

DEVAN RAMACHANDRAN, J.

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W.P.(C).No.42861 of 2023

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Dated this the 22nd day of December, 2023

ORDER

Read order dated 21.12.2023.

2. Today Sri.T.B.Hood, learned Special Government Pleader appeared for the Government and submitted that the financial condition of the State is presently not “conducive” to honour the large financial commitment, under the Indira Gandhi National Widow Pension - which the petitioner is now seeking relief under.

3. Sri.T.B.Hood explained that there are two other Social Security Pensions which are implemented in the State, namely, Indira Gandhi National Old Age Pension and Indira Gandhi National Disability Pension; and that portions of the amounts eligible to the beneficiaries are to come from the Central Government, though in a smaller proportion. He reiterated that the Government of India has not made available their share under these Schemes from July, 2023.

4. Sri.T.B.Hood then added that the State Government is providing monthly pension to 3,15,087 agricultural labourers and to 76,148 unmarried women above the age of 50, without any assistance from the Government of India. He further explained that the total beneficiaries of all the afore five Pension Schemes

are more than 45 lakh in number, entailing a monthly outlay of Rs.660 Crores; and submitted that, therefore, and particularly because the afore Schemes are not statutory in nature, the Government of Kerala will be able to pay it only subject to availability of funds, which he asserted is not now possible on account of its "present financial position". He concluded saying that the situation is exacerbated because, apart from the afore five Pension Schemes, there are 16 Welfare Fund Board Pension Schemes, under which, 5,66,549 beneficiaries are given assistance, requiring Rs.89 Crores or more every month.

5. Sri.T.B.Hood thus submitted that "*as and when the financial position of the State improves*" (sic), the payout of the afore Schemes, including that involved in this case, will be made; but without committing himself to any definite time frame.

6. This presents real piquant situation for this Court now. Because on one side, is the petitioner who is 78 years in age and who says that she cannot live without the small amount of Rs.1600/- entitled to her under the Pension Scheme; while, on the other, the Government says that its "present financial position" does not permit the disbursal of the pension to anyone.

7. This Court could have certainly considered grant of relief to the petitioner alone because, the amount involved - including

the arrears - would only be less than Rs.5,000/-, by a conservative estimate. But, as Sri.T.B.Hood rightly said, this would be uncharitable to the thousands of others who have not been able to come to this Court and who may perhaps never be able to do so because of their precarious fiscal scenario, since no citizen would be persuaded to initiate legal action, when they are struggling for food, medicines and such other basic amenities.

8. The sum total is rather unfortunate because, this Court cannot issue any interim order to the Government to pay the petitioner the arrears or the current pension, under the Scheme in question. This Court is also not aware when the Government will do; though Sri.T.B.Hood - learned Special Government Pleader, vehemently asserts that the "*Government knows the pulse of its people*" (sic). Therefore, how the petitioner is going to survive, is now anybody's yes.

9. Though, there were certain other submissions at the Bar by Sri.T.B.Hood, I chose not to record the same, since he subsequently submitted that he withdraws all of them.

10. I, therefore, put it to Smt.A.A.Shibi - learned counsel for the petitioner, whether her client would required any assistance from other agencies like the District Legal Services Authority etc., if, she requires emergent financial assistance for herself, until such

time as the Government's "present financial position" improves. She submitted that she will confer with her client and seek necessary orders, if so required, in due course.

11. Sri.R.V.Sreejith - learned Central Government Counsel at this time, intervened to say that, though he has not obtained full instructions as to the allegation that the Central Government has not remitted its share of the Pension Scheme, they would also be in a position to help the petitioner, if it becomes so warranted. This is recorded, and I leave liberty to the petitioner to seek any such clarification if required, because, whether the money comes from the Government of Kerala or the Central Government, it is invaluable for the petitioner, who says that she depends upon it for her very survival.

12. This Court can only leave this case at this moment, recording empathy for the petitioner and for various others like her; but without being in a position to issue an interim order affirmatively against the Government of Kerala for the reasons I have already recorded above.

List on 10.01.2024.

**Sd/-
DEVAN RAMACHANDRAN
JUDGE**