No. 1(2)/97/ D(Pen - C)  
Government of India/Bharat Sarkar  
Ministry of Defence/Raksha Mantri  
New Delhi dated the 31st January, 2001

To
The Chief of the Army Staff,  
The Chief of the Naval Staff,  
The Chief of the Air Staff.

SUBJECT: IMPLEMENTATION OF THE GOVERNMENT DECISIONS ON THE RECOMMENDATIONS OF THE FIFTH CENTRAL PAY COMMISSION REGARDING DISABILITY PENSION/WAR INJURY PENSION/ SPECIAL FAMILY PENSION/LIBERALISED FAMILY PENSION/ DEPENDENT PENSION/ LIBERALISED DEPENDENT PENSION FOR THE ARMED FORCES OFFICERS AND PERSONNEL BELOW OFFICER RANK RETIRING, INVALIDING OR DYING IN HARNESS ON OR AFTER 1.1.1996

Sir,

The undersigned is directed to state that in pursuance of Government decisions on the recommendations of the Fifth Central Pay Commission, sanction of the President is hereby accorded to the modifications, to the extent specified in this letter, in the rules/regulations concerning above mentioned pensionary benefits of the Commissioned Officers (including MNS) and Personnel Below Officer Rank (PBOR) including NCOs (E) of the three Services, Defence Security Corps and the Territorial Army (hereinafter collectively referred to as Armed Forces personnel).

1.2 The provisions of the Pension regulations of the three Services and various Service Instructions/Government orders which are not affected by the provisions of this letter, will remain unchanged.

Part I - Date of effect and Definitions

2.1 The provisions of this letter shall apply to the Armed Forces personnel who were in service on 1.1.1996 or joined/joined service thereafter unless otherwise specified in this letter.

2.2 Where pension has already been sanctioned provisionally or otherwise in cases occurring on or after 1.1.1996, the same would be revised in terms of these orders. In cases where pension has been finally sanctioned under the pre-revised orders and if it happens to be more beneficial than the pension becoming due under these orders, the pension already sanctioned shall not be revised to the disadvantage of the pensioners.
Definitions

3. **Receivable Emoluments.**

3.1 Unless otherwise specified in this letter, the term "Receivable Emoluments" shall mean:

(a) **For Officers.** Pay including Rank Pay, Non-practising Allowance, Stagnation Increment, if any, last drawn by the officer (Ref SAI 2/5/88, SNI 1/5/88, and SAFI 1/5/88).

(b) **For Personnel Below Officer Rank (PBOR).** Pay including Classification allowance, Stagnation Increment, if any, last drawn by the individual (Ref SAI 1/5/88, SNI 1/5/88, and SAFI 1/5/88).

3.2 In the case of individuals who opted to continue to draw pay in the pre-revised scales beyond 31.12.95 and remain/retired in that scale till retirement/discharge/invalidment/death, at special pension/family pension and retirement/death gratuity shall be regulated in terms of Para 3.3 and 3.4 of Ministry of Defence letter No 1(6)/96/D(Den/Per) dated 03 Feb 98.

PART II - PENSIONARY BENEFITS ON DEATH/DISABILITY IN ATTRIBUTABLE/AGGRAVATED CASES

4.1 For determining the pensionary benefits for death of disability under different circumstances due to attributable/aggravated causes, the cases will be broadly categorized as follows:

**Category A**

Death or disability due to natural causes neither attributable to nor aggravated by military service as determined by the competent medical authorities. Examples would be ailments of nature of constitutional diseases as assessed by medical authorities; chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty.

**Category B**

Death or disability due to causes which are accepted as attributable to or aggravated by military service as determined by the competent medical authorities. Examples would be the disease contracted because of continued exposure to a hostile work environment, subject to extreme weather conditions or occupational hazards resulting in death or disability would be examples.
Category C

Death or disability due to accidents in the performance of duties such as:

(i) Accidents while travelling on duty in Government Vehicles or public/private transport
(ii) Accidents during air journeys
(iii) Mishaps at sea while on duty
(iv) Electrical shock while on duty, etc.
(v) Accidents during participation in organised sports events/adventure activities/expeditionary training.

Category D

Death or disability due to acts of violence/attack by terrorists, anti-social elements, etc. whether on duty or not, or even when not on duty. Bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc. would be covered under this category, besides death/disability occurring while employed in the aid of civil power in dealing with natural calamities.

Category E

Death or disability arising as a result of:-

(a) enemy action in international war.
(b) action during deployment with a peacekeeping mission abroad.
(c) border skirmishes.
(d) during laying or clearance of mines including enemy mines as also minelaying operations.
(e) on account of accidental explosions of mines while laying operationally or laying/laying minefield laid by the enemy or own forces in operational areas near international borders or the line of control.
(f) war-like situations, including cases which are attributable to/aggravated by:-
(i) extremist acts, exploding mines etc. while on way to an operational area
(ii) battle inoculation training exercises or demonstration with live ammunition.
(iii) kidnaping by extremists while on operational duty.

(2) Paying overtime involved in rendering of war plans and implementation of OPR instructions inclusive of military exercises.
(3) Paying combat and Tattal duties in preparation of war.

[Some numbers are visible on the page]
(g) An act of violence/attack by extremists, anti-social elements etc while on operational duty.

(h) Action against extremists, antisocial elements, etc. Death/disability while employed in the aid of civil power in quelling agitation, riots or revolt by demonstrators will be covered under this category.

(i) Operations specially notified by the Govt from time to time.

4.2. Cases covered under category ‘A’ would be dealt with in accordance with the provisions contained in the Ministry of Defence letter No. 1(5)88/D(Pena/Services) dated 3.2.98 and cases under category ‘B’ to ‘E’ will be dealt with under the provisions of this letter.

Notes:

(i) The illustrations given in each category are not exhaustive. Cases not covered under these categories will be dealt with as per Entitlement Rules to casually pensionary awards in vogue.

(ii) The question whether a death/disability is attributable to or aggravated by military service will be determined as per provisions of the Pension Regulations for the Armed Forces and the Entitlement Rules in vogue as amended from time to time.

(iii) In case of death while in service which is not accepted as attributable to or aggravated by Military Service or death after retirement/discharge/invalidment, Ordinary Family Pension shall be admissible as specified in Min of Def letter No 1(6)/98/D(Pen/Ser) dated 03 Feb 98 as modified vide Ministry of Defence letter No. 1(1)/99/D(Pen/Ser) dated 7.6.99.

PART III - FAMILY PENSIONARY BENEFITS IN
ATTRIBUTABLE/AGGRAVATED CASES

5. Special Family Pension (SFP)

5.1 In case of death of an Armed Forces Personnel under the circumstances mentioned in category "B" or "C" of Para 4 above, Special Family Pension shall continue to be admissible to the families of such personnel under the same conditions as in force hitherto. There shall be no condition of minimum service on the date of death for grant of Special Family Pension.

5.2 The Special Family Pension shall be calculated at the uniform rate of 60% of Reckonable Emoluments as defined in para 3 above, subject to a minimum of Rs. 2550/-. Irrespective of whether widow has child(ren) or not. There shall be no maximum ceiling on Special Family Pension. Ministry of Defence order No. P. PC 1(2)/87/DP(DPent-C) dated 22.3.96 stands amended accordingly.

5.3 In case the children become the beneficiary, the Special Family Pension at same rate (i.e., 60% of Reckonable Emoluments) shall be admissible to the senior most eligible child till he/she attains the age of 25 years or up to the date of his/her marriage whichever is earlier. Thereafter Special Family Pension shall pass on to next eligible child.

Notes:

(i) Widowed divorced daughters upto the age of 25 years or marriage whichever is earlier shall also be included in the definition of family for the purpose of Special Family Pension.

(ii) In case the eligible child is physically or mentally handicapped and unable to earn a livelihood, the Special Family Pension would be admissible for life to such a child subject to same conditions as in force hitherto.

5.4 In case of personnel below officer rank, the existing provisions of nominating anyone from the eligible members of the family (except dependant brothers/sisters) for the first life award of Special Family Pension and of transferring the same in full to the widow regardless of her financial position in the event of death of parents, where they were nominated as the original awardees, shall continue.

5.5 Families of SSCOs and ECOs who die under circumstances mentioned in category 'B' & 'C' of para 4.1 above shall also be entitled to Special Family Pension as per para 5.1 above.

5.6 Dependant Pension in respect of Officers (including MNS Officers, TA Officers & ECOs/SSCOs): Dependent pension shall be admissible to the parent(s)/eligible brothers and sisters (in the absence of parents) of the deceased Officers, who die under circumstances as mentioned in para 5.1 above as a bachelor or
widower without children, at a rate equal to 50% of notional Special Family Pension that would have been admissible as per para 5.2 above.

Notes: (1) Condition as laid down in para 5.3 above regarding age limit and marriage shall equally apply to dependant brothers/sisters for grant of dependant pension which shall be paid to the senior most eligible brother/sister at a time.

(2) The condition regarding ‘means limit was dispensed with vide MOD letter No.1(5)/87/D(Pen/Ser) dt. 30.10.87.’ Status quo ante will continue.

5.7 Second life award in respect of PPOR including NCs(E) Second Life Awards (Special Family Pension) shall be admissible to the parent(s) of the deceased irrespective of single or both and in the absence of the parents, to the eligible brothers and sisters of the deceased, at the rates specified in para 5.6 above and the condition specified in the note thereunder.

5.8 Special Family Pension on Remarriage of Widow: Special Family Pension on remarriage of widow, shall be regulated as follows:

(a) Commissioned Officers

(i) If she has child(ren):-

(aa) If she continues to support children after remarriage

(ab) If she does not support children after remarriage

(ii) If widow has no children

Full Special Family Pension to continue to widow.

Ordinary Family Pension (OFP) equal to 50% of emoluments last drawn to the re-married widow; 50% of the Special Family Pension to the eligible children.
(b) PBOR

(i) **If Special Family Pension is sanctioned to the Widow**
   - same provisions as applicable to officers.

(ii) **Where first life award is sanctioned to parents:**

<table>
<thead>
<tr>
<th>Condition</th>
<th>PBOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(aa) If widow continues to support children after re-marriage or has no issues</td>
<td>50% of SFP to parents&lt;br&gt;50% of SFP to widow</td>
</tr>
<tr>
<td>(ab) If widow does not support children after re-marriage but the children are supported by the parents</td>
<td>Full SFP to parents&lt;br&gt;Ordinary Family Pension to widow</td>
</tr>
<tr>
<td>(ac) If children are not supported either by the re-married widow or the parents</td>
<td>50% of SFP to parents&lt;br&gt;50% SFP to eligible children&lt;br&gt;Ordinary Family Pension to widow</td>
</tr>
<tr>
<td>(ad) On death or disqualification of parents and the widow supports the children or has no issues</td>
<td>Full SFP to widow</td>
</tr>
<tr>
<td>(ae) On death or disqualification of parents and the widow does not support the children</td>
<td>Full SFP to eligible children&lt;br&gt;Ordinary Family Pension to widow</td>
</tr>
</tbody>
</table>

6. **Liberalised Family Pension (LFP)**

6.1 In case of death of an Armed Forces Personnel under the circumstances mentioned in category "D" & "E" of para 4.1 above, the eligible member of the family shall be entitled to Liberalised Family Pension equal to reckonable emoluments last drawn as defined in para 5.1 above, both for officers and PBOR. Liberalised Family Pension at this rate shall be admissible to the widow in the case of officers and to the nominated heir in the case of PBOR until death or disqualification.

6.2 If the Armed Forces Personnel is not survived by widow but is survived by child/children only, all children together shall be eligible for Liberalised Family Pension at the rate equal to 60% reckonable emoluments as defined in Para 5.2. Liberalised Family Pension shall be payable to the child/children for the period during which they would have been eligible as in the case of Special Family Pension. The Liberalised Family Pension shall be paid to the senior most eligible child at a time. On his/her death/disqualification it will pass on to next eligible child. The provision of para 5.3 (except rates) will be applicable here also.
Note. In view of the rationalisation of Liberalised Family Pension and provisions on re-marriage of widow, Children Allowance will not be payable in addition to Liberalised Family Pension.

6.3 Families of SSCO's and ECO's who die under circumstances mentioned in category 'D' and 'E' of para 4.1 above shall also be entitled to Liberalised Family Pension as per para 6.1 above.

6.4. Dependent pension (Liberalised) in respect of Commissioned Officers (including MNS officers, TA officers and ECOs/SSCOs): Where an officer dies as a bachelor or as a widower without children under the circumstances mentioned in para 4.1 'D' & 'E' above, Dependent Pension (liberalised) shall be admissible to parents without reference to their pecuniary circumstances at the rate of 75% of Liberalised Family Pension for both parents and at the rate of 60% of Liberalised Family Pension for single parent. On the death of one parent, dependent pension at the latter rate shall be admissible to the surviving parent. In the absence of parents, dependent pension shall be admissible to dependent brother(s)/sister(s) if otherwise eligible, at the rate of 60% of LFP.

Note. Condition as laid down in Para 5.3 above regarding age limit and marriage shall equally apply to dependent brother/sister for grant of dependent pension which shall be paid to the senior most eligible brother/sister at a time.

6.8. Second life award (Liberalised Family Pension) in respect of PBOR including NCs(E): Second life award in respect personnel below officer rank who die under the circumstances mentioned in para 4.1 'D' & 'E' above shall be regulated as under:

(a) If the first recipient (other than the parents) of the family pensionary award dies/disqualified earlier than 7 years (counting from the date of casualty), the award will be continued at the same rate to the parents as second life award, if still alive, for the balance of 7 years without any reduction. After the initial period of 7 years, the second life award will be continued at the rate of 60% of the Liberalised Family Pension.

(b) Where the first life award was given to a parent and the widow remarries, the Liberalised Family Pension shall be regulated depending upon the period of widow's remarriage as follows:

(i) If Widow continues to support the children or has no children: Widow will get family pension equal to Special Family Pension (ie, 60% of liberalised family pension or reckonable emoluments) from the date of remarriage and the parents will also get family pension at the rate of 60% of liberalised family pension for the balance of 7 years if the remarriage of widow takes place during 7 years of casualty. After the period of seven years or where remarriage of widow took place after seven years, widow will get family pension @ 60% liberalised...
family pension and parents will get family pension at the rate of 30% of liberalised family pension. On death or disqualification of parents, widow will get family pension equal to the liberalised family pension for life.

(II) If widow does not support the children: Widow will get Ordinary Family Pension (ie 30% of reckonable emoluments) for life from the date of remarriage and the parents will continue to get first life award at the same rate (ie, full liberalised family pension) for balance of seven years where remarriage takes place within 7 years of casuality, provided they support the children. Otherwise, the entitlement of parents will be equally divided between the parents and children. After the period of 7 years or where remarriage of widow takes place after seven years of casuality, parents will get family pension at the rate of 60% of liberalised family pension provided they support the children, otherwise it will be divided equally between the parents and the children. On death/disqualification of parents of deceased service personnel, the senior most eligible child will get family pension at the rate of 60% of liberalised family pension.

Note: Wherever children become beneficiary the award will be continued for a period and subject to conditions as applicable for grant of Special Family Pension. Provisions of Para 5.3 above shall also apply.

6.6 Liberalised Family Pension on re-marriage of widow: Liberalised Family Pension on remarriage of widow, shall be regulated as follows:

(a) Commissioned Officers

(i) If she has children:

(aa) if she continues to support children after remarriage:

- Full Liberalised Family Pension to continue to widow

(ab) if she does not support children after remarry:

- Ordinary Family pension at 30% to widow.
- Special Family Pension at 60% to eligible children

(ii) If widow has no children

- Full Liberalised Family Pension to continue to widow
(b) PBOR

(i) If Liberalised Family Pension is sanctioned as first life award to the Widow: same provisions as at (a) above shall be applicable.

(ii) Where first life award is sanctioned to parents: The admissibility of Liberalised Family pension in such cases would be regulated as mentioned in Para 6.5 (b) above.

PART IV - DISABILITY/WAR INJURY PENSIONARY AWARDS

7. Disability pension on invalidation:

7.1 Where an Armed Forces Personnel is invalidated out of service under circumstances mentioned in category 'B' & 'C' of Para 4.1 above which is accepted as attributable to or aggravated by Military Service, he/she shall be entitled to disability pension consisting of service element and disability element as follows:

(i) Service Element:

(i) Commissioned Officers: The amount of service element shall be equal to the retiring pension determined as per para 6.1(c) of this Ministry's letter No 1(6)/98/D(Pen/Sea) dated 03 Feb 98. For this purpose the reckonable qualifying service shall mean the actual service rendered by the officer, plus the full weightage appropriate to the rank held at the time of invalidment (except in the case of TA officers) as given in para 5(b) of the Ministry's above said letter dated 03 Feb 98. There shall be no condition of minimum qualifying service having been actually rendered for earning this element, if otherwise due.

(ii) PBOR: Service element will be determined as follows:

<table>
<thead>
<tr>
<th>Length of actual qualifying service rendered (without Weightage)</th>
<th>Entitlement of Service Element</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 years or more (20 years or more in the case of NCs (E))</td>
<td>Equal to normal service pension relevant to the length of qualifying service actually rendered plus weightage of service as given in para 5 &amp; 6 of Ministry's letter dated 03 Feb 98 (bid)</td>
</tr>
<tr>
<td>Less than 15 years (20 years in case of NCs (E))</td>
<td>Equal to service pension as determined as per para 6.2(b) of Ministry's letter dated 03 Feb 98 but it shall in no case be less than 2/3rd of the minimum service pension admissible to the rank/pay group.</td>
</tr>
</tbody>
</table>
Note. The existing provisions in the case of PBOR regarding grant of service element equal to minimum service pension appropriate to the rank and pay group in case where service is less than 15 years (20 years in case of NCs(E)) and the disability is sustained in flying/parachute jumping duty or while being carried on duty in an aircraft under proper authority shall continue.

(ii) (a) Disability Element. The rates of Disability element for 100% disability for various ranks shall be as follows:-

<table>
<thead>
<tr>
<th>Rank</th>
<th>Amount p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Commissioned Officers and Honorary Commissioned Officers of the three services, MNS, TA and DSC</td>
<td>Rs.2600/-</td>
</tr>
<tr>
<td>ii) Junior Commissioned officers and equivalent ranks of the three services, TA and DSC</td>
<td>Rs.1900/-</td>
</tr>
<tr>
<td>iii) Other ranks of the three services, TA and DSC</td>
<td>Rs.1550/-</td>
</tr>
</tbody>
</table>

(b) Disability lower than 100% shall be reduced with reference to percentages as laid down in para 7.2 below. Provided that where permanent disability is not less than 50%, the disability pension (i.e., total of service element plus disability element) shall not be less than 50% of the reckonable emoluments last drawn.

7.2. Where an Armed Forces personnel is invalided out under circumstances mentioned in Para 4.1 above, the extent of disability or functional incapacity shall be determined in the following manner for the purpose of computing the disability element:-

<table>
<thead>
<tr>
<th>Percentage of disability as assessed by invaliding medical board</th>
<th>Percentage to be reckoned for computing of disability element</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 50</td>
<td>50</td>
</tr>
<tr>
<td>between 50 and 75</td>
<td>75</td>
</tr>
<tr>
<td>between 76 and 100</td>
<td>100</td>
</tr>
</tbody>
</table>

8. Disability Element on retirement/discharge.

8.1. Where an Armed Forces Personnel is retained in service despite disability arising/sustained under the circumstances mentioned under category 'B' & 'C' in para 4.1 above and is subsequently retired/discharged on attaining age of retirement or on completion of tenure, he/she shall be entitled to disability element at the rates prescribed at para 7.1.II(a) above for 100% disablement.
8.2 For disabilities less than 100% but not less than 20%, the above rates shall be proportionately reduced. No disability element shall be payable for disabilities less than 20%. Provisions contained in para 7.2 above shall not apply to any disability element otherwise assessed to be attributable to non-service causes or disabilities not attributable to any disability, other than one assessed to be attributable to service causes. Disability actually assessed to be attributable to service causes, other than one assessed to be attributable to service causes, shall not be accepted by the Pension Sanctioning Authority, shall not be reckon for computing disability element.

8.3 Retiring/Service Pension or Retiring/Service Gratuity as admissible as per Ministry of Defence letter No.1(6)/SSD/Pen/Services dated 03 Feb 98 shall be payable in addition to disability element from the date of retirement/discharge.

Note: An Armed Forces Personnel who retires voluntarily or seek discharge on request shall not be eligible for any award on account of disability. Provided that Armed Forces Personnel who is due for retirement/discharge on completion of tenure, or on completion of service limits or on completion of the terms of engagement or on attaining the prescribed age of retirement, and who seeks pre-mature retirement/discharge on request for the purpose of getting higher commutation value of pension, shall remain eligible for disability element.

9. Lumpsum Compensation in lieu of Disability Element

9.1 In case a person belonging to the Armed Forces is found to have a disability which is sustained under the circumstances mentioned under category “B” & “C” in para 4.1 above which is assessed at 20% or more for life but the individual is retained in service despite such disability, he/she shall be paid a compensation in lumpsum (in lieu of disability element) equal to the capitalised value of disability element on the basis of disability actually assessed (i.e. provisions of para 7.2 above shall not apply). The rates of disability element for calculating capitalised value shall be as laid down in para 7.1(1)(b)(a). The above rates shall be proportionately reduced for lesser percentage of disability. The age next birthday will be reckoned with reference to the date of onset of disability with loading of age, if any, recommended by the Disability Compensation Medical Board. Once a compensation has been paid in lieu of the disability element, there shall be no further entitlement to the disability element for the same disability under the provisions of para 8 above. Such disability shall also not qualify for grant of any pensionary benefits or relief subsequently.

9.2 The provisions mentioned in para 9.1 above shall be applicable to casualties on or after 01 Jan 98.
10. War Injury Pension on Invalidment

10.1 Where an Armed Forces Personnel is invalided out of service on account of disabilities sustained under circumstances mentioned in category 'E' of para 4.1 above, he/she shall be entitled to War Injury Pension consisting of Service element and War Injury element as follows:

(a) Service Element - Equal to Retiring/Service Pension to which he/she would have been entitled on the basis of his/her pay on the date of invalidment but counting service up to the date on which he/she would have retired in that rank in normal course including weightage as admissible. Provisions of para 8 of Ministry of Defence letter No. 1(6)/93/D(Pens/Ser) dated 3/2/98 shall apply for calculating Retiring/Service Pension. There shall be no condition of minimum qualifying service for earning this element.

(b) War Injury Element - Equal to reckonable emoluments last drawn for 100% disablement. However, in no case the aggregate of Service element and War Injury element should exceed last pay drawn. For lower percentage of disablement, War Injury element shall be proportionately reduced.

Note: Provisions contained in paras 7.2 shall equally apply to individuals invalided out under the circumstances mentioned in category 'D' and 'E' of para 4.1 above for calculating War Injury element of War Injury Pension.

10.2 Provisions contained in para 7.2 shall equally apply to individuals invalided out under the circumstances mentioned in category 'D' and 'E' of para 4.1 above for calculating War Injury element of War Injury Pension.

10.3 Retirement gratuity admissible on invalidment due to war injury shall be calculated on the basis of reckonable emoluments on the date of invalidment but counting service up to the date on which he/she would have normally retired in that rank plus weightage as applicable (total not exceeding 33 years). Other provisions of Retirement Gratuity contained in para 12.1 of Min of Def letter No 1(6)/98/D(Pens/Ser) dated 03 Feb 98 shall equally apply.

11. War Injury Pension on Retention in Service

11.1 Armed forces personnel who are retained in service despite the disability due to war injury sustained under circumstances mentioned in Category 'E' of para 4.1 above, and retire subsequently will have an option as follows to be exercised with in a period as prescribed by the Government from time to time:

(a) to draw lumpsum compensation in lieu of War Injury element, foregoing war injury element at the time of subsequent retirement/discharge; or

(b) to draw war injury element at the time of retirement In addition to Retiring/service pension admissible on retirement/discharge foregoing lumpsum compensation.

Amended vide MOD No 109/1/2011-D(MoD)(Res) dt 11-7-2013
11.2 Lumpsum Compensation in lieu of War Injury Pension

In case an Armed Forces Personnel is found to have a disability which is sustained under the circumstances mentioned in category 'E' in para 4.1 above which is assessed at 20% or more for life but the individual is retained in service despite such disability and opts for lump sum compensation, he shall be paid the lumpsum compensation in lieu of war injury element. The rates for calculation of lumpsum compensation in lieu of war injury element for 100% disability for life will be as under:

(a) Commissioned Officers and Hony. Commissioned Officers of the three services, MNS, TA and DSC - Rs. 5200/-

(b) JCOs and equivalent ranks of the Air Force, Navy, TA and DSC - Rs. 3800/-

(c) Other ranks/ NCOs(E) and equivalent rank of Air Force, Navy, TA - Rs. 3100/- and DSC

For disability due to war injury of less than 100% the rates shall be proportionately reduced. The one time compensation in lump sum in lieu of War Injury element will be equal to the capitalised value of War Injury element which shall be calculated in accordance with Regulation 344 of the Pension Regulations for the Army (and similar corresponding provisions in the Pension Regulations for the Air Force and the Navy) and will be equal to the capitalised value of war injury element for the actual percentage of the disability at the appropriate rate mentioned in para 11.2 above. For this purpose, the rank shall be the rank held at the time of injury sustained by the individual due to war. Age next birthday will be reckoned with reference to the date of onset of disability with loading to age, if any, recommended by the competent Medical Board.

Compensation in lieu of war injury element will be payable provided the degree of disablement is equal to or more than 20%. Once the compensation in lieu of war injury element due to disability for life has been paid, there shall be no further entitlement on account of such a disability at the time of retirement/discharge from the Armed Forces. Since this is one time payment on account of compensation, no restoration will be permitted.

11.3 The provision contained in para 11.2 above shall be applicable to casualties occurring on or after 01 Jan 98.

11.4 War Injury Element on subsequent retirement: Where an Armed Forces personnel is retained in service despite injury/disability sustained under the circumstances mentioned in category 'E' of para 4.1 above and does not opt for lumpsum compensation in lieu of war injury, he/she shall be entitled to the payment of war injury element on a monthly basis at the rates prescribed under Para 11.2 above or subsequent retirement/discharge or on completion of the term of engagement.
11.5 For disabilities less than 100% but not less than 20%, the above rates shall be proportionately reduced. No war injury element shall be payable for disabilities less than 20%. Provisions contained in para 7.2 above shall not be applicable for computing war injury element. Disability actually assessed by the duly approved Release Medical Board/Invaliding Medical Board shall reckon for computing war injury element.

11.6 Retiring/Service Pension or Retiring/Service Gratuity admissible as per Ministry of Defence letter No 1(6)/98/D(Plan/Services) dated 03 Feb 98 shall be payable in addition to war injury element from the date of retirement/discharge.

Note. An Armed Forces Personnel who retires voluntarily or seek discharge on request shall not be eligible for any award on account of disability. Provided that Armed Forces Personnel who is due for retirement/discharge on completion of tenure, or on completion of service limits or on completion of the terms of engagement or on attaining the prescribed age of retirement, and who seeks premature retirement/discharge on request for the purpose of getting higher commutation value of pension, shall remain eligible for disability element.

12. Liberalised Disability Pension in respect of Armed Forces Personnel sustaining disability under the circumstances mentioned in Category ‘D’ of Para 4.1 above.

Armed Forces personnel sustaining disability under the circumstances mentioned in category ‘D’ of Para 4.1 above shall be entitled to same pensionary benefits as admissible to war injury cases on invalidment/retirement/discharge including lumpsum compensation in lieu of disability, as mentioned in paras 10 and 11 above. However, on invalidment they shall be entitled to disability element instead of war injury element in addition to service element. The service element will be equal to retiring/service pension to which he/she would have been entitled on the basis of his/her pay on the date of invalidment but counting service upto the date on which he would have retired in that rank in the normal course including wastage as admissible. Provisions of para 6 of Ministry of Defence letter No.1(6)/98/D(Plan/Services) dated 3.2.98 shall apply for calculating retiring/service pension. There shall be no condition of minimum qualifying service for earning this element. The disability element would be admissible as laid down in para 7.1(ii)(a) above. For lower percentage of disablement, this amount shall be proportionately reduced. However, in no case aggregate of service element and disability element shall be less than 80% of reckonable emoluments last drawn.

Note. Armed Forces personnel sustaining disability under the circumstances mentioned in Category ‘D’ of Para 4.1 above shall not be treated as War Disabled. Hence they will not be entitled to any special concession/dispensation otherwise available to War Disabled.

15
Constant Attendance Allowance

13. Constant Attendant Allowance shall continue to be admissible under the conditions as hitherto. However, it shall be admissible at a uniform rate of Rs 600/- pm, irrespective of the rank.

GENERAL - PART V

Rounding off of Pensionary Awards

14. The amount of various pensionary awards admissible as per this letter shall be rounded off to the next higher rupee by the Pension Sanctioning Authorities.

Minimum/Maximum Pension

15. If the amount of any monthly pension (excluding Constant Attendance Allowance), admissible under the provisions of this letter works out to less than Rs. 1275/- pm, it shall be stepped up to Rs. 1275/- pm and authorised for payment at this rate. Disability element shall not be taken into account for the purposes of stepping up of service element to the minimum level of Rs. 1275/- pm. In cases where disability element is paid in isolation, it shall not be stepped up to the minimum level of Rs. 1275/- pm. There will be no maximum ceiling on the amount of pension.

Dearness Relief

16. Dearness Relief shall be admissible only beyond average CPI 1510 on the revised pattern introduced vide Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioners' Welfare Office Memorandum No 42/2/97-P&PW(G) dated 27 Oct 97 on various types of pension/family pension admissible under the provisions of this letter.

Procedure for sanction of Revised Pension in respect of those who already retired

17. The procedure for revision of pensionary awards as per provisions of this letter, in respect of those who have already retired on or after 1.1.96 and in whose cases pensionary benefits at pre-revised rate have already been notified will be prescribed by the Pension Sanctioning Authority and intimated to service Headquarters and Record Offices.

18. Pension Regulations of the three Services will be amended in due course.
This issue with the concurrence of the Finance Division of this Ministry vide their U.O. No. 268/Pen/2001 dated 31.1.2001.

Hindi version will follow.

Yours faithfully,

(SUDHAKER SHUKLA)
Director (Pensions)

Copy to:

1. President’s Secretariat
2. Vice President’s Secretariat
3. Prime Minister’s Office
4. The Controller of Defence Accounts
5. The Principal Controller of Defence Accounts (Pensions), Allahabad
6. Controller of Defence Accounts (Pension Disbursement), New Delhi
7. Controller of Defence Accounts (Navy), Mumbai
8. Controller of Defence Accounts (Air Force), New Delhi
9. Controller of Defence Accounts (O), Pune
10. The Director of Audit, Defence Services, New Delhi
11. Army Hqrs/AG/PS 4
12. Naval Hqrs/DPA
13. Air Hqrs/DPP&R and DPA
14. TA Directorate/AHQ
15. Director General of Resettlement
16. Department of Pensions and Pensioners’ Welfare
17. Department of Expenditure/Ministry of Finance (E-5 Section)

Internal Distribution :-

1. PS to RM
2. SO to Defence Secretary/Secretary (DP)/SA to RM
3. AS(M)
4. JS (ESW)
5. Addl. FA(P)
6. Dir (Fin/Pens)
7. DFA (AG)
8. D (Ch-III)/D/(GS-VI)/D (Res)/PG Call
9. Director of Public Relations
10. Editor-in-Charge, Samachar
11. D (Pen A/C)
No. 1(2)/97/D(Pen-C)
Government of India
Ministry of Defence

New Delhi, dated the 17th June, 2001

CORRIGENDUM

The word 'ante' occurring after the words status quo in note 2 below para 5.3 of this Ministry's letter No. 1(2)/97/D(Pen-C) dated 31.1.2001 stands deleted.

This corrigendum issues with the concurrence of the Ministry of Defence (Finance/Pensions) vide their U.O. No. 1583/Pens dated 30.5.2001.

(P.J. Mathew)
Under Secretary to the Govt. of India

To

The Chief of the Army Staff
The Chief of the Air Staff
The Chief of the Naval Staff

Copy to:

1. President's Secretariat
2. Vice President's Secretariat
3. Prime Minister's Office
4. The Controller General of Defence Accounts
5. The Principal Controller of Defence Accounts (Pensions), Allahabad
6. Controller of Defence Accounts (Pension Disbursement), New Delhi
7. Controller of Defence Accounts (Navy), Mumbai
8. Controller of Defence Accounts (Air Force), New Delhi
9. Controller of Defence Accounts (C), Pune
10. The Director of Audit, Defence Services, New Delhi
11. Army Hqrs./DG/DPA
12. Naval Hqrs./DPA
13. Air Hqrs./DPVIR and DPA
14. TA Directorate/AHQ
15. Director General of Resettlement
16. Department of Pensions and Pensioners' Welfare
17. Deptt. of Expenditure/Ministry of Finance (E-5 Section)
18. JDA/PPS(D)

Internal Distribution:

1. FS to RM
2. SO to Def. Secretary/Secretary(DP)/SA to RM
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4. JS(DBA)
5. Addl. FA(P)
6. Dir.(Fin/Pens)
7. LDF(AS)
8. D(Civ-I)/D(GS-VI)
9. Director of Public Relations
10. Editor-in-Charge, Sandesh Samachar
11. D(Pen-A/C)
Government of India
Ministry of Defence
Department of Ex-Servicemen Welfare

New Delhi, 8th Sept. 2009

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

Subject: Implementation of the Government decision on the recommendations of the fifth CPC regarding disability pensions, war injury pension, special family pension, liberalized family pension, dependent pension, liberalized dependent pension for the Armed Forces Officers and Personnel Below Officer Rank.

Sir,

The undersigned is directed to refer to this Ministry’s letter No.1[11]2006-D(Pen-C) dated 31.1.2001 in terms of Para 4.1 of which various categories have been enumerated for determining the pensionary benefits for death or disability under different circumstances due to attributable or aggravated causes. One of the circumstances enumerated under Category ‘E’ (i) (ii) of the said para is ‘Battle inoculation training exercise or demonstration with live ammunition’. However, a doubt has been raised in regard to the nature of cases to be covered under battle inoculation training exercises. The matter has been examined in this Ministry and it has been decided that the term “Battle Inoculation Training Exercise” will cover the following two categories:

(a) Flying operation involved in rehearsing of war plans and implementation of OP instructions inclusive of international exercises.
(b) All combat and Tactical Services in preparation of war.

2. Cases already settled prior to the date of issue of this letter will not be reopened.

3. This issues with the concurrence of Defence (Finance) vide U.O.No.2560/Fin(Pen) dated 7.6.2009.

4. Hindi version will follow.

Yours faithfully,

(Harman Singh)
Director (Pen/Policy)

Copy to: As per standard distribution list
No. 16(5)/2008(D/Pen/Policy)
Government of India
Ministry of Defence
Dept. of Ex-Service Men Welfare

New Delhi, 29th Sept, 2009

To:
The Chief of the Army Staff,
The Chief of the Naval Staff,
The Chief of the Air Staff

Subject: Implementation of Government decision on the recommendations of the Sixth Central Pay Commission - Revision of provisions regulating Pensionary Awards relating to disability pension/war injury pension etc for the Armed Forces Officers and Personnel Below Officer Rank (PBOR) on voluntary retirement/discharge on own request on or after 1.1.2008.

Sir,

The undersigned is directed to refer to Note below Par 8 and Par 11 of this Ministry’s letter No. 1(2)/97(D/Pen-C) dated 31.1.2001, wherein it has been provided that Armed Forces personnel who retire voluntarily or seek discharge on request, shall not be eligible for any award on account of disability.

2. In pursuance of Government decision on the recommendations of the Sixth Central Pay Commission vide Par 5.1.69 of their Report, President is pleased to decide that Armed Forces personnel who are retained in service despite disability, which is accepted as attributable to or aggravated by Military Service and have foregone lump-sum compensation in lieu of that disability, may be given disability element/war injury element at the time of their retirement/discharge whether voluntary or otherwise in addition to Retirement/Service Pension or Retiring/Service Gratuity.

3. The provisions of this letter shall apply to the Armed Forces personnel who are retired/discharged from service on or after 1.1.2008.

4. Pension Regulations for the three Services will be amended in due course.

5. This letter issues with the concurrence of Ministry of Defence (Fin) vide their U.O.No.3545(Fin/Pen) dated 29.9.2009.

6. Hindi version will follow.

Yours faithfully,

(Handwritten Signature)

Director (Pen/Policy)

Copy to:-
As per standard list.
No. 2(1)/2011-D(Pen/Policy)
Government of India
Ministry of Defence
Department of Ex-servicemen Welfare

New Delhi  Dated 3 Feb 2011

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

Subject: Implementation of the Government decision on the recommendations of Fifth CPC regarding disability pension/war injury pension/special family pension/liberalized family pension/dependent pension/liberalized dependent pension for the Armed Forces Officers and Personnel Below Officer Rank

Sir,

The undersigned is directed to refer to this Ministry’s letter No. 1(2)/07/D(Pen C) dated 31-1-2001, in terms of Para 4.1 of which various categories have been enumerated for determining the pensionary benefits for death or disability under different circumstances due to attributable or aggravated causes. Certain references were received in this Ministry from Services HQs and Pension Sanctioning Agencies for clarifying various circumstances required to be covered under category ‘D’ & ‘E’ of Para 4.1 of this Ministry’s letter dated 31.1.2001. The matter has been examined in this Ministry and it has been decided to cover following circumstances under category ‘D’ and ‘E’ of Para 4.1 of this Ministry’s letter dated 31.1.2001, as mentioned below:

Under Category ‘D’

Death or disability arising as a result of-

(i) Unintentional killing by own troops during the course of duty in an operational area.
(ii) Electrocution/attacks by wild animals and snake bite/drowning during course of action in counter insurgency/war.
(iii) Accidental death/injury sustained due to natural calamities such as flood, avalanches, landslides, cyclone, fire and lightning or drowning in river while performing operational duties/movement in action against enemy forces and armed hostilities in operational area to include deployment on international border of line of control.
Under Category 'E'

(g) Death or disability arising as a result of poisoning of water by enemy agents while deployed in operational area in active hostilities.

2. Cases already settled prior to the date of issue of this letter will not be reopened.

3. This issues with the concurrence of Finance Division of this Ministry vide their U.O. No. 107/F/P/10 dated 28.1.11.

4. Hindi version will follow.

Yours faithfully,

[Signature]

(Malathi Narayanan)
Under Secretary (Pensions/Policy)

Copy to: AO 8/119

As per the standard distribution list.
No. 1(7)/2011/Dr(Pen/Pol)
Government of India
Ministry of Defence
Department of Ex-servicemen Welfare

Dated: 1st July, 2011

To,
The Chief of the Army Staff
The Chief of the Naval Staff
The Chief of the Air Staff

Curriculum

Subject: Implementation of the Government decision on the recommendations of the 6th Central Pay Commission regarding Disability Pension/ War Injury Pension/ Special Family Pension/ Liberalised Family Pension/ Dependent Pension/ Liberalised Dependent Pension for the Armed Forces Officers and Personnel Below Officer Rank retiring, invaliding or dying in harness on or after 1.1.1996.

Sir,

I am directed to invite your reference to MOD letter No. 1(9)/78/Fin(C) dated 31.01.2001 as amended vide letter No. 858/2001/D(Pen/Policy) dated 21.02.2008 on the subject mentioned above and to say that it has now been decided with the approval of competent authority to amend the note below para 10.1 of MOD letter under reference as under:-

Para:- 1. Provisions contained in para 10.1(a) shall also be applicable in case of ECOSSC Officers who otherwise fulfill condition for entitlement to War Injury Pension.

Result:- Provisions contained in para 10.1(a) and (b) shall also be applicable in case of ECOSSC Officers who otherwise fulfill condition for entitlement to War Injury Pension.

2. This issue with the concurrence of Ministry of Defence (Finance) vide ID No. 26(4) 2009/Fin/Pen dated 30.06.2011

[Signature]
(Madhulata Narayanan)
Under Secretary to the Government of India

[Copy to: A.O., D/Res/DF/OF]