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PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT

Defence

RESOLUTION

No. 194-HD/5A-25/05.—11th June 2007.—The scheme for award of *ex gratia* payments to the service personnel, who are killed / disabled / missing in action or taken prisoner of war, was introduced by this Government with effect from 1st December, 1971, under Home (Defence) Department Resolution No. 486-HD, dated 2nd March 1972. A proposal for enhancement of the rate of *ex gratia* payments as well as modification of the terms and conditions thereof was under consideration of the Government for some time past.

2. Now, after careful consideration, the Governor has been pleased to introduce the following scheme for grant of *ex gratia* payment in one lump sum for the Defence service Personnel [i.e. the members of the Indian Armed Forces] (hereinafter referred to as the "Personnel"), who are killed / disabled / missing in action or taken as prisoner of war, either in India or across the border of India with foreign countries or abroad at the rates indicated below :—

	Officers Rs.	J.C.O. Rs.	O.Rs. Rs.
(i) In each case of personnel killed or disabled (with 60 per cent or above disability) in action.	3,00,000/-	2,00,000/-	1,50,000/-
(ii) In each case of personnel disabled (with 40 per cent to 59 per cent disability) or reported missing in action or taken prisoner of war.	1,50,000/-	1,00,000/-	75,000/-
(iii) In each case of death on account of accidents, snakes bites, illness, etc. during military operation.	60,000/-	40,000/-	30,000/-

3. The terms and conditions governing the *ex gratia* grant will be as follows :—

- A. Eligibility (i) The affected personnel of the Indian Armed Forces must be Indian Citizen and permanent resident of / or domiciled in the State of West Bengal;
- (ii) The death, disability etc. must be attributable to military operations like :—
- (a) War / Battle
- (b) Anti-terrorist / anti-militant / anti-extremist / counter-insurgency operations etc.

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- B. Application** (i) The personnel of his / her next of kin shall furnish application for the *ex gratia* grant in prescribed format to the Secretary of the concerned Zila Sainik Board of this State;
- (ii) The Secretary, Zila Sainik Board, after due scrutiny, will forward the application with necessary recommendation, to the Assistant Secretary, Home (Defence) Deptt., Government of West Bengal, through the Secretary, Rajya Sainik Board, West Bengal, for purpose of sanction of the *ex gratia* grant with prior concurrence of the Finance Department;
- C. Mode of Payment** (i) In case of disabled personnel, the *ex gratia* grant shall be paid to the said disabled personnel;
- (ii) In case of personnel killed, missing or taken prisoner of war or on death of disabled personnel or on confirmation of death of personnel missing or taken prisoner of war, the *ex gratia* shall be paid to the following eligible next of kin/kins:
- (a) Category-I (in order of priority)-
- (i) Wife/husband,
- (ii) Son below the age of 21 years/unmarried or widowed daughters;
- (b) Category-II (in order of priority) - (i) Mother, (ii) Father / (iii) Brother below the age of 21 years, unmarried and widowed sisters;
- (iii) The grant amount shall be paid in the following manner:—
- (a) 60 (sixty) per cent to Category-I NOK and,
- (b) 40 (forty) per cent to Category-II NOK ;
- In the absence of any one category of NOK, the grant amount for the said category shall be paid to the other category of NOK;
- (iv) In case the payee(s) is/are minor(s), the grant amount shall be paid to the minor's or minors' natural/or lawful guardian who will give an undertaking to the State Government, after acquiring Guardianship Certificate from the Court of Law, to the effect that the whole amount will be spent for maintenance of the minor(s) in the best possible way ;
- (v) In case a personnel is at first declared missing/prisoner of war and accordingly the grant amount as per rate at para 2(ii) has been paid to the NOK(s) but subsequently declared killed, the NOK(s) shall be paid further grant amount being the difference of the rates at para 2(i) and 2(ii) above.
4. This will take effect from the date of issue of the order. Past cases settled otherwise shall not come under the purview of the scheme. Past unsettled cases shall be guided by the Resolution in force at the material time.
5. The Accounts Officer, West Bengal Secretariat, shall be the drawing and disbursing officer in respect of the grants under this Scheme.
6. The expenses for the grants under the scheme shall proceed against the head "2235 - Social security and Welfare - 60 - Other Social Security and Welfare Programmes - 200 - Other Programme - NP - Non-Plan-014 - Payment of *ex gratia* grant by the State Government to the families of service personnel killed, missing, taken as prisoner of war or disabled in action [DF] - 31- Grants - in - aid - V - 02 - Other Grants" under Demand No. 27 of the state budget.
7. The benefit under the scheme will be in addition of the benefit contained in this Department Resolution No. 1967-HD, dated 28th June, 1989 read with resolutions No. 876-HD, dated 12-08-1993 and No. 312-HD, dated 24th April 1998.
8. This Resolution supercedes all previous schemes/rules/orders in the matter.
9. The Accountant General (A & E/Audit), W. B., is being informed.
10. This Resolution issues with the concurrence of the Finance Department *vide* the Nos. 2847-Gr.P(Service), dated 07-08-2006 and No. Gr-N-374 dated 01-06-2007.

Order

Ordered that the resolution be published in *the Kolkata Gazette* immediately.

By order of the Governor,
A. G. GHOSH,
Jt. Secy. to the Govt. of West Bengal.

RESOLUTION

No. 486-HD/5A-28/71.—2nd March 1972.—The Governor is pleased to approve the grant of *ex gratia* payments in one lump sum, for the service personnel who are killed / missing / taken prisoner of war / disabled in action, either in India or across the boarder of India with foreign countries or aborad, at the rates indicated below :

	Officers	J. C. O.	O. Rs.
	Rs.	Rs.	Rs.
(i) In each case of personnel killed / disabled in action.	5,000/-	3,000/-	2,000/-
(ii) In each case of personnel reported missing in action or taken prisoner of war in action	2,500/-	1,500/-	1,000/-

2. The terms and conditions governing the *ex gratia* grants will be as follows :—

- (i) Only permanently domicilated resident of West Bengal will be eligible for the grant.
- (ii) In the case of disable serviceman the grant will be made to him. In the case of service personnel killed, missing or taken prisoner or war and on the death of disabled, missing and P. O. W. personnel, payment will be made to his widow or his legal heirs, in that order.
- (iii) If the person(s) to whom the amount is to be paid is / are minor(s), it will be paid to his/their lawful guardian who will give an undertaking to the Drawing and Disbursing Officer that the whole amount will be spent for maintenance of the minor(s) in the best possible way.
- (iv) This grant will be available, if eligibile under this scheme, also to recipitents of grants for award of Vir Chakra series uner this Department Resolution No. 2738-HD/8R-1/63, dated the 22nd August 1964, in addition to the grant as awardee or Vir Chakra series.
- (v) If any serviceman is at first declared missing/prisoner of war but subsequently declared killed / disabled, he or his widow or legal heir will get difference of the two rates of amount of *ex gratia* payments mentioned at (i) and (ii) above.
- (vi) A serviceman with any category or type of disability will be eligible to the grant at the rate mentioned in 1(i) above.

3. The amount shall be drawn by the President of the Districts Soldiers, Sailors, and Airmen's Boards in West Bengal from the Treasury and disbursed, the expenditure being debitable to the head "71—Miscellaenous—Other Miscellaenous Expenditure—Miscellaenous and Unforeseen Charges—Payment of *Ex gratia* grants by the State Government to the families of Service personnel killed /missing/taken prisoner of war /disable in action."

4. This order will be effect from the 1st December 1971.

Order

Ordered that the Resolution be published in the "*Calcutta Gazette*".

By order of the Governor,
A. K. BANERJEE,
Jt. Secy. to the Govt. of West Bengal.