

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.218/6/2009/EPS

Dated : 17th February, 2009

To

The Chief Secretaries of all
States and Union Territories.

Sub: Payment of Ex-gratia compensation to the families of polling personnel who die or sustain injuries while on election duty.

Sir,

I am directed to invite a reference to the Commission's letter No. 218/6/2003/PLN-, dated 06-02-2003, in the above matter.

2. In the abovementioned letter, the direction of the Hon'ble Patna High Court in a petition relating to payment of compensation under the insurance coverage to polling personnel was quoted. The said direction is reproduced below for convenience of reference.

“Before parting with the records of the case, the Court would like to observe that in order to avoid any such controversy in future, the Election Commission must insist on a suitable amendment in the cover clause of MOU. It appears to me that in place of the expression “death only resulting solely and directly from accident caused by external violence and any other visible means” the expressions used in Section 3 of the Workman Compensation Act may be substituted, that is to say, “death arising out of and in the course of election duty.”

3. In the light of the above direction of the Hon'ble Patna High Court, the Commission had urged the State Governments to suitably modify the

Memorandum of Understanding, if any, with the insurance companies in connection with the Group Insurance Coverage for polling personnel.

4. From the past experience, it is seen that even in cases of death of polling personnel on election duty, innumerable hurdles in releasing the compensation amount due to them are created by the insurance companies. In many cases, the bereaved family members of the deceased officials have had to approach the Courts seeking relief of payment of the compensation that they genuinely deserved and which should have been released to them forthwith. Litigation would mean that a good part of the amount that they would ultimately get would have been already spent by them on litigation, besides the financial hardships the bereaved families would have suffered due to loss of earning member of the family. In any case, it seems the states will end up spending more money on insurance premium than compensation to the affected families.

5. The Commission has considered this matter in the light of the experience of the working of the Group Insurance Schemes for the polling personnel. Election duty cannot be equated with the normal work of the polling personnel. Elections involve time-bound assignment, and execution of the work on the field involves element of risk and threat of varying level to the polling personnel.. In some cases where the State Governments had entered into MOU with Insurance Companies for payment of compensation to the polling personnel, there have been cases where even in the case of death due to heart attack during performance of election duty, the Insurance Companies have taken the plea that only the death caused due to violent incidents are covered under the insurance scheme for the polling personnel. The nature of election duties being what it is, there are several threat and fear factors inflicted by the unruly party cadres and anti- social elements. Therefore, in the course of performance of election duties, death can occur to the polling personnel even without any seemingly violent incidents.

6. The Commission is, therefore, of the view that the polling personnel and other officials appointed in connection with conduct of elections should be provided the protection of adequate compensation in the event of any mishap. As mentioned above, the system of Group Insurance has not been very successful in spite of the large amounts spent on premium payment to the companies.

7. In view of the above, the Commission desires that the State Government may frame separate guidelines for payment of enhanced amount of ex-gratia payment in the event of any mishap to the election related officials. The Commission recommends an amount of Rs. 5 lacs as the minimum amount to be paid to the next of kin of the official in the unfortunate event of death of the official while on election duty. If the death is unfortunately caused due to any violent acts of extremist or unsocial elements like, road mines, bomb blasts, armed attacks, etc. the amount of compensation should be double, i.e. Rs. 10 lakhs. In the case of permanent disability, like loss of limb, eye sight, etc., a minimum ex-gratia payment of Rs. 2.5 lacs should be made (which should be doubled in the case of such mishaps being caused by extremist or unsocial elements as aforesaid). While framing the guidelines, it may be clearly spelt out that the payment will cover any mishap occurred during the entire period of election duty connected with polling. A person is to be treated on election duty as soon as he leaves his residence/office to report for any election related duty including training and until he reaches back his residence/office after performance of his election related duty. If any mishap takes place during this period, it should be treated as having occurred on election duty subject to condition that there should be a casual connection between occurrence of death/injury and the election duty.

8. If any State Government has a policy of granting compensation in excess of the amount mentioned above, they may continue to follow the rates prescribed by them.

9. It is requested that necessary orders may be passed in this regard, and a copy of the same may be endorsed to the Commission.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

1. Copy to the Chief Electoral Officers of all States and U.T.s. They should urgently make an inventory of all such cases pending in Courts and before various departments of State Government and ensure that the compensation admissible in all cases is paid to the claimants with utmost expedition.

2. Copy also forwarded to the Secretary to the Government of India, Ministry of Law and Justice, Legislative Department, New Delhi.

(SUMIT MUKHERJEE)
UNDER SECRETARY