

CPL (46)

GOVERNMENT OF INDIA
MINISTRY OF SHIPPING, ROAD TRANSPORT & HIGHWAYS
DEPARTMENT OF ROAD TRANSPORT & HIGHWAYS
BORDER ROADS DEVELOPMENT BOARD

4th Floor 'B' Wing
Sena Bhavan,
NEW DELHI

F. No. BRDB/04 (224)/2006-GE.II

Dated 14th January, 2009

To

The Director General Border Roads
Seema Sadak Bhawan
Ring Road, Delhi Cantt.
NEW DELHI - 110 010

SUBJECT: Grant of ex-gratia payment for Casual Paid Labourers working in BRO.

Sir,

I am directed to convey the sanction of the President of India for grant of ex-gratia lumpsum compensation payable to the NOKs of Casual Paid Labourers who die as a result of accident / acts of violence by terrorists, naxalities, insurgents, anti social elements or are disabled due to an accident at the work site / acts of violence by terrorists, naxalities, insurgents and anti social elements while performing their duty during their engagement on muster roll. Casual Paid Labourers who have worked at least for a total of 179 days in the service of BRO as on the date of the accident leading to death / disablement of CPL, will be entitled for payment of ex-gratia grant under this scheme.

2. Ex-gratia lump sum compensation will be paid to the labourers on sustaining any injury or death after finalisation of the Inquiry. The Inquiry Committee will consist of three officers namely Accounts Officer, Medical Officer and IC RCC and will recommend the category in the scheme under which the amount of compensation can be paid to the NoK of CPL. Claims shall be processed alongwith supporting documents like FIR, Post Mortem Report, Death Certificate (in case of death), Medical documents, if any. Part II Orders notifying the death / injury casualty, recommendation of Officer Commanding RCC, Task Force Commander, Committee and Chief Engineer (Project). The details / modalities are given in SOP enclosed as Appendix-'A'.

3. The rates of ex-gratia in case of death or injury are as under:-

(A) **IN THE CASE OF DEATH**

Rs.2.00 lakh.

Death occurring due to accident in the course of performance of duties or attributable to acts of violence by terrorists, naxalities, insurgents, anti social elements etc. in course of performance of duties or death while performing his duty during his engagement on muster roll.

-1-

M. J. Singh
Joint Secretary
Ministry of Shipping, Road Transport & Highways
4th Floor, Sena Bhawan
New Delhi - 110 010

IN THE CASE OF PERMANENT DISABLEMENT

- Permanent total disablement (100% disability)

Rs.1.50 lakh

(C) IN THE CASE OF PARTIAL DISABLEMENT

Rs.1.00lakh x %age
of loss of earning
capacity as per
Annexure-I to
Appendix - 'A' or as
assessed by the
competent medical
authority wherever
not listed.

4. Claims should be submitted duly concurred by AO / ACDA concerned.

5. Director General Border Roads will be the sanctioning authority for payment of ex-gratia grant under this scheme. These powers will be exercised in consultation with IFA/BR.

6. The payment will be made through District Administration of the concerned District.

7. The expenditure involved will be debitable to Major Head / Job under which the affected CPL was working.

8. The above payment will be made in addition to the Workmen's Compensation as applicable as per Workmen Compensation Act, 1923.

9. No compensation is entitled to CPLs on account of death and disability due to acts of suicide.

10. These orders will take effect from the date of issue of this letter.

11. This issues with the concurrence of Ministry of Defence (Fin/BR) vide their ID No. 19(3) BR-S/07/(54/09) dated 14th January, 2009.

Yours faithfully,

(Manmohan Pipil)

Under Secretary to the Govt. of India

Copy to:-

All Concerned

Appendix - 'A'

(Refer Para 2 of BRDB letter
No. BRDB/04(224)/2006-GE.II
Dated 14th January, 2009

**STANDARD OPERATING PROCEDURE FOR PROCESSING OF CLAIMS OF
EX-GRATIA PAYMENT FOR CASUAL PAID LABOURERS WORKING IN
BORDER ROADS ORGANISATION**

AIM

1. Casual Paid Labourers (CPLs) are employed by BRO Projects for construction of roads in forward / border areas as per Government of India, Ministry of Transport & Communications, BRDB letter No. F.4(91)/BRDB/61 dated 31 July 1962. As per Para 514 of Border Roads Regulations, the CPLs are governed by the Workmen Compensation Act, 1923. It has further been decided by the competent authority that ex-gratia lumpsum compensation to CPLs will be granted in case of disability due to injury and to NOK in case of death during the course of their employment. The aim of this Standard Operating Procedure (SOP) is to lay down detailed procedure for preparation and processing of the claim of ex-gratia lumpsum compensation.

ELIGIBLE CATEGORIES OF CPLs

2. Casual Paid Labourers, MRW (Muster Roll Workers) who die as a result of accident / acts of violence by terrorists, naxalities, insurgents, anti social elements or are disabled due to an accident at the work site / acts of violence by terrorists, naxalities, insurgents, anti social elements or die / disabled while performing their duty during their engagement on muster roll and who have worked at least for a total of 179 days in the service of BRO as on the date of the accident leading to death / disablement of CPL, will be entitled for payment of ex-gratia grant under this scheme.

AMOUNT OF EX-GRATIA

3. (a) Death occurring due to accident in the course of performance of duties or attributable to acts of violence by terrorists, naxalities, insurgents anti social elements etc. in course of performance of duties or death while performing his duty during his engagement on muster roll. - Rs.2.00 lakh
- (b) Permanent total disablement (100% disability). - Rs.1.50 lakh
- (c) Partial disablement - Rs.1.00lakh x %age of loss of earning capacity as per Annexure to Appendix or as assessed by the competent medical authority wherever not listed.

DEFINITION OF NOK

The definition of NOK under this scheme will be the same as in the Workmen's Compensation Act, 1923.

PROCESSING OF COMPENSATION CLAIMS

4 As soon as a case of death or injury involving a CPL during the course of employment with BRO comes to notice of the Officer Commanding Unit (RCC, BCC or the concerned unit), he shall take action as enumerated in succeeding paragraphs:-

5. Where the CPL dies in an accident / acts of violence by terrorists, naxalities, insurgents anti - social elements etc.

- (a) Lodge a FIR with the nearest police immediately on occurrence of the accident and obtain a copy of the same.
- (b) Obtain death certificate from the medical authority who declared the Labourer as dead.

- (c) The report of the incident will be furnished to the concerned Task Force Commander on the same working day. An Inquiry will be ordered to be carried out by the Committee consisting of three officers: namely Accounts Officer, Medical Officer and In-charge Road Construction Company/BCC within 24 hours of the occurrence of accident / acts of violence by terrorists, naxalities, insurgents, anti - social elements etc. The Inquiry will be held to establish circumstances leading to the accident. The Inquiry Committee will also recommend eligibility for grant of ex-gratia. The Inquiry will be completed within 10 days of death / injury of CPL and proceedings transmitted to the concerned HQ Border Roads Task Force. Inquiry will be scrutinized and recommendation of Commander Task Force be endorsed and forwarded to the Chief Engineer of the concerned Project for his approval. On approval of Inquiry, unit will prepare contingent bill and process ex-gratia claims within 30 days of the accident to the prescribed authority for sanction alongwith the following documents:-

- (i) Contingent bill duly vetted by AO BRTF / ACDA HQ Project.
- (ii) Copy of Three Men Inquiry Proceedings
- (iii) Certified true copy of convening order of Inquiry Proceedings.
- (iv) Recommendation of the Officer Commanding, Task Force Commander and approval of Chief Engineer.
- (v) Original death certificate.
- (vi) Certified true copy of FIR registered with the police authorities.
- (vii) No demand certificate.
- (viii) DO Part II notifying the death casualty.
- (ix) Photocopy of recruitment-cum-medical form.
- (x) Job/Head No against which amount of ex-gratia to be booked (to be shown on contingent bill).
- (xi) All the documents enclosed with the claim will be authenticated.

6. Where the CPL is injured in an accident / acts of violence by terrorists, naxalities, insurgents anti social elements In case of an accident / acts of violence by terrorists, naxalities, insurgents, anti - social elements etc. not resulting in death, eligibility of lumpsum ex-gratia can be established only after permanent disability / partial disablement of the labourer, if any, is assessed. In such cases also the Inquiry Proceedings will be completed and recommendation of Officer Commanding, Task Force Commander and approval of Chief Engineer be given thereon as per the Procedure and timeframe stated in para 5 above. Thereafter, the required documents will also be prepared and kept ready for processing immediately after permanent / partial disablement of CPL is assessed. Such cases will be supported with the following documents:-

- (i) Original medical documents with the percentage of disability as assessed by Competent medical authority.
- (ii) DO Part II notifying injury.
- (iii) All other documents such as certified true copy of FIR and copy of Inquiry Proceeding along with approval of Chief Engineer.

SANCTIONING OF LUMP SUM EX-GRATIA

7. Director General Border Roads will be the sanctioning authority for payment of ex-gratia grant under this scheme.

DISBURSEMENT OF EX-GRATIA PAYMENT

8. Sanction of the competent authority for compensation will be sent to the concerned unit through fastest means. On receipt of sanction, the unit will claim the amount and make disbursement within 10 days of the receipt of sanction. In death and permanent disability cases and in case where payment is to be made to NOK of CPL, the ex-gratia amount will be sent to the DC of the district to which the CPL belongs as per the records held in BRO for further disbursement after verification of NOK. A copy of the forwarding letter to the DC will also be endorsed at the home address of the CPL held in the records of BRO. Cash receipt of NOK, duly countersigned by the DC, or an officer to whom powers have been delegated will be obtained and kept in record.

CONCLUSION

9. The amount of ex-gratia will be deposited with the DC of the concerned District or made to the CPL, as the case may be, within 60 days after the date of its becoming due. In case the payment of ex-gratia remitted to the concerned DC for making payment to the beneficiary (ies) is received back undelivered on the ground that whereabouts of the beneficiary (ies) are not known to the DC or the beneficiary (ies) could not be located despite all efforts, the amount of ex-gratia received back should be deposited into the Government Treasury through TR (Military Receivable Order). Copy of the TR should be forwarded to audit authorities through Budget Section for adjustment of amount in an appropriate manner.

23	Amputation at hip	90
24	Amputation below hip with stump not exceeding (12.70cms) in length measured from tip of great trenchanter	80
25	Amputation below hip with stump exceeding (12.70cms) in length measured from tip of great trenchanter but not beyond middle thigh	70
26	Amputation below middle thigh to (8.89) cms below knee	60
27	Amputation below knee with stump exceeding 8.89 cms but not exceeding (12.70) cms	50
28	Amputation below knee with stump exceeding (12.70) cms	50
29	Amputation of one foot resulting in end-bearing	50
30	Amputation through one foot proximal to the metatarso-phalangeal joint	50
31	Loss of all toes of one foot through the metatarso - phalangeal joint	20
Other Injuries		
32.	Loss of one eye, without complications, the other being normal	40
33	Loss of vision of one eye, without complications or disfigurement of eye-ball, the other being normal	30
34	Loss of partial vision of one eye	10
Loss of Fingers of right or left hand index finger		
35	Whole	14
36	Two phalanges	11
37	One Phalanx	9
38	Guillotine amputation of tip without loss of bone	5
Loss of Middle finger		
39	Whole	12
40	Two Phalanges	9
41	One Phalanx	7
42	Guillotine amputation of tip without loss of bone	4
Loss of Ring of little finger		
43	Whole	7
44	Two phalanges	6
45	One Phalanx	5
46	Guillotine amputation of tip without loss of bone	2
Loss of Toes of right or left foot Great toe		
47	Through metatarso-phalangeal joint	14
48	Part, with some loss of bone	3