IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
[@ SPECIAL LEAVE PETITION (CIVIL) NO. 10321 OF 2025)

SUSHILA TRIPATHI … APPELLANT

VERSUS

STATE OF MADHYA PRADESH & ANR … RESPONDENTS

O R D E R

1. **Leave granted.**

2. **The appellant's husband was a freedom fighter, he took part in the Maihar Praja Mandal Movement of 1945-46 and was lodged in Maihar Jail. His claim for *Samman Nidhi* (freedom fighter's pension) could not be realised during his lifetime. His widow's claim for recognition and honour of her husband's and her family's sacrifices has reached this Court after a long-drawn contest.[1]**

2.1 The freedom we exercise and the constitutional institutions through which we govern ourselves are the inheritance of a struggle sustained by ordinary men and women. Their contribution cannot be measured by the

[1] **This appeal is preferred against the order dated 14.02.2025 passed by High Court by which the Division Bench allowed the appeal of the respondents and set aside the order dated 05.01.2023 of learned Single Judge.**

Signature Not Verified
Digitally signed by Jayant Kumar Arora
Date: 2026.10.14 17:54:01 IST
Reason:

prominence of their names in public memory. In our view, the grant of *Samman Nidhi* discharges an obligation of gratitude that has its source in the Constitution itself. That obligation is one of recognition, not compensation. It is owed equally to the known and the unknown participants of the freedom struggle, and it reaches the families who bore the cost of their sacrifice.

2.2 We must understand how this obligation of gratitude takes its shape. Gratitude, unlike compensation, is not measured by an account of what was lost. The cost of the sacrifice it honours was borne not by the freedom fighter alone, but by the family. And that sacrifice was made by men and women who expected nothing in return, and therefore kept no account of it. The household lost its earning member, children their schooling, and elders their care. The nation received the benefit, while it was often the families who bore the cost. These sacrifices must translate into expressions of gratitude and continued acknowledgement of debt owed to the families. The manner in which a claim is received, examined and decided is itself part of the recognition the Scheme confers. A delayed, indifferent, or hypertechnical process diminishes the honour, even where

the pension is eventually paid.

3. **Facts giving rise to the filing of this appeal in a nutshell are that husband of the appellant, Late Shri Ramakant Tripathi (the 'deceased') took part in *Maihar State Praja Mandal Movement* of 1945-46 and was lodged in Maihar Jail for 25 days. The claim of the deceased for grant of *Samman Nidhi* under the Madhya Pradesh Swatantrata Sangram Sainik Sammannidhi Rules, 1972 (the 'Rules') was rejected by a non-speaking order dated 06.04.1991 by the State Government.**

4. **The deceased passed away in 2016. After his death, the appellant, on 29.02.2016, applied for grant of *Samman Nidhi*. The aforesaid claim was rejected by an order dated 09.06.2016 by the Collector *inter alia* on the ground that younger brother of the deceased and the villagers could not provide any information with regard to deceased's role in the freedom movement and that the children of the appellant were well placed and that she would receive family pension.**

5. **The appellant, thereafter, sent a communication to the Minister, General Administration Department, pursuant to which an inquiry was conducted by the Collector, who in his report dated 15.11.2016 affirmed the findings**

recorded in the order dated 09.06.2016 and recommended deletion of name of deceased from the freedom fighter's list maintained at the district level.

6. **On 07.12.2017, the appellant submitted a representation to the Collector. The Tehsildar, in his report dated 19.01.2018 recommended the grant of *Samman Nidhi* to the appellant. On 12.03.2019, the State Government, while making a reference to the order dated 06.04.1991 which disallowed the claim of the deceased, rejected the claim of the appellant holding that the Rules do not provide for reconsideration.**

7. **Being aggrieved, the appellant challenged the orders dated 09.06.2016 and 12.03.2019 passed by the Collector and the State Government respectively in a writ petition. The learned Single Judge by an order dated 05.01.2023, allowed the writ petition on the basis of an entry made in Freedom Fighter's List maintained by the Collector and quashed the orders impugned therein. The learned Single Judge further directed the State Government to grant *Samman Nidhi* to the appellant from 06.04.1991, that is the date on which the claim of the deceased for grant of *Samman* Nidhi was rejected, along with interest at the rate of 6% per annum. The State Government filed a review**

petition against the said order, which came to be dismissed on 15.10.2024.

8. **The State Government, thereafter, preferred an appeal before the Division Bench of the High Court. The Division Bench by an order dated 14.02.2025, *inter alia* held that deceased had accepted the order dated 06.04.1991 and did not challenge the same during his lifetime. It was further held that the claim of the appellant, made after 25 years was barred by delay, laches and estoppel. The Division Bench relied on the findings of the Collector's Report dated 15.11.2016. It is in the aforesaid factual background, the appellant has approached this Court.**

9. **We have heard learned counsel for the parties at length and have perused the record.**

10. **The object of the Rules is to honour freedom fighters. The *Samman Nidhi* is, as its name suggests, a mark of honour and is neither a bounty nor a dole. It is an acknowledgment by the State of a debt which can never be fully repaid. The freedom this country enjoys was earned by the sacrifice of countless men and women, many of whose names appear in no record.**

11. **This Court has held that object of grant of freedom fighter's pension is to honour freedom fighters and the**

claim is not to be defeated merely because it was made belatedly[2]. It is an equally well-settled proposition that the standard of proof in a claim seeking freedom fighter's pension is not that of a criminal trial and the claim has to be adjudicated on the basis of probabilities and a claimant cannot be expected to produce documents of events half a century old[3].

12. **The claim of the appellant for grant of *Samman Nidhi* is governed by the Rules. Rule 2(a) of the Rules which defines the expression 'family' includes the wife as well. Rule 2(b)(iii) of the Rules provides that 'Freedom Soldier' means a person who had been imprisoned for one day or more during the period between 1919 and 1946 in connection with his political activities with the freedom movement. Explanation 3 to Rule 2 of the Rules provides that where any person is unable to produce a jail certificate in respect of his imprisonment or detention, a certificate of an eminent freedom fighter of the district or of any adjoining district shall be sufficient. Explanation 4 to Rule 2 of the Rules provides**

[2] **Union of India v. Jai Kishun Singh, (2014) 10 SCC 352; State of Orissa v. Choudhuri Nayak, (2010) 8 SCC 796; C. Venkat Reddy v. Union of India, (2009) 6 SCC 472; Union of India v. Avtar Singh, (2006) 6 SCC 493 and Mukund Lal Bhandari v. Union of India, 1993 Supp (3) SCC 2**

[3] **Kamlabai Sinkar v. State of Maharashtra, (2012) 11 SCC 754 and Gurdial Singh v. Union of India, (2001) 8 SCC 8**

where a soldier is unable to produce jail record/other official proof, the certificate of an eminent freedom fighter of the district or an adjoining district endorsed by the present or former member of Lok Sabha or Legislative Assembly shall be accepted the individual soldier being certified would need to have knowledge of such soldier.

13. The Nation's Obligation to Freedom Fighters: The freedom we exercise and the constitutional institutions through which we govern ourselves are the inheritance of a struggle sustained by ordinary men and women. Their contribution cannot be measured by the prominence of their names in public memory. In our view, the grant of *Samman Nidhi* discharges an obligation of gratitude that has its source in the Constitution itself. That obligation is one of recognition, not compensation. It is owed equally to the known and the unknown participants of the freedom struggle, and it reaches the families who bore the cost of their sacrifice.

13.1 The first act of the body that framed our Constitution was one of remembrance for the freedom struggle and the debt the republic owes to our freedom

fighters. At midnight on 14 August 1947, as the Constituent Assembly assumed power, our first President asked the members to *"recall in grateful remembrance the services and sacrifices of all those men and women, known and unknown, who with smiles on their face walked to the gallows or faced bullets on their chests, who experience[d] living death in the cells of the Andamans, or spent long years in the prisons of India".*[4] The Assembly stood in silence for two minutes, and each member took a pledge which began: *"At this solemn moment when the people of India, through suffering and sacrifice, have secured freedom"*.[5] The pledge credits freedom to *"the people of India"*, not to any particular leader or party. It recalls that the price of that freedom was *"suffering and sacrifice"*. And it treats service to the nation as the proper response of those who inherited what that sacrifice had secured. The framers acknowledged this debt before a single provision of the Constitution was adopted.

13.2 The next morning our first Prime Minister's message to the nation turned to *"the unknown volunteers and soldiers of freedom who, without praise or reward, have*

[4] **Constituent Assembly Debates, vol 5, 14 August 1947, 1 (Dr Rajendra Prasad)**

[5] **ibid 9**

served India even unto death".[6] **Many participants of the Indian freedom struggle never reached a newspaper or a history book. The Father of our Nation had called it the most *"genuinely democratic struggle for freedom"* in the history of the world**[7]**. The struggle was one that reached the grassroots of the nation and included the peasant who refused to pay revenue, the student who left college to mobilise the struggle, and the villager who sheltered those in hiding. The nation's gratitude must reach as far as the struggle did. It belongs as much to the unnamed volunteer as to those whose names every child learns.**

13.3 This gratitude is not only the sentiment of the founding generation. It is part of the constitutional order. Article 51A(b) makes it the fundamental duty of every citizen *"to cherish and follow the noble ideals which inspired our national struggle for freedom"*.[8] **The Swatantrata Sainik Samman Pension Scheme, 1980 was introduced to translate this obligation into enduring public recognition and give this obligation an institutional status. Originally introduced in**

[6] Jawaharlal Nehru, 'The Appointed Day' (15 August 1947) in S Gopal (ed), *Selected Works of Jawaharlal Nehru*, Second Series, vol 3 (Jawaharlal Nehru Memorial Fund 1985) 49.

[7] MK Gandhi, 'Speech at the AICC Meeting, Bombay' (8 August 1942) in MK Gandhi, *My Non-Violence* (Navajivan Publishing House 1960) 183.

[8] Constitution of India, art 51A(b), inserted by the Constitution (Forty-second Amendment) Act 1976, s 11.

1972, the silver jubilee year of Independence, it became in 1980 a 'Samman'. This expression conveys it all, it is respect, recognition and also gratitude. The Samman pension is payable regardless of the freedom fighter's income.[9] Its object is "*to honour and where it was necessary, also to mitigate the sufferings of those who had given their all for the country*".[10] This Court noted that many freedom fighters were reluctant to accept it at all, "as they would consider it as putting a price on their patriotism".[11] The pension is not simply compensation. It acknowledges a debt that money cannot repay, but which must, for that reason, not go unacknowledged. A nation is a community that spans generations, and each generation that enjoys freedom inherits the debt owed to those who secured it.

14. Supporting Freedom Fighters and Their Families: We must now understand how this obligation of gratitude takes its shape. Gratitude, unlike compensation, is not measured by an account of what was lost. The cost of the sacrifice it honours was borne not by the freedom fighter alone, but by the family. And that sacrifice was made by men and women

[9] Ministry of Home Affairs, *Swatantrata Sainik Samman Pension Scheme, 1980* (effective 1 August 1980) https://www.mha.gov.in/sites/default/files/2022-08/FFR_SwatantrataSainikSamma_20032019%5B1%5D.pdf accessed 6 October 2026.

[10] *Mukund Lal Bhandari v Union of India* 1993 Supp (3) SCC 2 [5].

[11] *State of Orissa v Choudhuri Nayak* (2010) 8 SCC 796.

who expected nothing in return, and therefore kept no account of it. Dr. Rajendra Prasad spoke also of those, "who not only lost wealth and property but cut themselves off from near and dear ones".[12] What the freedom fighter gave was not only time in prison. It was the life they would otherwise have led. Lawyers gave up practice, bureaucrats their posts, traders their shops. The household lost its earning member, children their schooling, and elders their care. The nation received the benefit, while it was often the families who bore the cost. These sacrifices must translate into expressions of gratitude and continued acknowledgement of debt owed to the families.

14.1 It is for this reason that the Scheme extends to spouses and dependants, and to the families of martyrs. The nation's response mirrors the sacrifice of the freedom fighters; those who set aside their families for the country are entitled to expect that the country will not set aside their families. The obligation is reciprocal in this sense. What was given to the nation at the cost of the family must, to the extent it can be, be returned by the nation to the family.

14.2 Nations of the world that struggled to secure

[12] **Constituent Assembly Debates (n 1) 2.**

freedom have recognised their obligations to the families of the freedom fighters in a similar manner. In his Second Inaugural Address, Lincoln spoke of the nation's duty "*to care for him who shall have borne the battle, and for his widow, and his orphan*".[13] The Supreme Court of the United States has long held that laws for those who served must be construed liberally, to protect those who were obliged "to drop their own affairs to take up the burdens of the nation".[14] South Africa's Special Pensions Act, 1996 provides for those whom liberation service or imprisonment prevented from providing for their own retirement, and for their survivors.[15]

14.3 The nature of the obligation also determines how the Scheme must operate in practice. Because the pension acknowledges a debt owed by the nation, the claimant comes before the authority as one to whom something is owed, not as a supplicant seeking a favour. The approach of the authorities must therefore be practical, having regard to the fact that most of the applications are by old persons with no proper records.[16] And because the State, not the

13 Abraham Lincoln, 'Second Inaugural Address' (Washington DC, 4 March 1865).
14 *Boone v Lightner* 319 US 561, 575 (1943).
15 Special Pensions Act 69 of 1996 (South Africa), ss 1(1), 2–3.
16 *Choudhuri Nayak* (n 8) [8(iii)].

claimant, holds the jail registers, police files and gazettes of the period, the burden of searching them falls on the State. In *Mukund Lal Bhandari*, this Court went further, observing that the Government "*should find out the freedom fighters or their dependents and approach them with the pension instead of requiring them to make applications*".[17] The manner in which a claim is received, examined and decided is itself part of the recognition the Scheme confers. A delayed, indifferent, or hypertechnical process diminishes the honour, even where the pension is eventually paid.

14.4 The generosity with which the Scheme must be construed is, however, one side of the obligation. Gratitude is meaningful only when it reaches those to whom it is owed. Public faith in the obligation owed must not weaken.

15. In the backdrop of the aforesaid Rules, we turn to the facts of the case in hand. The appellant has produced certificates of Shri Shyamsundar Shyam, the then Member of Legislative Assembly, Dr. Gaurishankar Shastri, a former Legislator and President of State Freedom Fighters Association who certified from their personal knowledge that the deceased was in Maihar Jail for 25 days. The

[17] ***Mukund Lal Bhandari*** **(n 7) [4].**

appellant had also produced a certificate issued by Shri Surya Pratap Gautam, the Secretary of the District Freedom Fighters' Association and a listed freedom fighter stating that deceased had worked with him in the Praja Mandal Movement and a certificate by Shri Chintamani Shukla, another freedom fighter who saw the deceased lodged in jail.

16. The fact that the deceased had participated in Praja Mandal Movement is further fortified by the District Freedom Fighters List maintained by the Collector. The said record shows that deceased actively participated in "Maihar State Prajamandal Movement 1945-46" and was lodged in jail in the year 1946.

17. The aforesaid material evidence on record has been overlooked by the Division Bench. The plea of delay and laches on which the claim of the appellant has been negatived is equally untenable. The appellant is entitled under the Rules for grant of *Samman Nidhi* and the material on record indicates so. We are therefore unable to sustain the order passed by the Division Bench.

18. For the foregoing reasons, the impugned order dated 14.02.2025 passed by the Division Bench is set aside and the order dated 05.01.2023 passed by the learned Single Judge is restored.

19. Having regard to the age of the appellant, the respondents shall comply with the direction of the learned Single Judge within a period of four weeks.

20. For the reasons to follow, we have allowed the appeal filed by Ms Sushila Tripathi, wife of our freedom fighter. Interlocutory Application(s), if any, shall stand disposed of.

……J.
[PAMIDIGHANTAM SRI NARASIMHA]

……J.
[ALOK ARADHE]

NEW DELHI;
OCTOBER 05, 2026

ITEM NO.44 COURT NO.5 SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10321/2025

[Arising out of impugned final judgment and order dated 14-02-2025 in WA No. 2805/2024 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

SUSHILA TRIPATHI Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH & ANR. Respondent(s)

IA No. 91757/2025 - EXEMPTION FROM FILING O.T.
IA No. 91758/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES

Date : 05-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Ibad Mushtaq, Adv.
Ms. Akanksha Rai, Adv.
Ms. Gurneet Kaur, Adv.
Mr. Abdul Wahid, Adv.
Ms. Dikshita, Adv.
Ms. Alvina Ali, Adv.

For Respondent(s) : Mr. Harmeet Singh Ruprah- 2308, AOR
Mr. Rudraditya Khare, Adv.
Mrs. Surjeet Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The civil appeal is allowed in terms of the signed order.

3. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA) (NIDHI WASON)
ASTT. REGISTRAR-cum-PS ASSISTANT REGISTRAR

(Signed order is placed on the file)