

Bill No. 105 of 2019

THE PAYMENT OF FINANCIAL ASSISTANCE TO THE FAMILIES
OF MARTYRS BILL, 2019

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

to establish an Authority to oversee the payment of financial assistance including ex gratia lump sum honorarium of rupees two crore, provision of medical facilities, education and housing allowance, reservation up to five per cent. in schools and institutions of higher education and five per cent. reservation in jobs in both public and private sector for the dependents of martyrs and implementation of such other welfare measures as are necessary to enable them to lead a dignified life and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Financial Assistance to the Families of Martyrs Act, 2019.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "annual report" means a report giving the details of welfare activities taken up over a year by the Authority and detailing about targets set and achieved;</p> <p>(b) "Authority" means the Financial Assistance Payment Authority established under section 3;</p> <p>(c) "dependents" include parents, spouse and children of the personnel of the Indian Armed Forces;</p> <p>(d) "Indian Armed Force" means the Indian Army, the Indian Navy, the Indian Air Force and the Indian Coast Guard;</p> <p>(e) "martyr" means a person serving in the Indian Armed Force who dies while performing his duties and includes death on duty in a specified high altitude or the inaccessible border posts on account of natural disaster or extreme weather conditions; and</p> <p>(f) "prescribed" means prescribed by rules made under this Act.</p>	5 10 15
Constitution of Financial Assistance Payment Authority.	<p>3. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Financial Assistance Payment Authority for the purposes of this Act.</p> <p>(2) The Authority shall consist of—</p> <p>(a) Minister of State, Ministry of Defence— <i>ex officio</i> Chairperson; and</p> <p>(b) Secretaries of the Union Ministries of Defence and Statistics and Programme Implementation — <i>ex officio</i> Members;</p> <p>(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.</p> <p>(4) The salary, allowances payable to and other terms of conditions of services of officers and staff of the Authority shall be such as may be prescribed.</p>	15 20 25
Meetings.	<p>4. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.</p> <p>(2) The expenditure incurred by the Members to attend meetings shall be borne by their concerned controlling authorities.</p>	25
Functions of the Authority.	<p>5. (1) The Authority shall within one year from the date of constitution, formulate a comprehensive policy for welfare of dependents of martyrs of Indian Armed Forces and discharge such functions as may be necessary for payment of financial assistance to the families of martyrs.</p> <p>(2) Without prejudice to the provisions contained in sub-section (1), the Authority shall,—</p> <p>(a) within one year of its constitution, undertake a baseline study to collect comprehensive data about the various grants and allowances given to dependents of martyrs by Government of India, their actual implementation, the benefits accruing to the families and the number of beneficiaries from such grants;</p> <p>(b) formulate framework and recommend to the Central Government for providing comprehensive compensation to dependents of martyrs which shall include,—</p> <p>(i) payment of an <i>ex gratia</i> lump sum honorarium of rupees two crore, indexed to inflation, to the dependent of martyrs;</p> <p>(ii) payment of allowances and grants for medical, education and housing to the dependents as per entitlement of the martyr;</p>	30 35 40 45

(iii) education and marriage loans to the dependents at subsidized rate of interest;

(c) formulate guidelines for guarding the interests of dependents of martyrs against all kind of risks and uncertainties which shall include,—

5 (i) providing of complete medical insurance cover for all dependents of martyrs;

(ii) providing of life insurance plan in the name of the widow or next dependent of the martyr through the Life Insurance Corporation; and

10 (iii) provision of psychological counselling to the family members as and when required to ensure their mental well being.

(d) recommend to the Central Government to promote the access to quality education to dependent of martyr which shall include,—

15 (i) five per cent. reservation of seats for children of martyrs in all educational institutions including schools and institutions of higher education owned by Government; and

(ii) five per cent. reservation in jobs for eligible dependent of martyrs in both public and private sectors

(e) make guidelines to the Central Government for improving the overall well being of the dependents of martyrs which shall include,—

20 (i) free lifetime railway pass to the dependents of martyrs;

(ii) free annual family vacation within India, with free accommodation in Government guest houses;

(iii) free passes to visit monuments, museums; and

(iv) free pass for the Republic Day parade to the dependents;

25 (f) recommend to the Central Government to provide the benefits under this Act to the widow of the martyr even on remarriage;

(g) establish policy guidelines for better implementation of the provisions of this Act which shall include,—

30 (i) directing the District Magistrate concerned to explain to the dependents the various compensations and grants available to them under this Act;

(ii) framing guidelines to help the dependents in completion of relevant paperwork and other formalities;

(iii) making it mandatory for the District Magistrate to enquire at least thrice a year about the overall well being of the dependents; and

35 (iv) providing dedicated helpline and a call centre for grievance redressal of the dependents; and

(h) recommend to the Central Government to declare birthday of Shri Netaji Subhash Chandra Bose *i.e.* 23rd January each year, as the Martyrs' Day, to commemorate and respect the sacrifice of martyred soldiers;

40 (i) undertake such other functions as may be assigned to it from time to time for effective implementation of the provisions of this Act.

45 **6.(1)** The Authority shall submit to the Central Government once every year, an annual report giving the summary of its activities, including schemes it has undertaken during the previous year and the annual report shall contain statements of annual accounts of the Authority.

Annual report.

(2) The Central Government shall cause the report to be laid before each House of Parliament as soon as it is received.

Central Government to provide Funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.

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Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

The Indian Armed Forces *i.e.* the Indian Army, the Indian Navy and the Indian Air Force soldiers guard our borders in difficult terrains, challenging work conditions and fight valiantly on our borders to ensure our safety. Armed forces risk their lives and place themselves in dangerous situations to provide safe and secure environment to citizens. When a soldier is martyred protecting the country's borders, it is the supreme sacrifice for the motherland. It is the minimum responsibility of the Government to provide the families (spouse, children and parents) of such martyrs (soldiers who have died during duty, either in combat or a natural death) necessary facilities, to compensate for their loss.

The need is to give one time *ex gratia* lump sum honorarium of rupees two crore to families of martyrs, which will be indexed to inflation. In addition, the family is entitled to get pensionary and other benefits (which the soldier would get if he were alive). All the allowances and grants for medical, education, housing entitled to the soldier will accrue to his family.

To guard the martyr's family against any risks and uncertainties, complete medical insurance coverage for them is also required. And to secure their future, there is also need of life insurance cover in the name of widow. The psychological counseling to widow and other family members of martyrs immediately after death to ensure mental well-being of the family is necessary. Access to quality education to children of martyrs, by providing reservation of up to five per cent. seats in all educational institutions and reservation in jobs in both public and private sector, for eligible dependents of martyrs is also necessary.

Apart from the various benefits, lifetime free railway passes, free annual vacation within India with free accommodation in Government guest houses, free passes to visit monuments and museums and the Republic Day Parade passes to the dependents as a mark of respect to the martyrs should also be provided.

The need is also to direct the District Magistrate to explain to the dependents of martyrs various compensations and grants they can avail, setting up of a dedicated helpline and a grievance redressal cell for them.

Finally, to commemorate and respect the sacrifice of the martyred soldiers, the declaration of the birthday of Shri Netaji Subhash Chandra Bose *i.e.* 23rd January, as Martyrs' Day is of utmost importance.

The Bill endeavours to enable families of martyrs access to basic services of decent medical, educational and other facilities for their overall development. It thus aims to secure their livelihood, provide insurance against uncertainties and enable them to lead a dignified life.

Hence this Bill.

NEW DELHI;
June 5, 2019.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Financial Assistance Payment Authority and also appointment of such number of officers and staffs for its functioning. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about five hundred crore rupees per annum from the Consolidated Fund of India would be involved.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empower the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

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