

No. 20(1)2017/D(Pay/Services)
Government of India
Ministry of Defence
Department of Military Affairs

New Delhi, 14 July, 2021

To
The Chief of the Army Staff
The Chief of the Air Staff
The Chief of the Navy Staff

Subject: Ex-gratia lump sum compensation – Clarification.

Sir,

I am directed to refer to this Ministry's letter No. 20(1)98/D(Pay/Services) dated 22.9.1998 as amended vide letter of even number dated 12.4.1999, 3.8.1999, 19.5.2000, 21.10.2008, letter No. 20(5)2009/D(Pay/Services) dated 4.6.2010 and letter No. 20(2)2016/D(Pay/Services) dated 2.11.2016 on the above subject and to say that following has been clarified for better interpretation of the aforementioned letters regarding grant of Ex-gratia lump sum compensation to the next of kin of the Defence Service personnel who die in harness in the performance of their bonafide official duties:

- (a) A person subject to the disciplinary code of the Armed Forces shall be treated on 'Bonafide Official duty':
- a. When performing an official task or a task failure to do which would constitute an offence, triable under the disciplinary code applicable to him.
 - b. When moving from one place of duty to another place of duty irrespective of the mode of journey.
 - c. During the period of participation in recreation and other unit/sports activities organized or approved by service authorities and during the period of traveling in relation thereto.

Note 1: Personnel of the Armed Forces participating in local/national/ international sports tournaments as member of service teams or mountaineering expeditions/ gliding organized by service authorities, with the approval of Service HQs, shall be deemed to be 'on bonafide duty' for the purpose of grant of ex-gratia lump sum compensation.

Note 2: Personnel of Armed Forces participating in sports tournaments or in privately organized mountaineering expeditions of indulging in gliding as a hobby in their individual capacity, shall not be deemed to be 'on bonafide duty' for the purpose of grant of ex-gratia lump sum

compensation, even though prior permission of the competent service authorities may have been obtained by them.

Note 3: Injuries sustained by personnel of the Armed Forces in impromptu games and sports which are organized by or with the approval of the local service authority and death or disability arising from such injuries, will be regarded as having occurred 'on bonafide duty' for the purpose of grant of ex-gratia lump sum compensation.

Note 4: The personnel of the Armed Forces deputed for training at courses conducted by the Himalayan Mountaineering Institute, Darjeeling and other similar institutes shall be treated at par with personnel attending other authorized professional courses or exercise for the Defence Services for the purpose of grant of ex-gratia lump sum compensation on account of death sustained during the courses.

- d. When proceeding on leave/ valid out pass from his duty station to his leave station or returning to duty from his leave station on leave/ valid out pass.

Note 1: An Armed Forces personnel while travelling between his place of duty to leave station and vice-versa is to be treated on duty irrespective of whether he has availed railway warrant/ concession vouchers/ cash TA etc or not for the journey. This would also include journey performed from leave station to duty station in case the individual returns early.

Note 2: The occurrence of death should have taken place in reaching the leave station from duty station or vice versa using the commonly available/ adopted route and mode of transport.

- e. When travelling by a reasonable route from one's official residence to and back from the appointed place of duty, irrespective of the mode of conveyance (whether private or provided by the Government).
- f. Death which occurs when an individual is not strictly 'on duty' e.g. on leave, including cases of death as a result of attack by or action against extremists or anti-social elements may also be considered attributable to service, provided that it involved risk which was due to his belonging to the Armed Forces and that

the same was not a risk faced by a civilian. Death due to personal enmity is not admissible.

Note 1: For the purpose of grant of ex-gratia lump sum compensation leave shall include all types of leave granted by Competent authority. *Leave/ Casual Leave shall not be treated as 'Duty' except in situations mentioned above.*

2. This letter takes effect from the date of issue of this letter.
3. *The other terms and conditions contained in the Ministry's letter dated 22.9.1998 as amended shall remain unchanged.*
4. This issues with the concurrence of Finance Division of this Ministry vide their U.O. No. 8(15)/2004-AG/PA dated 13.7.2021.


(T Johnson)
Sp Capt
Director (Pay/Services)

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