



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : PIL/21/2020

KHETO THORIE
PERMANENT R/O KIGWEMA VILLAGE, KOHIMA, NAGALAND AND
CORRESPONDENT RESIDENT OF OFFICER AND 039 S HILL, KOHIMA 797001

VERSUS

THE STATE OF NAGALAND AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY, NAGALAND CIVIL SECRETARIAT,
GOVT. OF NAGALAND, KOHIMA, NAGALAND 2:THE SECRETARY

DEPARTMENT OF SOCIAL WELFARE
KOHIMA
NAGALAND

3:THE MISSION DIRECTOR

DEPARTMENT OF SOCIAL WELFARE

4:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF SOCIAL WELFARE.

5:THE SECRETARY

DEPARTMENT OF RURAL DEVELOPMENT
GOVT. OF NAGALAND

6:THE DIRECTOR

DEPARTMENT OF RURAL DEVELOPMENT BLOCK
GOVT. OF NAGALAND

7:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA

MINISTRY OF RURAL DEVELOPMENT
KRISHI BHAWAN
NEW DELH

Advocate for the Petitioner : KIKRU PFUKHA

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE L.S. JAMIR
HON'BLE MR. JUSTICE NELSON SAILO

ORDER

Date : 19.06.2024

(Lanusungkum Jamir, J)

Heard Ms. Neiteo Koza, learned counsel for the petitioner as well as Ms. Apila Sangtam, learned counsel for the respondent Nos. 2, 3 and 4 and Mr. Yangerwati, learned CGC for the respondent No.7.

2. The present PIL has been filed espousing the cause of persons who have been denied from getting the benefits of Indira Gandhi National Old Age Pension Scheme which is a 100% Centrally Sponsored Scheme (CSS) being implemented in the State of Nagaland. The said Scheme provides monthly pension amounting to Rs.200/- per month to the persons between the age of 60 to 70 years and Rs.500/- per month to the persons of 80 years and above below poverty line (BPL). The case of the petitioner in the present PIL is that although the Scheme is being implemented in the State of Nagaland, the benefits is not been given to the actual beneficiaries and in fact there are many bogus beneficiaries to whom the benefits has been given. Accordingly, the Human Rights Law Network Volunteers conducted a survey and they have detected such bogus claims. A representation was also

submitted to the State Government in the Department of Social Welfare as well as Rural Development Department on 29.10.2020. However, as there was no response, the present PIL.

3. During the pendency of the present PIL, the petitioner also filed an additional affidavit on 29.06.2022, wherein, it is indicated that the petitioner with the help of Pro Bono Club, Kohima Law College have taken the trouble to indentify 196 persons who are eligible for old age pension. Taking note of the additional affidavit dated 29.06.2022, a direction was given to the State respondents to complete the verification of eligible persons for old age pension in the State within 3(three) months by order dated 14.09.2022. Further direction was given that while doing the verification the State respondents shall also include the names of the 198 persons indentified by the petitioner, if they are found eligible for the said benefits.

4. The respondent Nos. 2, 3 and 4 have filed an affidavit dated 11.06.2024, wherein, it is stated that the respondents directed all the districts to carry out major exercise and submit a beneficiary list for onward submission to the Ministry of Rural Development. Thereafter, on receipt of the beneficiary list, the Joint Secretary to the Govt. of Nagaland, Social Welfare Department wrote to the Secretary to the Govt. of India, Ministry of Rural Development, Department of Rural Development, NSAP Division on 07.02.2023 with a proposal for enhancement of number of beneficiaries under the National Social Assistance Programme (NSAP). By another communication dated 08.06.2023, the Joint Secretary to the Govt. of Nagaland, Social Welfare Department wrote to the Secretary to the Govt. of India, Ministry of Rural Development, Department of Rural Development, NSAP Division for enhancement of the number of beneficiaries under the NSAP. Thereafter, the Deputy Secretary to the Govt. of India,

(NSAP/DISHA) wrote to the Secretary to the Department of Social Welfare, Govt. of Nagaland and the relevant portion reads as under:

“2. In this context, it is to mention that Indira Gandhi National Old Age Pension Scheme (IGNOAPS) is a sub-scheme of National Social Assistance Programme (NSAP), a Centrally Sponsored Scheme (CSS) of Department of Rural Development under which central assistance of Rs.200/- per month to the persons of age of 60-70 year and Rs.500/- per month to the persons of age 80 years or higher of Below Poverty Line (BPL) households is provided. States/UTs have been requested to contribute at least a matching contribution under the scheme. Identification of beneficiaries, sanction and disbursement of benefit under the schemes of NSAP is done by the State/UTs. In this regard, a copy of the NSAP guidelines 2014 and State-wise ceiling/cap (scheme-wise) including Nagaland State are enclosed for ready reference. The NSAP guidelines 2014 provide necessary measures for effective implementation of NSAP scheme. “

5. In the affidavit dated 11.06.2024, the respondent Nos. 2, 3 and 4 has also enclosed the list of eligible beneficiaries under the NSAP Scheme in the State and the number of eligible beneficiaries is indicated as 82 persons.

6. We have also perused the additional affidavit dated 18th of June, 2024 filed by the respondent Nos. 2, 3 and 4 which has been filed in compliance with the order dated 05.06.2024 passed by this Court, wherein, it is stated that as per Rule 7(i) of the Nagaland Social Security Rules, 1988, the Director of Social Welfare is designated as the sanctioning authority for the National Social Assistance Programme in the State of Nagaland.

7. On a perusal of the pleading made after filing of the PIL, we are

of the opinion that sincere efforts have been made by the State respondents for implementation of the India Gandhi National Old Age Pension Scheme and the beneficiaries entitled thereto has also been identified. Accordingly, we see no reason to keep this PIL pending any longer.

8. However, we direct (i) the respondent No.7/Secretary to the Govt. of India, Ministry of Rural Development to sanction the benefits under the Scheme of NSAP in terms of the NSAP guidelines of 2014 and also taking into consideration the state wise ceiling/cap for the State of Nagaland and (ii) the Director of Social Welfare Department who is designated as the Sanctioning Authority in terms of the Nagaland Social Security Rules, 1988 to disburse the benefits to the beneficiaries after recommendation of the State Level Selection Board and continue to do so to all the eligible beneficiaries under the Scheme.

9. With the above observations and directions the PIL stands closed.

Sd/-

JUDGE

Sd/-

JUDGE

Comparing Assistant