

# भारत निर्वाचन आयोग

## ELECTION COMMISSION OF INDIA

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No. 218/6/2022/EPS

निर्वाचनसदन,

अशोकरोड, नई दिल्ली-110001.

Nirvachan Sadan

Ashoka Road, New Delhi-110001

Dated: 9<sup>th</sup> March, 2023

To

1. The Chief Secretaries of all States/UTs
2. The Chief Electoral Officers of all States/UTs

**Subject: Ex-gratia payment to polling personnel/security personnel for sustaining grievous injuries leading to permanent disability and to their kin in case of deceased personnel.**

**Reference: Commission's Instructions No. and date**

1. 218/6/2022/EPS dated 4<sup>th</sup> May, 2022.
2. Two Inst No. 218/6/2020/EPS dated 22<sup>nd</sup> July, 2020.
3. 218/6/2019/EPS dated 10<sup>th</sup> April, 2019
4. 218/6/2016/EPS dated 17<sup>th</sup> January, 2017
5. 218/6/2014/EPS dated 3<sup>rd</sup> August, 2015.
6. 464/L&O/2014/EPS dated 15<sup>th</sup> April, 2014.
7. 218/6/2014/EPS dated 25<sup>th</sup> March, 2014.
8. 218/6/2009/EPS dated 17<sup>th</sup> February, 2009.
9. 218/6/2006/EPS dated 5<sup>th</sup> November, 2008.
10. 218/6/2003/PLN-I dated 06.02.2003
11. 218/6/2022/EPS dated 25<sup>th</sup> November, 1998

Madam/Sir,

Elections are a fundamental characteristic of democracy, and involve strenuous activities that are carried out by election machinery consisting of officials and staff from various departments. These personnel perform challenging tasks, to the extent of risking their lives with the commitment to ensure free and fair conduct of elections. Acknowledging the contribution made by them, the Commission provides for compensation in case of death in the form of ex-gratia to the next of kin of the deceased personnel or assistance for the personnel himself in case of grievous injury resulting into permanent disability.

The Commission has issued various instructions from time to time and now in supersession of all the previous instructions, has decided to issue a comprehensive direction in order to eliminate any

ambiguity/confusion on payment of ex-gratia compensation to the kin of polling/security personnel etc. who die or to the personnel himself on sustaining grievous injuries leading to permanent disability while on election duty.

**2. Election duty period:** The period of election duty would start from the date of the announcement of the elections and up to the declaration of results (both dates inclusive).

**3. Eligibility:**

- i. The Commission provides for compensation of ex-gratia payment to the kin of polling/security personnel in case of death or grievous injuries arising out of and in the course of election duty and include
  - a. All personnel deployed in all types of election related duties,
  - b. All security personnel under CAPFs, SAPs, State Police, Home Guards,
  - c. Any private person like drivers, cleaners, etc., hired for election duty,
  - d. BEL/ECIL engineers who are engaged in First Level Checking (FLC), EVM commissioning, Poll Day and Counting Day duty.
- ii. It is clarified that it would be reasonable to consider a person on election duty as soon as he/she leaves residence/office to report for any election related work including training and until he/she reaches back to his/her residence/office after performance of 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 causal connection between occurrence of death/injury and the election duty.
- iii. For BEL/ECIL engineers, the period of First Level Checking (FLC) duty and the duration for which the official is deputed for commissioning, poll/counting arrangement, will be treated as period of election duty.
- iv. For COVID related deaths, the person should be deployed as well as should have performed election duty and there should be a cogent



relationship between his/her election duty and his/her contracting COVID. His/her COVID positive report should be within 15 days from the end of performance of election duty and with a medical certificate/Death certificate from a hospital mentioning that the death took place due to COVID.

4. Following are the current minimum ex-gratia compensation rates provided:

- i. The amount of compensation would be **Rs.30 Lakhs** if the death is caused due to any violent acts of extremism or anti-social elements like road mines, bomb blasts, armed attacks and death due to COVID-19.
- ii. An amount of **Rs.15 Lakhs** in the event of death by any other reason other than mentioned above in point no.(i).
- iii. An amount of **Rs.15 Lakhs** if the permanent disability is due to involvement of extremist or unsocial elements as aforesaid.
- iv. An amount of **Rs.7.5 Lakhs** in the case of grievous injury resulting in permanent disability, like loss of limb, eye sight, etc.
- v. Payment of ex-gratia compensation will be in addition to the compensation already being paid by the MHA under its extant guidelines and any other compensation paid by the State Government or any employer.
- vi. The payment of ex-gratia shall be processed without any unnecessary delay.
- vii. Payment of ex-gratia compensation will be applicable to **Parliamentary/Assembly/Bye elections and for elections of Legislative Councils, President and Vice-President of India** as per slabs and terms & conditions mentioned above.

5. **Procedure for consideration of cases:**

- i. In each of the cases, whether deceased or injured/disabled, it will be the responsibility of the DEO and SP to initiate the process of claim for compensation.
- ii. This process should be initiated within 10 days of the occurrence leading to injury or death **and in no case should be delayed beyond**

**10 days after completion of the poll process.**

- iii. The DEO may consider below mentioned documents while deciding the case of compensation:
- a. Certificate from the District Election Officer that the deceased/disabled was on Election Duty.
  - b. Certificate from the District Superintendent of Police that the deceased/disabled personnel were on Election Duty (In case of police personnel/CAPF).
  - c. A copy of First Information Report (FIR) and/or inquest 'panchnama' (if lodged/done).
  - d. A copy of Post-mortem report, if done, in case of death.
  - e. Copy of Medical Certificate by competent medical authority (for disabled/injured personnel)
  - f. Legal heir certificate/Succession certificate only in case of a dispute.
- iv. Chief Electoral Officer of the State shall preferably decide the case **within one month** of the receipt of the case for settlement of compensation.

**6. Cashless Treatment:**

- i. The Commission has directed to make arrangements for treatment in state-of-the-art hospitals for all such personnel involved in elections who get injured or fall sick while on duty.
- ii. In order to accelerate, the treatment and avoid delay, arrangements/tie-ups/cashless facilities may be carried out in advance with the hospitals for the election period till the declaration of results.

**7. Expenditure:**

- i. The expenditure on account of payment of ex-gratia compensation to the polling personnel is wholly borne by Government of India during elections to Lok Sabha, Vice President and President of India and by the State Government during election to Legislative Assemblies and Legislative Council and shared on a 50:50 basis during simultaneous election to Lok Sabha and Legislative Assembly by the Government of



India and concerned State Governments. The share of the Government of India is paid by the Ministry of Law & Justice and Company Affairs (Legislative Departments)(As explained vide Commission's letter No.218/6/1998 EPS dated 25.11.1998).

ii. It is further clarified that in case of Lok Sabha elections, the payment of ex-gratia compensation shall be made by the State Government initially and the claims shall be made to the Government of India later on.

8. All the compensation related cases should be settled by CEO of the State on priority basis without referring the cases to the Commission or Ministry of Law and Justice and after due consultation with concerned District Election Officer.

9. The CEOs shall send a separate compliance report to the Ministry of Law and Justice on case-to-case basis for Central Government Employees for which ex-gratia compensation is being paid.

10. The CEOs and DEOs shall submit from time to time, election-wise consolidated record of death/injury cases resulting in permanent disability to the Commission.

The above instruction shall be brought to the notice of all concerned immediately.

Yours faithfully,

  
**(AJAY KUMAR VERMA)**  
**SECRETARY**

Copy to:

1. The Secretary, Ministry of Law & Justice, Legislative Department, New Delhi.
2. The Secretary, Ministry of Home Affairs, North Block, New Delhi.
3. The IG(Operations), CRPF and Chief Coordinator, Block No.1, CGO Complex, Lodhi Road, New Delhi.