

TERMS & CONDITIONS FOR HIRING OF SEASONAL PORTERS  
PAID OUT OF SUPPLY & SERVICES FUND

1. Short Title and Commencement.
  - (a) This policy may be called the "Terms and Conditions for Hiring of Seasonal Porters by the Army".
  - (b) This policy shall come into force from date of issuance.
2. General. Hiring of Porters has been sanctioned vide Government of India, Ministry of Defence letter No 48503/Q/ST-11/4810-A/D (QS) dt 23/Sep 92. These Terms and Conditions pertain to hiring of civilian Porters engaged on seasonal basis by the Army in the operational area as paid out of Supply & Services Fund, who will hereinafter be referred to as 'Seasonal Porters'.
3. Hiring of Seasonal Porters. In concert with Ministry of Defence policy letter, "Seasonal Porters will be hired for bonafide duties, to enhance the operational efficiency of troops. They will be utilized for carriage of stores, stocking of posts, collection of water for troops, carriage and replenishment of ammunition, beating of tracks, snow clearance and conveyance of private mail and evacuation of serious casualties".
4. Procedure for Hiring. The hiring of Seasonal Porters will be carried out through District Labour Officer/ State Government Employment exchanges. In J&K, they will be employed through Defence Labour Procurement Department (DLPD).
5. Payment to the Seasonal Porters. Payment will be made from Supply & Services (S & S) Fund.
6. Period of Employment. Seasonal Porters may be employed as and when required by the authority hiring them in different areas as per the notification of respective State Govts.
7. Maintenance of Record of Hiring. Proper computerised records regarding hiring of Seasonal Porters will be kept by the concerned units/ Formations by preparation of muster rolls duly authenticated by Commanding Officer of unit hiring the Seasonal Porters. The muster rolls will be handed over on relief to the next unit and records maintained for a period of 15 years. The data should be updated periodically in all respects to avoid any litigation in future after he ceases to be employed as porter.
8. Nature of Engagement. The Seasonal Porters will be hired on adhoc and casual basis. They will not be eligible for absorption as regular Government employees, except as per the provisions mentioned under Para 20 below.
9. Eligibility for Seasonal Porters.
  - (a) Age. Should be above 18 years and below 50 years of age.
  - (b) Sex. Male.
  - (c) Nationality. Citizen of India and domicile of Nepal & Bhutan (in exceptional cases).
  - (d) Medical Fitness. Should be medically fit to carry out duties of seasonal porters.
  - (e) Verification. The hired individual should bear a good character. The appointing authority will obtain verification of character and antecedents.

10. Work and Holidays.

- (a) Seasonal Porters will be engaged for six days in a period of one week.
- (b) Seasonal Porters will be allowed one day of rest in a week with wages, provided he has worked continuously for six days. Additionally, they will be entitled to National Holidays as paid holidays.
- (c) The load carriage limit for Seasonal Porters will be 20 Kg.

11. Wages. Seasonal Porters will be paid wages at the rate of Rs 18000/- per month. While porters are engaged on adhoc and casual basis, no allowances will be admissible to them. However, in order to maintain dignity of labour, ensure zeal and enthusiasm in work, the porters will be compensated with additional wages. The compensatory wages upto a maximum of Rs 8,000/- will be admitted for altitude of area of employment, degree of difficulty of work and risk to life/ property to be worked out at Headquarters Command/ Formation level as per **Annexure I**. The wages will be computed on daily basis and paid on monthly basis. Such wages will not be less than the minimum wages fixed by Government under Minimum Wages Act 1948. The payment will be credited into the personal accounts of the Seasonal Porters in Banks. Where the Banks are non-existent, accounts may be opened in Field Post Offices.

12. Medical Facilities. Seasonal Porters will be extended Army medical OPD facilities for ailment/ disease occurring during the period of engagement in areas of employment. In case of serious injuries, Porters will be evacuated to civil hospitals for treatment. In case there are no civil hospitals in the vicinity of area of employment, treatment will be carried out under Army arrangements in military hospitals. The Porters will be enrolled in State/ Central Govt insurance scheme as prevalent in the State and the yearly premium will be deducted from the wages.

13. Accommodation. No accommodation, either free or on payment of rent, will be provided.

14. The engagement of a Seasonal Porter will be dis-engaged as and when their services are no longer required.

15. Terminal Benefits. No Pension, gratuity, regularization or permanence of service will be admissible to a Seasonal Porter. A written undertaking (attached as **Annexure- II**) will be obtained from the individual that he will not make any claims to the contrary at a later stage.

16. Special Clothing. Seasonal Porters may be given conditioned serviceable winter/ special clothing wherever feasible.

17. Compensation. In case of death of Seasonal Porters or being permanently disabled during duty or to the animal used by him for such duty, compensation will be paid as per procedure given out by GoI, MoD (Army) letter No 45332/2/MP-4 (Civ) (d)/590/D(Civ-II)/08 dt 22 Sep 2008 (attached as Annexure III) and in accordance with Employees Compensation Act 1923.

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18. After the amount of claim is determined and sanctioned by the Competent Authority, the payment will be made through the respective Supply & Services Imprest Account of concerned units/ formations as per the regular payment procedure to Seasonal Porters.

19. Additional Benefits Admissible.

(a) Insurance Policy. Seasonal Porters may also be insured in Government Insurance Scheme (Pradhan Mantri Jiwan Jyoti Beema Yojna). The premium will be paid out of Supply & Services Imprest Fund Acct.

(b) One time Financial Grant on Severance. Seasonal Porters who are engaged by Army will be granted a one-time financial grant at the rate computed at fifteen days wages for every completed year of service upto a maximum of two lakhs on severance in recognition of services rendered to Army, provided they have served for a minimum period of 10 years. Severance will be permanent. The individual will not be re-engaged as a Porter. The amount will be paid out of Major Head 2076, Minor Head 105 F (Supply & Services Imprest Fund Account). In case the porter gets recruited as MTS in State/ Central Establishments, the above severance grant will not be admitted. Following instance/ circumstances will be treated as severance:-

- (i) Porter leaving service voluntarily after 10 years of qualified service.
- (ii) Porter found medically unfit to carry out duties after 10 years of qualified service.

Note

Calculation of Period of Service. For the purposes of calculation of 'One year service' for this scheme, the 'one year service' would mean, employment of porter in a calendar year for at least 240 days or 206 days for two consecutive years, the porter does not accumulate 240/ 206 days per year and if his employment, together, in two consecutive years comes to a total of above number of days then this block of two years shall be treated as 'one year service'."

(c) Canteen Services. Seasonal Porters may be permitted to utilise the canteen services for Grocery items upto an upper limit of Rs.1000/- (Rupees One thousand only) per month during the period of engagement with Army as a porter.

20. Porters eligible to be appointed as Multi-Tasking Staff (MTS).

(a) Vacancies. A cap of 10% of the total vacancies for the MTS in a year shall be fixed for the recruitment of the porters in different establishment of Army in Northern and Eastern Commands, who are eligible as per the eligibility criteria and found fit after due selection procedure. They will thereafter be employed in Northern and Eastern Commands in different establishment of Army.

(b) Eligibility criteria.

- (i) Minimum 5 years service as porters.
- (ii) Age. 18-25 years with age relaxation upto 10 years equivalent to their service as porters may be granted. The existing relaxation for SC/ ST/ OBC for DR-MTS will also be applicable.
- (iii) Education Qualification. As applicable to MTS.
- (iv) Medical standard. As applicable to MTS.

(c) Selection procedure.

(i) There shall be no separate examination for MTS selections for the porters. They will be competing with the rest of the candidates on merit.

(ii) A weightage of marks upto 0.25 percent of total marks in the examination to be conducted for recruitment of MTS progressively for each completed year of duty as porter to be worked out in due course. This will be capped to a maximum of 2.5 percent of the total marks.

21 Removal of doubts. It is hereby clarified that this scheme of filling up of 10% vacancies of MTS by Seasonal Porters as envisaged above has been made in pursuance of the directions of the Hon'ble Supreme Court passed in Contempt Petition (Civil) No 2-3 of 2014 in Civil Appeal No 6248-6249 of 2010 filed by Isher Singh & Ors Vs Radhakrishan Mathur & Ors and in WP(C) No 616 of 2013 titled Yash Pal & Ors Vs UoI & WP(C) No 912 of 2013. Hence considering the nature of duties being performed by these porters in high altitude and harsh climatic conditions in border areas alongside Line of Control, this scheme of appointment of porters as mentioned above will not be treated as precedent to be quoted by other casual, adhoc or other type of employees whatsoever.



Annexure I

(Refers to Para 11 of Terms &amp; Conditions)

CALCULATION OF COMPENSATORY WAGES1. Compensatory Wages. Calculated on four factors:-

- (a) Altitude factor.  
 (b) Difficulty factor (Altitude difference factor between start & finish point).  
 (c) Risk Factor (Life & Property).  
 (d) Special factor for service in glaciated terrain.

2. Altitude Factor.

Altitude	No of Points
Upto 9000 ft	Nil
9000 to 10,000 ft	01
10001 to 13,000 ft	02
13,001 to 15,000 ft	03
15,001 to 17,000 ft	04
17,001 to 19,000 ft	05
19,001 to 22,000 ft	06

3. Difficulty Factor (Altitude Difference Factor between Start & Finish Point).

Altitude Difference	Points
Below 500 ft	Nil
500 to 1500 ft	01
1500 to 3,000 ft	02
Above 3,000 ft	03

4. Risk Factor (Life & Property).

Category	No of Points
No risk	Nil
Low risk	01
Medium risk	02
High risk	03
Very high risk	04

5. Special factor (Glaciated Terrain) - 01 Point.6. Calculation of Allowances.

Category	Points (2+3+4+5)	Allowance per month (in Rs)
Cat I	Nil	No addl wages admitted
Cat II	1-2	500 - 1000
Cat III	3-4	1500- 2000
Cat IV	5-6	2500-3000
Cat V	7-8	3500-4000
Cat VI	9-10	4500-5000
Cat VII	11-12	6000-6500
Cat VIII	13-14	7500-8000

Annexure II  
(Refers to Para 15 of Terms & Conditions)

UNDERTAKING BY SEASONAL PORTERS HIRED ON SEASONAL BASIS FOR  
ADMINISTRATIVE DUTIES

1. WHEREAS, Shri \_\_\_\_\_, son of \_\_\_\_\_ resident of \_\_\_\_\_ aged \_\_\_\_\_ years is willing to be hired as Seasonal Porter on seasonal basis for a daily wage rate as fixed by the Terms & Conditions.

2. It is hereby agreed and decided as under:-

(a) That the duties to be performed by Shri \_\_\_\_\_ (Seasonal Porter) are purely seasonal in nature and the said duties do not pertain to any vacant or regular post. His engagement may be terminated when no longer required or for any misconduct, without giving any notice.

(b) That said Shri \_\_\_\_\_ understands that his engagement will be guided by the terms and conditions, copy of which has been signed by him and retained in the unit. He also understands that this hiring is purely seasonal in nature and does not confer the status of a temporary or regular employee within the Armed Forces or as a Defence Civilian except as per provision enumerated in Para 20 of Terms & Conditions of employment of Seasonal Porters.

(c) That said Shri \_\_\_\_\_ has been explained and has understood the Terms and Conditions in the language that he comprehends, pertaining to his engagement and understands that the work, wages, other facilities, conduct etc are guided by the said Terms and Conditions of Service.

3. Signed on this day of \_\_\_\_\_ (month) \_\_\_\_\_ (year) \_\_\_\_\_ (place)  
Signed / Thumb impression by:

(Shri \_\_\_\_\_)

Witness :-

1. \_\_\_\_\_
2. \_\_\_\_\_

Countersigned

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Annexure-III  
(Refer to Para 17 of Terms & Conditions).

No.45332/2/MP-4(Civ)(d)590/D(Civ-II)/08  
Government of India  
Ministry of Defence  
New Delhi, the 22<sup>nd</sup> September 2008

To,

The Chief of the Army Staff

Sub: COMPENSATION IN RESPECT TO PORTERS AND DRIVERS AND OWNERS OF PACK ANIMALS, KILLED/DISABLED WHILE EMPLOYED WITH THE ARMY

1. In supersession of this Ministry letter No. 45332/2/Org-4 (Civ) (d) 30-S/D(Civ-II) dated 02 May 90 as amended from time to time and letter No. 45332/2/MP-4(Civ)(d)190/07/D(Civ) dt. 09 Apr 07. I am directed to convey the sanction of the President to the grant of compensation at the discretion and with the sanction of Competent Authority as mentioned below in respect of porters and drivers/owners of pack animals killed/disabled while employed with and under Army including Rashtriya Rifles:-

- |   |  |
|---|--|
| (a) Porters and Drivers of Civil owned animals (Yak/Pony/Donkey & Mule) | To be governed by the terms and conditions for the purpose of compensation under Workmen Compensation 1923 as amended. |
| (b) Mule  | Rs. 10,000/-   |
| (c) Pony/Donkey   | Rs. 8,000/-  |
| (d) Yak   | Rs. 5,000/-  |
- } In case of death

2. The compensation for each animal will be assessed in accordance with its age and conformation. As far as possible, age of private animals hired out for employment should be assessed by a veterinary officer of Remount Veterinary Corps.

3. The compensation and immediate Interim Relief will be authorized by the following authorities :-

(i) Competent Financial Authorities (CFAs). The concerned Div Commanders; and in case of Independent Brigades the Corps Commanders are authorized to sanction the amounts based on the merit of each case, both in case of death or injury.

(ii) Immediate Interim Relief. The local Formation Commander is authorized to sanction an immediate interim relief as per the financial limit specified as under, both in case of death or injury.

		Amount of Compensation	Interim Relief to be sanctioned at the discretion of local Formation Commander
(a)	Porters and Drivers/Owners of civil owned animals (Yak/Pony/ Donkey & Mule)	Amount of compensation to be calculated in accordance with terms and conditions for the purpose of compensation under WC Act 1923 as amended.	Rs. 20,000/- ✓
(b)	Mule	Rs. 10,000/-	Rs. 2000/-
(c)	Pony/Donkey	Rs. 8000/-	Rs. 1500/-
(d)	Yak	Rs. 5000/-	Rs. 1000/-

4. The claim will be duly investigated and the amount of compensation will be decided by the Station Board of Officers constituted under orders of the local Formation Commander. The BOO will have reps of the Defence Labour Procurement Department; Local Accounts Officer/CDA Representative, Army Medical Corps (AMC) (in case of Porters/Drivers of Civil owned animals) or Remount Veterinary Corps (RVC) (in case of animals).



5. The compensation will be sanctioned by the Competent Financial Authority (CFA) at appropriate level as per Para 3 (i) and (ii) above.

6. After the amount of claim is determined and sanctioned by the Competent Authority, the payment will be made through the respective Supply & Services Imprest Account of concerned units/formations by the Local Labour Officer as per the regular payment procedure to Porters and Ponies.

7. The expenditure incurred on account of payment of compensation in terms of sanction granted by authorities mentioned at Paras 3 (i) and 3 (ii) above will be debitable to Major Head 2076, Minor Head 105 F (Porters and Ponies), payable from the Supply and Services Imprest A/C of unit/formation concerned.

8. The expenditure incurred on account of payment of compensation in compliance of Court/Tribunal award, will be paid only under the authority of GOC-in-C and debitable to 'Charged Expenditure' under Major Head 2076, Minor Head 105 F with respective Headquarter Commands.

9. The compensation mentioned in Para 1 and 3 will be applicable in respect of Porters, Drivers, Ponies etc employed by Indian Army Units including Rashtriya Rifles.

10. This issues with the concurrence of the Ministry of Defence (Finance/ QA) vide their U.O. No.1043/QA.08 dated 22.08.2008.

11. This Order will be effective from the date of issue.

Yours faithfully

*Debanjana Ray*  
(Debanjana Ray)

Under Secretary to the Government of India