur.(2)Every such application shall be accompanied by a copy thereof (or in case the aid is claimed under Rule 12 two copies thereof) and also by documentary evidence, if any, in proof of the facts stated therein.(3)The Secretary or the Deputy Secretary shall examine every such application to see whether the claimant deserves any aid under these rules on the statements made by him in the application, and if he feels that the claim deserves consideration, he shall immediately send a copy of the application to the Collector of the district in which the claimant resides or in which the property sought to be restored is situated, for necessary enquiry and report within one month regarding the truth of the statements made in the application and the eligibility of the claimant for aid under these rules.(4)If the aid is claimed under Rule 12, a copy of the application shall also be sent to the Head of the Department in which the political sufferer lost service, directing him to report to the Collector of the district specified within 25 days regarding the truth of the statements made in application, together with his comments therein. The Head of the Department shall send a copy of his report to the Secretary, General Administration Department also.(5)The Collector, on receipt of such reference, shall make such enquiries as he may deem necessary as to ascertain-(a)if the claimant is a political sufferer or his dependent within the meaning of these rules;(b)if the conditions subject to which the aid may be granted under these rules are fulfilled by the claimant:(c)the form (or forms) in which such aid should, on the merits of the claim be granted; and(d)the quantum of such aid.(6)After such enquiry, as is referred to in sub-rule (5) and after considering the report, if any received from the Head of Department the Collector shall make specific recommendations, based on merits, to the General Administration Department for the grant of and or otherwise to the claimant. The recommendations of the Collector shall be accompanied by a brief explanatory note justifying the grant or refusal of the aid to the claimant under these rules. All such recommendations received from the Collectors by the General Administration Department shall be placed before the Committee which shall consist of the following for disposal-

- | | |
|---------------------|---------------|
| 1. Chief Minister | Chairman |
| 2. Finance Minister | Vice-Chairman |

3. Shri Harideo Joshi	Member
4. Shri Mathuradas Mathur	Member
5. Shri Kumbharam Arya	Member
6. Shri Ram Karan Joshi	Member
7. Shri Sobha Ram	Member
8. Shri Brijunder Sharma	Member
9. Shri Muket Behari Lai Bhargave	Member
10. Shri Chief Secretary	Member
11. Shri Addl. Chief Secretary	Secretary
12. Shri Finance Secretary	Member

The Committee shall hold quarterly meeting, for the purpose. The Secretary of the committee shall place before the Committee-(a)all application on which the recommendations of the Collector have been received for decision.(b)a list of the applications on which the General Administration Department did not call report from Collectors as the statements made therein did not make the claimants eligible for any aid under the rules, and(c)a list of the claimants regarding whom the reports of the Collectors have been called for but were not received till then, for information.(7)The decision of the Committee on the claims placed before it shall be final and the Government shall act accordingly:Provided the Government may relax the provisions of any of these rules in hard and deserving cases but such relaxation shall not be made in respect of the maximum amount of aid eligible under these rules]. [Substituted by Notification No. F. (79) pol/C/50/II. dated 20-6-1961. published in Rajasthan Gazette Part IV-C, dated 27-7-1961 at pages 174-177.]Notification[Notification No. F. 2(5) FD/CT/72. dated 22-11-1972. Published in Rajasthan Gazette Part IV-C (III), dated 8-3-72. page 299 (109).] S. O. 379(70)- In exercise of the powers conferred by Section 9 of the Indian stamp Act, 1899 (Central Act 2 of 1899) as adopted to Rajasthan by the Rajasthan Stamp Law (Adaptation) Act, 1952 (Rajasthan Act 7 of 1952) the State Govt, hereby remits the stamp duty payable on an Affidavit executed by an application in support of the application for grant of pension under the scheme of pension to freedom fighters evolved by the Government of India.[15. Relaxation. - The Government may relax the provisions of any of these rules generally or particularly in hard and deserving cases.] [Added by notification No. F. 18(123) GA/A/66. dated 18-11-1967, Published in Rajasthan Gazette Part IV-C, dated 6-4-1967, page 49.]

16. 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.(2)The Chief Minister may have necessary enquiries made through the General Administration Department if he feels that any case deserves consideration. The General Administration Department will have enquiries made through the Commissioner of the Division in which the applicant resides or in which the property sought to be restored is situated.Rajasthan Political Sufferers Aid Rules, 1959Application For Aid(Rule 14)To(1)The Chief Minister, Rajasthan Jaipur(2)The Commissioner,(Chairman, Rajasthan Political Sufferers Aid Committee.....)Sir,I, the undersigned, beg to submit hereunder my application for grant of aid under the Rajasthan Political

Sufferers Aid Rules, 1959.

2. Aids Claimed

1.

2.

3.

4.

3. Sufferings undergone as specified in Rules 3 and 6

1.

2.

3.

4.

4. Details of documents enclosed in support of the claim for aid

1.

2.

3.

4.

5. Data of determination of amount of pension under Rule 5:-

(a)Relationship with the deceased political sufferer;(b)The average earning of the deceased;(c)The number of his dependents, their relationship and ages;(d)Any other existing source of their livelihood; and(e)Whether all the dependents claiming aid depended solely on the deceased.

6. Data for determination of pension under Rule 6:-

(a) Nature of permanent bodily or mental disablement as per Clause (b) of Rule (3); (b) Actual period of participation in a political movement; (c) Date of commencement of participation of political movement; (d) Age at the start of participation in political movement; (e) Present Age; (f) The earning of such political sufferer or person before such disablement or devotion; (g) The loss in his earning capacity by reason thereof; (h) The number of persons solely dependent on him for their livelihood; and (i) Any other existing source of livelihood.

7. Brief history of the participation in political movement.

8. Any other information which the applicant might wish to furnish to substantiate his claim to grant of aid.

Yours faithfully, Signature of applicant.....Full

address.....Date.....Notification [Notification No. F. 15 (60) Edu/C/59, dated September 17, 1959, Published in Rajasthan Gazette Part IV-C, dated 3-11-1959, page 978.] The Governor has been pleased to order that the following concessions be allowed to the children and grand children of a Political Sufferer (definition given below) if his income does not exceed Rs. 300/- p.m. Definition- 'Political Sufferer. means a person who suffered imprisonment or detention of not less than 6 months or who died or was killed in action or in detention or was awarded capital punishment or became permanently incapacitated due to firing or Lathi Charge etc. or lost his job or means of livelihood or a part of whole of his property on account of participation in the national movements for emancipation of India'.

1. Concessions - Special consideration in the matter of admission and awards of freeships and half freeships in all recognised Primary, basic and middle schools.

2. Free seats - In hostels attached to recognised schools and colleges.

3. Limited number of stipends and book grants to scholars from Primary to the Post Graduate level.

Circular [Circular No. F 15 (50) Edu/C/59, dated November 27, 1959, Published in Rajasthan Gazette, Part IV-C, dated 25-2-1960, p. 1215.] - The Governor has been pleased to order that the following procedure may be adopted for the grant of concessions to the children and grant children of the political sufferers enunciated in the Government Notification No. F 15 (50) Edu (C) 59, dated the 17th September, 1959. (1) The application for the grant of these concessions will be presented to the Head of Institution by the wards of political sufferers eligible under the scheme together with a certificate from the District Magistrate of the area where the guardian has undergone political suffering as defined vide this Deptt. Notification of even No dated the 17th September, 1959. (2) The

Head of Institution will forward these application to the D E/A D E as the case may be with his remarks.(3)In case of stipends/scholarships, the rates applicable at different stages of education shall be the same as in the merit-cum-need scholarship scheme.Notification[Notification No. F. 15(50) Edu/(C)/59, dated January 20, 1960, Published in Rajasthan Gazette I (Ga), dated 25-2-1960 p. 1215 & 1216.] -In partial modification of this Department Notification of even number, dated 24th November, 1959, the Governor has been pleased to order that the following procedure may now be adopted for the grant of concessions to the children and grand children of the Political sufferers as enunciated in notification of even No. dated 17-9-1959:-(1)The Political sufferers or their children entitled to these concessions may obtain a certificate from the District Magistrate of the District concerned to the effect that the student applying for the concession is the child of a 'Political Sufferer', as defined in the Notification dated 17th September, 1959. The application for award of these concessions along with the requisite certificate will be presented by the child entitled to these concessions to the Head of the Institutions where he has been studying. The Head of the Institutions will forward the application to the Director of Education/Additional Director of Education as the case may be with the remark that the applicant is a student of his institution studying in a particular class. On receipt of the application, the Director of Education/Additional Director of Education will sanction these concessions. He will send quarterly return to the Secretariat regarding receipt of such application and sanctioning thereof.These concessions shall be available to the children of Political Sufferers and their grand-children by pre-deceased sons.It is further ordered that the concessions contained in item 1 under head "Concessions" of this Department Notification of even number, dated 17th September, 1959 are also intended upto recognised High/Higher Secondary Schools and the relevant concession will now read as follows:-"Special consideration in the matter of admission and awards of freeships and half freeships in all recognised Primary, Basic, Middle and High/Higher Secondary Schools".[Notification No. F. 18(50) GA/A/61, Gr. II dated 21-7-1961. Published in Rajasthan Gazette Part IV-C. dated 7-9-1961 pages 3-4.][Added by Notification No. F. (63) GA/C/56. dated 13-6-1957, Published in Rajasthan Gazette Part IV-C, dated 11-7-1957 page 248.]