

No. 8/02/98-FF (P)
Government of India / Bharat Sarkar
Ministry of Home Affairs/ Grih Mantralaya
FFR Division

....
1st Floor, Lok Nayak Bhawan, Khan Market,
New Delhi-110003, dated 22-11-2005

To

The Chief Secretaries
All States/Union Territories

Sub.: Dependent family pension under the Swatantrata Sainik Samman Pension Scheme (SSSP), 1980 to the widows of the deceased freedom fighter – legality of second wife -regarding.

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As per the provisions of the Swatantrata Sainik Samman Pension Scheme, 1980, the eligible dependents for grant of dependent family pension (if the freedom fighter is not alive) are widow/widower if she/he has not since remarried, unmarried & unemployed daughters (subject to a maximum of three such daughters at a time), mother and father. Not more than one eligible dependent can be granted pension. In the event of availability of more than one dependent, the sequence of eligibility is widow/widower, unmarried & unemployed daughters, mother and father.

2. The power to transfer family pension to eligible dependents was delegated to the concerned Pension Disbursing Authorities (Treasuries/Public Sector Banks) vide this Ministry's letter no.8/17/89-FF (P) dated 24-10-1990 and 01-05-1992 (copies enclosed).

3. Vide this Ministry's O.M. No.8/16/81-FF (P) dated 28th July, 1982 (copy enclosed), it was clarified that the practice of treating widows as separate entities and granting each of them full quantum of family pension under the Scheme could continue.

4. The matter was subsequently reviewed, and vide this Ministry's letter no.8/2/98-FF (P) dated 13-10-2000 (copy enclosed) it was clarified that in case the applicant had communicated more than one legally wedded wives as dependents, the family pension would be shared equally amongst such widows and they would not herein-after be treated as separate entities for grant of family pension.

5. The aspect of legality of the second marriage, when dependent family pension is granted to more than one widow of a deceased freedom fighter, has again been re-examined in consultation with the Ministry of Law.

6. In so far as Hindu marriages are concerned, after coming into force of the Hindu marriage Act, 1955, the legality of a Hindu marriage is governed by the provisions of the said Act, and a second marriage is illegal in case of first wife was alive at the time of the second marriage. Before this Act came into force, the legality of a marriage was determined on the basis of customary law.

7. Legality of other marriages, i.e. other than Hindu marriage, is governed by the respective, applicable law/s.

8. In the above context, it is clarified that the aspect of legality of a second marriage is a basic, essential ingredient, which cannot be overlooked when dependent family pension is sanctioned to more than one widow. Only a **legally** wedded second wife is eligible for dependent family pension.

9. All Pension Disbursing Authorities are requested to keep the above in view while deciding on requests for transfer of dependent family pension.

Yours faithfully,

(Vinod Ratti)
Deputy Secretary to the Govt. of India

Copy for information and necessary action to:

1. All Accountant Generals of States/UTs.
2. The Deputy Chief Controller of Accounts (Pension and Misc.). Jam Nagar House, New Delhi.
3. The Deputy Chief Controller of Accounts, C.P.A.O. Bhikaji Cama Place, New Delhi.
4. The Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Mar, New Delhi.
5. The Chief Accountant, Reserve Bank of India, Central Office, Department of Accounts and Expenditure (Bombay), Mumbai.
6. The Comptroller General of Accounts, Ministry of Finance, Lok Nayak Bhawan, Khan Market, New Delhi.
7. Chief Controller of Accounts, Ministry of Home Affairs, New Delhi / Pay and Accounts Officer (Pension and misc.), Ministry of Home Affairs, Block No.10, Gali No.1&2, Jamnagar House, New Delhi.

Copy also to:

8. All Chief Executives of Public Sector Banks, with the request that copies of these instructions may please be provided to all field branches.
9. All State Secretaries in charge of freedom fighters' matters of all States/UTs with the request that copies of these instructions may be provided to all Treasuries and to all District Collectors-cum-Magistrates.

Sd/-
(Vinod Ratti)
Deputy Secretary to the Govt. of India

All Officers /Processing Sections of Freedom Fighters Division – with the direction that all cases in which dependent family pension has been sanctioned by the Division to more than one widow may be re-examined and the aspect of legality of the second marriage may be appropriately examined and settled (by putting up to the competent level).

(Vinod Ratti)
Deputy Secretary to the Govt. of India