

कार्यालय मुख्य निर्वाचन अधिकारी, राजस्थान
शासन सचिवालय, जयपुर

क्रमांक:- प. 8(2)(14)निर्वा./2023/5651

जयपुर, दिनांक 26/9/23

प्रेषक:- मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

प्रेषित:- समस्त जिला निर्वाचन अधिकारी,
(कलक्टर) राजस्थान।

विषय:- Payment of ex-gratia compensation to Observers deployed for election related duties - regarding.

प्रसंग:- भारत निर्वाचन आयोग, नई दिल्ली से प्राप्त पत्रांक No.218/6/2023/EPS दिनांक 25 सितम्बर, 2023

महोदय,

उपरोक्त विषयान्तर्गत भारत निर्वाचन आयोग, नई दिल्ली ने अपने प्रासंगिक पत्र दिनांक 25.09.2023 के क्रम में अवगत कराया है कि मुख्य निर्वाचन अधिकारी, पश्चिम बंगाल ने Payment of ex-gratia compensation to Observers deployed for election related duties संबंधी स्पष्टीकरण चाहा था जिसके संबंध में आयोग ने निर्देश दिए हैं कि पर्यवेक्षक चुनावी प्रक्रिया का एक अभिन्न अंग है और स्वतंत्र, निष्पक्ष और सुरक्षित चुनाव के संचालन में महत्वपूर्ण भूमिका निभाते हैं। आयोग ने एतद्वारा स्पष्ट किया है कि :-

"All the Observers who are deployed for election related duties are an eligible class for payment of ex-gratia compensation as per the slabs defined by the commission in its instruction No.218/6/2023/EPS dated 09.03.2023 on ex-gratia compensation to the families of polling personnel who die or sustain injuries while performing election related duties."

इसके अतिरिक्त यह भी निर्देश दिए हैं कि पर्यवेक्षक से संबंधित सभी मामलों में अनुग्रह मुआवजा देना घटना/मामले के घटित होने के समय लागू निर्देशों के अनुसार आयोग द्वारा निर्धारित शर्तों/मानदंडों को पूरा करने के अधीन है।

अतः सुलभ सन्दर्भ हेतु भारत निर्वाचन आयोग के प्रासंगिक पत्र दिनांक 25.09.2023 की छायाप्रति संलग्न कर आवश्यक कार्रवाई हेतु प्रेषित है।

संलग्न :- उपरोक्तानुसार।

भवदीय,

(प्रवीण गुप्ता)

मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर

क्रमांक:- प. 8(2)(14)निर्वा./2023/5651

जयपुर, दिनांक 26/9/23

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित है :-

1. निजी सचिव, मुख्य निर्वाचन अधिकारी, राजस्थान।
2. प्रशासनिक अधिकारी, सामान्य शाखा, प्रथम, निर्वाचन विभाग, राजस्थान।

विशेषाधिकारी, निर्वाचन विभाग,
राजस्थान, जयपुर

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Tel. No. 011-23052144
Fax 011-23052001
Website: www.cci.gov.in

निर्वाचन सदन
अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan

Ashoka Road, New Delhi-110001

Dated: 25th September, 2023

No.218/6/2023/EPS

To

The Chief Electoral Officers of
All States and UTs.

**Subject: Payment of ex-gratia compensation to Observers deployed
for election related duties – regarding.**

Reference: Letter No.2648-Home(Elec) dated 20.10.2022 of CEO West
Bengal.

Madam/Sir,

I am directed to refer to the subject cited and to state that a
reference was received from Chief Electoral Officer, West Bengal wherein
the clarification was sought regarding eligibility of Observers for grant of
payment of ex-gratia compensation as per the Commission's
instructions.

2. In a similar matter, the Commission vide its letter No.218/6/2021-
EPS dated 27.07.2021(copy enclosed) had directed to make payment of
15 Lakhs Rs/- as an ex-gratia compensation to an Observer who died
while being on election duty in the year of 2021 as per the norms
admissible then.

3. However, keeping in view the fact that the Observers are an integral
part of electoral process and play a significant/pivotal role in conduct of
free, fair and safe elections, the Commission hereby clarifies that all the
Observers who are deployed for election related duties are an eligible
class for payment of ex-gratia compensation as per the slabs defined by
the Commission in its instruction No.218/6/2023/EPS dated
09.03.2023 on ex-gratia compensation to the families of polling



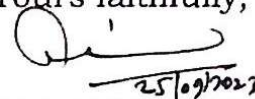
personnel who die or sustain injuries while performing election related duties.

4. Further, it is stated that grant of ex-gratia compensation in all cases related to Observers is subject to fulfilling conditions/norms laid down by the Commission as per instructions applicable at the time of occurrence of incident/case.

5. This disposes of the query raised by Chief Electoral Officer of West Bengal regarding eligibility of Observers for grant of payment of ex-gratia compensation as per the Commission's instructions.

This may be brought to notice of all concerned for strict compliance.

Yours faithfully,



(SANJEEV KUMAR PRASAD)
SECRETARY

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

TEL: 011-23052246
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Website: www.eci.gov.in

निर्वाचन सदन,
अशोक रोड, नई दिल्ली-110001.
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.
Dated: 27th July, 2021

218/6/2021-EPS

To

The Chief Electoral Officer,
Uttar Pradesh, Lucknow.

Subject: Payment of Ex-gratia Compensation to the family of Sh. Ajay Kumar Singh,
IAS (UP: 1998), Observer, who died in Varanasi while on Election duty –
regarding.

Sir,

I am directed to refer to your letters No. 1262/CEO-2 dated 05.12.2020 & 1272/CEO-2 dated 07.12.2020 on the subject cited above and to state that the payment of Rs. 15 Lakhs as an ex-gratia compensation is admissible as per existing instructions vide Commission's letter No. 218/6/2019-EPS dated 10.04.2019. (Copy enclosed)

You are requested to take necessary action to make payment of Ex-gratia compensation of Rs. 15 Lakhs to the family of Sh. Ajay Kumar Singh, IAS (UP: 1998) who deployed as Observer in Varanasi Division Teacher's Constituency in Uttar Pradesh Legislative Council elections and died while performing election related duties.

Action taken may be informed to the Commission.

Yours faithfully,



(Amit Kumar)
Under Secretary

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निर्वाचनसदन,
अशोकरोड, नई दिल्ली-110001.
Nirvachan Sadan
Ashoka Road, New Delhi-110001
Dated: 9th March, 2023

No. 218/6/2022/EPS

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