

GOVERNMENT OF PONDICHERRY
ABSTRACT

Revenue Department – Tsunami – Relief and Rehabilitation – Missing persons due to tsunami – Procedures to be followed for disbursement of ex-gratia amount – Orders – Issued – Reg.
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DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

G.O.Ms.No.112

Pondicherry, the 22.09.2005

Read: I.D.No.6709(2)/ASR/RO/DT/2005 dt.19.04.2005 of Department of Revenue and Disaster Management, Pondicherry.

An unprecedented tsunami struck the coastal areas of the Pondicherry and Karaikal Regions of the Union Territory of Pondicherry on 26.12.2004 resulting in huge loss of life and property. The number of dead and missing persons is enormous. The Deputy Collectors(Revenue) of Pondicherry, Villianur and Karaikal have reported that 34 persons are identified as "missing" due to tsunami devastation. The Government have sanctioned an ex-gratia amount at the rate of Rs.1 lakh each to those who died in the devastation.

2. In order to grant ex-gratia relief amount to the identified claimants of those who are reported to be missing due to tsunami, this Administration, after careful consideration, have decided to lay down the procedure for sanction of relief to the next of kin of the missing persons as detailed below:-

- (a) **Eligibility:** The next of kin in general terms mean a blood relation who is a legal heir. The eligible category will include husband/wife; children/step children, parents/widow daughter/sister, legal guardian of the minor; married daughters/widow daughter in law/brothers. The basic principle would be that the first claimant would be the immediate family dependent on the deceased/missing person.
- (b) An affidavit is to be given at the time of applying for relief by the claimant setting out the details of missing persons along with the certified copy of the First Information Report relating to the missing persons from the concerned Police Station and certifying that the details furnished are correct. This Affidavit should be notarized and submitted to the Tahsildar of concerned Taluk Office.
- (c) Action may be initiated by the Tahsildar concerned of the native place of the missing person on the representation/affidavit received from the claimant along with First Information Report filed by such persons in the respective Police Station where such incident had occurred

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- (d). After field verification through the concerned Village Administrative Officer and Revenue Inspector and the villagers, the Tahsildar shall submit the report to the Deputy Collector(Revenue) as to whether the person is actually found to be missing along with the Affidavit, FIR, report of VAO and RI duly signed by the Tahsildar of the Taluk Office, Statement of next of kin of missing persons, Statement of Panchayatdars, Statement of persons who have lastly seen the missing person, etc
- (e). In the above report sent to the Dy. Collector(Revenue), the Tahsildar has to affix the photograph of the missing person, if available.
- (f). A Committee headed by the Deputy Collector(Revenue) shall finalise the claim and the Committee may consist of the following members, namely:-
- (i). Tahsildar of Taluk Office.
 - (ii). Commissioner of concerned Commune Panchayat.
 - (iii). Station House Officer of the area where the person was reported missing and Station House Officer of the area where the missing persons ordinarily resided before missing.
 - (iv). Head Master or a Teacher acquainted of the nearest Government School or Government Aided School.
 - (v). Village Administrative Officer.
 - (vi). Three reputed persons of the locality.
- (g). The Committee so formed will examine the report and, if necessary, shall make further enquiry in the native village, where the missing person normally resides, as to whether he was actually and physically alive upto the date of occurrence and that he is found to be missing on and after the date of occurrence of Tsunami and that his/her body could not be recovered or identified by the villagers or family members due to severe mutilation.
- (h). The genuineness of the claim about the missing person may be verified from the following documents, namely:-
- (i). Ration Card.
 - (ii). Electoral Rolls.
 - (iii). House tax receipt, if he is the head of the family.
 - (iv). Electricity / water bill if he holds a policy in his name.
 - (v). Copy of village accounts, such as patta and chitta.
 - (vi). Membership proof of any Society or Trust.
 - (vii). School/College certificate
 - (viii). Passport/Driving licence.
- (i). On receipt of the report of the Committee duly signed by all members the Dy. Collector(Revenue) concerned shall forward the report to the District Collector, who in turn, will take necessary action to publish about the missing person in the Gazette in Tamil and English mentioning the following details.
- (i). Name of the person missing
 - (ii). Names of the parents

- (iii). His/her residential address
 - (iv). Age
 - (v). Educational qualification.
 - (vi). Occupation.
 - (vii). Marital status.
 - (viii). Approximate height and colour
 - (ix). Identification marks as found in the school records or the identification marks mentioned by the parents / claimants.
- (j). In addition to the publication in the Official Gazette, the notification of the Collector regarding the missing persons must be published in the Municipality/Commune Panchayat Offices, Ration Shops and Police Stations. An advertisement in the vernacular language daily may also be given.
- (k). In the Official Gazette and Publication the following may be stated specifically:
- (a). The Government have ordered to form a Committee in G.O.Ms.No.112 dated 22.09.2005 of the Department of Revenue and Disaster Management to find out whether the person reported to be missing due to tsunami that struck on 26.12.2004 is actually missing due to tsunami. The Committee so formed, after due enquiry and verification has reported that the person is actually missing due to tsunami and the fact of the missing person is published for the information of the public that he is missing and presumed to be not alive. If any member of the public has any knowledge of missing person being alive, he may intimate or bring to the notice of the Tahsildar / Deputy Collector(Revenue) / District Collector concerned about this fact, within 15 days from the date of publication of this Gazette Notification
 - (b). if no information is received by the Tahsildar / Deputy Collector(Revenue)/ District Collector concerned within the stipulated time about the missing person, it will be construed that the missing person is not traceable.
- (l). In the mean time, the Collector may obtain a Non Traceable Certificate from the concerned Superintendent of Police. After the expiry of the period specified in the Gazette, based on the enquiry report submitted by the Committee, the Collector has to sanction the ex-gratia amount to the next of kin of the missing person in two account payee cheques – one to next of kin and another deposited in the bank jointly in the name of the Tahsildar and next of kin of the missing person as detailed below:
1. 50% of the ex-gratia amount may be paid to the next of kin by way of account payee cheque (within 3 months of the receipt of representation/affidavit about the missing person); and
 2. The balance 50% may be deposited in the bank, in a joint account in the name of the next of kin and the Tahsildar concerned (to be paid 9 months after the payment of first installment).

- (m). The ex-gratia amount will be released to the next of kin of the missing person, subject to the condition that they should execute an indemnity bond to the value of Rs. one lakh. In addition to the indemnity bond, the claimant(s) shall give an undertaking in the format as given below:-

UNDERTAKING

I, son of / daughter of the next of kin of do hereby agree and undertake to repay the amount received from the Government of Pondicherry as ex-gratia along with another equal amount in the event of my relative said to be now missing, is traced out later on and on finding that I have received the said amount fraudulently. I also agree to the condition that penal action may be taken against me under the relevant provisions of the Indian Penal Code for making such fraudulent claim.


Signature of the next of kin.

- (n). If no further information is received about the missing person, the balance amount will be released in favour of the next of kin, after the prescribed period of 9 months.
- (o). If a person who was native of the any affected or unaffected place had gone to an affected place for eking out his livelihood or for any other reason but reported to be missing due to tsunami after the date of occurrence and not reported in the temporary / normal place of living, action may be initiated by either the Tahsildar of the native place or by the Tahsildar of Temporary place of living on the representation / affidavit / FIR received from next kin of the person.
- (p). If the next of kin of the person could give the address of the contact persons in the affected area where the missing person stayed on his tour, they may file a complaint with police either in the native place or in the place where he was reportedly missing. On receipt of the FIR copy, the Tahsildar of the native taluk has to ask for a report from the Tahsildar of the Taluk where he was last seen for making necessary enquiry and report. On receipt of the report, the Tahsildar of the native Taluk has to inform the concerned Dy. Collector (Revenue) to form a Committee as detailed above and follow the procedures narrated in the preceding paragraphs.

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- (q). If a person who was a permanent resident of any other State had come to Pondicherry on a visit to the Tsunami affected areas and was reported to be missing from 26.12.2004 action will be initiated on receipt of a representation from the family of the missing person. Based on the information given about the place of visit in Pondicherry, the concerned Deputy Collector(Revenue) shall send the report to concerned Collector of that State for claiming the ex-gratia from that State.
3. This issues with the concurrence of the Finance Department vide their U.O.No.76176/05/F4 dated 30.08.2005.

// BY ORDER OF THE LIEUTENANT- GOVERNOR //


23.09.05

(G. RAGESH CHANDRA)
ADDITIONAL SECRETARY (REVENUE)

To

1. The Collector, Pondicherry/Karaikal.
2. The Senior Superintendent of Police (L&O) / (C&I), Pondicherry/Karaikal.
3. The Deputy Collector(Revenue)(North/South), Pondicherry/Karaikal.
4. The Director of School Education, Pondicherry.
5. The Superintendent of Police, North/South/Rural/Pondicherry/Karaikal.
6. The Tahsildar, Taluk Office, Pondicherry/Oulgaret/Bahour/
Karaikal/Thirunallar.
7. All Commissioners, Municipalities/Commune Panchayats.
8. The Director,
Directorate of Stationary and Printing,
Pondicherry

..... With a request to publish the G.O. in
the next Gazette.

Copy to

1. The Chief Secretary, Pondicherry.
2. The Secretary(Finance), Pondicherry.