

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 15733 of 2013 (O&M)
Date of decision: 09.01.2015

Raj Dulari

... Petitioner

versus

Union of India and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Manish Dadwal, Advocate, for the applicant-petitioner.
Mr. Atul Aggarwal, Advocate, for UOI.
Mr. R.S. Pathania, Deputy Advocate General, Punjab.

K.Kannan, J.

CM No. 16202 of 2013

The applicant does not press the application for impleadment.

Application is dismissed.

CWP No. 15733 of 2013

The petitioner who is 85 years of age relies on a certificate issued by respondent No.4, Akhil Bhartiya Rastriya Ekta Nirman Samiti, New Delhi, (hereinafter referred to as the 'Samiti') entitling her to the status of freedom fighter and that such a certificate may be issued. This prayer which she took up with Deputy Commissioner, Hoshiarpur, was rejected on the ground that as per the instructions of the Government to prepare the Freedom Fighters Certificate, it was necessary to give the copy of the PPO No., Tamra Patra etc. and a certificate cannot be issued on the basis of some recognition by an organization such as Samiti which has no credentials to issue such a certificate. The counsel argues that the Samiti had amongst its

members, Member of Rajya Sabha and, therefore, the certificate must be acted upon.

I have seen the letter of recognition issued by the Samiti and all that it states is that the petitioner had strong will power which she displayed during the period of struggle and by her dint of dedication, British Government left India. I only find lofty expressions made with no proof of her participation in the freedom struggle. The counsel states that an expansive meaning to a freedom fighter must be given as set through the Freedom Fighters Pension Scheme which includes as a freedom fighter, a person who was interned in his home and a person who had lost his job by means of participation in the National Movement, as also any person who had suffered dislocation of their residence during the freedom movement. I find the expression interned in his home must be understood as an internment resultant to an executive order and the person that lost the livelihood by participation in the national movement to mean the termination of service or means of livelihood through some order on account of participation in the struggle against the British rule.

Assuming that 30 crores people suffered in the year 1947 till just before Independence, such a suffering in many cases was purely mental that they could not suffer the humiliation of a foreign rule. By that logic, the whole of the population of India could be taken as persons who had undergone suffering and all of them must be taken as Freedom Fighters. The interpretation proffered by the petitioner trivializes the great hardships undergone by several persons who had active participation in the freedom struggle and makes a mockery of the freedom movement itself.

Learned counsel appearing for the petitioner would state that the freedom fighter tag is not merely to receive pension but it is to enable even their progenies to secure admissions in some College or other benefits such as employment. The petitioner's attempt is to secure such benefit to her own grandchildren. It is time that she

recognizes that the grandchildren who may claim some benefits must belong to a lineage which has undergone suffering by incarceration or any other deprivation of living by participation in the freedom struggle, that was at once both physical and mental. The Samiti certificate hardly evokes any confidence that the petitioner had been subject to suffering in the capacity as a freedom fighter. The petition is hopelessly misconceived and a needless abuse to the process.

The writ petition is dismissed with above observations.

09.01.2015
Kumud

(K.KANNAN)
JUDGE