

BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 19th June, 2009.

H.R.M.P.No545/2009

Petitioner : E.G. Chandri,
W/o (late) Damodaran Nambiar,
Eswarathu Veedu, Perunthattil. P.O..
Kannur.

Respondents :

ORDER

The grievance of the petitioner is that she was not given financial assistance under the National Family Welfare Scheme by the Tahsildar, Thalassery, though she applied for the same on 25..08..2008.

A report was called for from the Tahsildar, Thalassery. In the report of the Tahsildar, Thalassery, it is stated that she belongs to Above Poverty Line (APL) category, owns 15 cents of land and her children are employed and taking care of her and therefore she is not entitled for financial assistance under the above said scheme.

The petitioner and Mr. Hussain, Junior Superintendent, representing the Tahsildar Thalassery, are present before me. The petitioner is informed of the contents of the report of the Tahsildar, Thalassery. According to Mr. Hussain a person can be given the benefit under the National Family Welfare Scheme only if the head of the family was an earning member at the time of his death and as the petitioner's husband was not an earning member at the time of death, she is not entitled to the financial assistance under the scheme. According to him after the complaint in the above HRMP was received a report was called for from the Village Officer, Eranjhole, and he has filed a report in

which it is stated that the petitioner belongs to APL category, her children are employed who are looking after her and she also owns 15 cents of land. The petitioner before me admits that she owns 15 cents of land and also admits that her son is employed at Bombay and settled there though she denies the statement that her daughter is employed. Mr. Hussain disputes the statement of the petitioner and submits that her daughter is working as a Clerk under an Advocate. The fact remains that the conditions for getting the benefits under the scheme do not permit the authorities to grant benefits to her since she belongs in the APL category and her husband was not an earning member at the time of his death. In the above circumstances this Commission has no jurisdiction to direct the Tahsildar, Thalassery to give the benefit to the petitioner under the scheme as the conditions stipulated for granting the benefit are not satisfied. It is, of course, left to the petitioner to seek maintenance from her son, who according to her is not maintaining her, by approaching the Court by filing a petition under Section 125 of Cr.P.C.

The petition is closed with the above direction.

Justice N.Dhinakar,
Chairperson.