

No. 26/XXXVI(3)/2021/79(1)/2020
Dated Dehradun, January 27, 2021

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of '**The Uttarakhand Martyr's Dependent Ex-Gratia Grant Act, 2020**' (Act No. 05 of 2021).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 22 January, 2021.

THE UTTARAKHAND MARTYR'S DEPENDENT EX-GRATIA GRANT ACT, 2020

(Uttarakhand Act No. 05 of 2021)

An

Act

to provide the one time ex-gratia grant to the widows/dependents of Martyrs of the State of Uttarakhand.

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventy first year of Republic of India as follows:

Chapter-I

Preliminary

Short title,
extent and
Commencement

1. (1) This Act may be called the Uttarakhand Martyr's Dependent Ex-Gratia Grant Act, 2020.
- (2) It shall be applicable to the widows/ dependents of such martyrs of war, border skirmishes and internal security duties serving in Defiance Forces or Para Military Forces who attained martyrdom in said operations on or after 05 March 2014 and are permanent residents of the State of Uttarakhand.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires:-
 - (a) "**Border skirmishes**" means war like activities against the enemies or militants along the international border, Line of Control or Line of Actual Control;

- (b) "**Dependent**" means family members of martyr totally dependent on him and it includes parents, widow, unemployed son below the age of 25 years and unmarried, unemployed widow and divorced daughter;
- (c) "**Directorate**" means directorate of Sanik Kalyan Evam Punaryas Uttarakhand;
- (d) "**Ex-Gratia**" means one time grant amount given by the Government to the dependent of martyr;
- (e) "**Government**" means the Government of Uttarakhand;
- (f) "**Martyr**" means a soldier killed during operational activities in war, border skirmishes or internal security or in any operations against the enemy/militants and to this effect a battle casualty or operational certificate is issued from competent officer;
- (g) "**Para Military Forces**" means Assam Rifles, and Special Frontier Force.
- (h) "**Central Armed Police Forces**" means forces like -BSF, CRPF, ITBP, CISF, SSB.
- (i) "**Prescribed**" means as prescribed by the rules;
- (j) "**Soldier**" means a soldier serving in Defence Forces of three wings viz Army, Navy and Air Force.
- (k) "**Parents**" means mother and father of the martyr;
- (l) "**Widow**" means legal wife of a martyr.

Chapter- II

Eligibility, Procedure, terms and conditions for ex-gratia grant

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| Eligibility, Terms and conditions | 3. | <ul style="list-style-type: none"> (1) Martyr should be permanent resident of Uttarakhand State. (2) The details of the claimants, namely widow/dependents should be tallied/ confirmed with the service records of Martyr kept in his Records. (3) The death/casualty is to be declared as 'Battle Casualty' by the competent authority namely Integrated Headquarters of Ministry of Defence (Army) MP-5, 6 and Part II order from respective Record office for Defence Forces and office of respective Director General of Para Military Forces and Central Armed Police Forces. |
| Documents | 4. | <p>The following documents are required for payment of Ex-Gratia Grant to the widows/dependents :-</p> <ul style="list-style-type: none"> (a) Initial report regarding reporting of Battle Casualty/operational casualty. (b) Battle Casualty Part II order from concerned Record office/ Director General office. (c) Relationship certificate of dependents issued from concerned Record Office/ Director General office. (d) Discharge Book. |

- (e) Identity Card of dependents.
- (f) Certificate from Zila Soldier Welfare Officer regarding non-payment of Ex-Gratia Grant.
- (g) For Para Military Forces- Battle casualty/Operational casualty certificate issued from Director General Para Military Forces.
- (h) For Central Armed Police Forces battle casualty/operational casualty certificate issued from Director General of the respective forces.
- Prohibition** 5. The Ex Gratia Grant on attaining martyrdom is payable only in such cases where widow/dependent has not received any death compensation/assistance from any other scheme of Uttarakhand Government earlier.
- Quantum of ex-gratia grant** 6. (1) In case of married martyr ...
- (a) Widow (Veer Nari) -- 60 % of Prescribed Amount;
- (b) Parents -- 40 % of Prescribed Amount;
- Provided that if parents are not alive, the entire prescribed amount, which shall be determined by the State Government from time to time, shall be given to widow (Veer Nari) and where the widow (Veer Nari) is not alive, 40% of the prescribed amount, which shall be determined by the state government from time to time, shall be given to Parents and 60% of prescribed amount shall be distributed equally among dependent children.
- (2) In a situation where parents and widow (Veer Nari) are not alive prescribed amount, which shall be determined by the State Government from time to time which shall be determined by the State Government from time to time shall be distributed equally among dependent Children.
- (3) In a situation where the widow (Veer Nari) is not alive and does not have children, the entire prescribed amount which shall be determined by the State Government from time to time shall be given to the parents.
- (4) In a situation where Martyr is unmarried or widower prescribed amount shall be given to parents.

Chapter -III

Miscellaneous

- Power to make rules** 7. The State Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- Overriding effect** 8. Notwithstanding anything contrary contained in any other Act or judgment/decree/ order or directions of any court, the provisions of this Act shall be valid and effective.

**Power to
remove
difficulties**

9. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the official gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty. Honorable chief minister will have the right to final decision/ change - addition in this manual.

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

By Order,

HIRA SINGH BONAL,
Principal Secretary.

STATEMENT OF OBJECT AND REASONS

It is necessary to provide one time Ex Gratia Grant for livelihood in future to dependents, widow (Veer Nari), parents of soldier of Defence Forces and Para Military Forces killed in war, border skirmishes and internal security of Uttarakhand State.

2. No law is provided for that reason so it is inevitable to bring said Bill.
3. The a proposed Bill fulfills the said objectives.

Trivendar Singh Rawat
Chief Minister.