

The Uttarakhand Martyrs' Dependent Ex-gratia Grant Act, 2020

(Uttarakhand Act No. 05 of 2021)

(as amended by Uk. Act No. 20 of 2023)

An

Act

to provide the one time ex-gratia grant to the widows/ dependents of Martyrs of the Stat of Uttarakhand;

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventy first Year of the 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 ad divorced daughter; (c) "Directorate" means directorate of Sanik Kalyan Evam Punaravas Uttarakhand; (d) "Ex-Gratis" 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

		<p>officer;</p> <p>(g) “Para Military Forces” means Assam Rifles, and Special Frontier Force;</p> <p>(h) “Central Armed Police Forces” means forces like B?SF, CRPPF, ITBP, CISF, SSB;</p> <p>(i) “Prescribed” means as prescribed by the rules;</p> <p>(j) “Soldier” means a soldier serving in Defence Forces of three wings viz Army, Navy and Air Force;</p> <p>(k) “Parents” means mother and father of the martyr;</p> <p>(l) “Widow” means legal wife of a martyr.</p>
		<p>Chapter-II Eligibility, Procedure, terms and conditions for ex-gratia grant</p>
Eligibility, Terms and conditions	3.	<p>(1) Martyr should be permanent resident of Uttarakhand State.</p> <p>(2) The details of the claimants, namely widow/ dependents should be tallied/ confirmed with the service records of Martyr kept in his Records.</p> <p>(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.</p>
Documents	4.	<p>The following documents are required for payment of ex-Gratia Grant to the widows/ dependents:-</p> <p>(a) Initial report regarding reporting of Battle Casualty/ operational casualty;</p> <p>(b) Battle Casualty part II order from concerned Record office/ Director General office;</p> <p>(c) Relationship certificate of dependents issued from concerned Record Office/ Director General Office;</p> <p>(d) Discharge Book;</p> <p>(e) Identity Card of dependents;</p> <p>(f) Certificate from Zila Soldier Welfare Officer regarding non-payment of ex-Gratia Grant;</p> <p>(g) For para Military Forces-Battle casualty/operational</p>

		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	¹ 6.	<p>(1) In case of Martyr being married-</p> <p>(a) Widow(Veer Nari) ---- 60% of the prescribed amount,</p> <p>(b) Parents 40% of the prescribed amount,</p> <p>Provided that if the parents are not alive, the entire prescribed amount of Rs.10.00 lakh (Rupees ten lakh only) or such amount as may be determined by the State Government from time to time, shall be given to the widow (Veer Nari) and where the widow (Veer Nari) is not alive, the prescribed amount of Rs.10.00 lakh (Rupees ten lakh only) or such amount as may be determined by the State Government from time to time, 40 percent to parents and 60 percent shall be distributed equally among all the dependent children.</p> <p>(2) In such a situation, where the parents and widow (Veer Nari) are not alive, then the prescribed amount of Rs.10.00 lakh (Rupees ten lakh only) or the amount which shall be determined by the State Government from time to time, shall be distributed equally among all the dependent children.</p> <p>(3) In such a situation where the widow (Veer Nari) is not alive and has no children, the entire prescribed amount of Rs. 10.00 Lakhs (Rupees Ten Lakhs only) or such amount as may be determined by the State Government from time to</p>

¹ Substituted by Uk. Act No. 20 of 2023, Not. No. 358/XXXVI(3)/2023/59(1)/2023, dated October 16, 2023

		time, shall be given to the parents. (4) In such a situation where the martyr is unmarried or a widower, the prescribed amount of Rs.10.00 lakh (Rupees ten lakh only) or such amount as may be determined by the State Government from time to time, shall be given to the 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	² 8.	Notwithstanding anything to the contrary contained containing in any other Act or any judgment/decreed or direction of any court, the provisions of this Act shall be valid and effective and shall have overriding effect.]
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.
³ [Repeal and Savings	10.	(1) All the previously issued/existing Government orders regarding grant of one-time ex-gratia grant to the widows/dependents of soldiers and paramilitary forces who were martyred in various wars, border skirmishes and internal security are hereby repeated/rescinded. (2) Notwithstanding such repeal, anything done of any action taken after 05.03.2014 under the provisions of the Government Order referred to in Sub-Section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act, as if the provisions of this Act were in

² Substituted by Uk. Act No. 20 of 2023, Not. No. 358/XXXVI(3)/2023/59(1)/2023, dated October 16, 2023

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	<p>force at all material time and there shall be no retrospective effect of the above Government order before the above date 05.03.2014.</p> <p>(3) The Uttarakhand Martyr's Dependent Ex-Gratia Grant (Amendment) Ordinance, 2023 is hereby repealed.</p> <p>(4) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.]</p>
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