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EXTRAORDINARY NO. 36
DATED 14TH AUGUST 1996.

No.1/9/FP/93-94/ 683
Administration of Daman & Diu
General Administration Deptt.
Secretariat, Moti Daman.

Dated: . 14 /08/1996.

NOTIFICATION

ADMINISTRATION OF DAMAN & DIU FREEDOM FIGHTERS
WELFARE RULES, 1996.

In pursuance of the approval of the Central Government, the Administrator of the Union Territory of Daman and Diu is pleased to frame the following rules:

1. Short Title and Commencement:

(i) These rules may be called the Daman & Diu Freedom Fighters Welfare Rules, 1996.

(ii) They shall come in force from the date of their publication in the Official Gazette and shall supersede the Goa, Daman & Diu Freedom Fighter Welfare Rules, 1973.

2. Definition:

1. "Freedom Fighter" means any person who on account of participation in National Liberation Movement or liberation of Goa, Daman and Diu had undergone the sufferings listed below:

(a) He/she had been sentenced to imprisonment for not less than 15 days:
or

- (b) He/she had suffered imprisonment for not less than 15 days (including detention as under trial prisoner in Police custody for interrogation).
- (c) He/she was killed in action, or
- (d) He/she was sentenced to death, or
- (e) He/she died due to Police or military firing or lathi charge or hit by any instrument, or
- (f) He/she died after release from Portuguese Prison or Custody provided that the death is directly attributable to ill treatment/brutalities/torture meted out to him/her during detention, or
- (g) He/she lost his/her job or means of livelihood or the whole or substantial part of his/her property due to such participation, dismissal or removal from Govt. service/Semi-Government Organisation/educational institution/any other registered body duly supported by the record of the said body, or
- (h) He/she had gone underground for not less than one year but did not suffer imprisonment if he/she was declared by the Portuguese authorities as a proclaimed offender or a warrant of arrest was issued against him/her by the Portuguese or an order of detention was issued against him/her by the Portuguese, or

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- (I) He/she became permanently incapacitated on account of participation in the liberation movement.
- (II) "Family" means and includes the freedom fighter, his/her, wife/husband as case may be, minor sons, unmarried daughters, major sons who are unable to earn their livelihood owing to some permanent physical disability and are/or were wholly dependent upon the freedom fighter and were incapable of earning their livelihood.
- (III) "Government" means the Administrator of UT of Daman and Diu.
- (IV) "Certificate" means certificates prescribed under these rules. Proviso: The sufferings of the freedom fighter will be considered as established if he/she produces eight or of the following documents:
 - (a) Official Records from (i) the Directorate of Archives, (ii) Office of the District Registrar and (iii) Police Department of the erstwhile UT of Goa, Daman and Diu, or a jail certificate or records from the Gazetteer published by the Govt. of Maharashtra proving the suffering at least to the extent provided in these rules.
 - (b) In the absence of Official records, certificate in the form of affidavit from co-prisoners, or from freedom fighter who had led the concerned movement, or from the Executive/Working Committee members of the concerned political Organisation provided these certificates, affidavits are accepted by the Committee appointed by the Government to scrutinise the claims of the freedom fighters in this regard.

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3. The Government may grant a monthly pension to freedom fighters for the life time at the rate of Rs.100/- p.m. to those drawing Samman pension from Central Revenue and at the rate of Rs.200/- p.m. to those freedom fighters who are not drawing Samman Pension from Central Revenues. In the event of death of a freedom fighter drawing pension, the family pension may be paid to his family. Similarly, the family pension admissible to a Martyr may be paid to his family. The arrears of life time pension if any, may also be paid to his family. For this purpose, the preference to the members of family may be as shown below:

- a) Spouse/widow if he/she has not remarried.
- b) Unmarried daughters till they got married.
- c) Minor sons
- d) Parents
- e) Grandparents.

In case the widow of a deceased freedom fighter does not prefer to stay with her parents-in-law, or vice-versa, the family pension of the deceased freedom fighter may be equally divided and sanctioned to the widow on one part and her parents-in-law on the other. The decision of the Government in this regard will be final.

4. Ad-hoc grants upto Rs.3000/- in each case may be sanctioned to freedom fighter and their families for the purpose of marriages of daughters of freedom fighters, essential repairs to their dwelling houses and in other cases where the freedom fighters and their families are in indigent circumstances.

5. Medical facilities: The freedom fighters and their families shall be treated as Government servants and shall also be entitled for reimbursement of medical expenses under the provision of Central Services (Medical Attendance) Rules, 1944 as amended from time to time.
6. Where Government lands are available and surplus to Government requirements, they may be given to genuine freedom fighters, for the purpose of cultivation, subject to availability of land and subject to the provisions of the Goa, Daman and Diu Land Revenue (Disposal of Government lands), Rules, 1971.
7. ~~The freedom fighters and their children may be given relaxation in the age by 5 years wherever maximum age limit is fixed in the recruitment rules for posts in Daman and Diu administration, corporations owned by the Government and the local self governing bodies.~~
8. Educational Concessions : The Children of the freedom fighters shall be entitled for educational concessions as may be laid down by the Government from time to time.

By order and in the name of
the Administrator of Daman &
Diu and Dadra & Nagar Haveli.

Sd/-

(C. A. Kapdi)
Asstt. Secretary (GA)