

SUBJECT: GENERAL PRINCIPLES OF LAW

name of author

ID No.:

Semester – I, Year –

Name of topic: DEFENCE PERSONNEL INSURANCE: TYPE AND SCOPE

DRAFT PROPOSAL

“Yat bhavathi tat nasyathi” means “whatever is created will be destroyed”

INTRODUCTION:

The general phenomenon of any natural or otherwise is creation is inevitably followed by destruction¹. So the risk of destruction is ineludible in life. So the owner wants himself to be protected from this risk and out of this want, the concept of Insurance is evolved². The aim of all insurance policies is to protect the insured³ i.e., owner from all the anticipated risks. There are different types of insurance like for example Marine insurance, Fire insurance, Life insurance. While marine insurance and fire insurance are for objects and are used in business, Life insurance is only one for the Human being. So in life insurance, the life of the person is insured against specific risk or a combination of risks like accident or due to ailments and so on depending on the policy and premium paid. In the contract of insurance, the liability of insurer is so much as specified in the policy covered. The risk involved determines the premium in a specific policy. This applies in marine, fire insurance as well.

The oldest form of insurance is marine insurance when the goods which is shipped is insured against any perils of sea. Later the fire insurance came into existence in England after the “Great fire of London” in 1666. The objective of Fire insurance is also the property of ones own. Later in recent times, the third party insurance came into existence. In this if any loss is incurred to other’s property, and the cause arises with insured, then the third party is indemnified for the loss. This

¹ K S N Murthy and Dr. K V S Sarma, Modern Law of Insurance, 4th ed, 2002, pg: 3

² ibid

³ The person who seeks protection is called insured or assured, and the party who undertakes the risk of protection is called insurer or underwriter, and the amount paid or consideration paid for the protection is called premium.

usually exist in Fire insurance or in accident insurance of motor Vehicles⁴. As said earlier, Life insurance can be considered as only one for the person himself. Researcher opines that only Life Insurance is relevant for the present paper for a defence personnel. A defence personnel may take insurance policies for properties as well, but to confine to the object of paper, life insurance is given priority.

Statement of Problem:

As said earlier, in Life insurance the life of a person is insured against death or any accident which leads to disability. For a defence personnel, the exposure to risk is more than a normal person. They are involved in protecting the country and its population risking their lives. So general life insurance does not cover a defence personnel. Even the Government of India does not provide any proper insurance against death and accidents which lead to permanent disability to the defence personnel. However, there are schemes and policies which provide certain financial assistance to the defence personnel or his family but are not adequate.

RESEARCH QUESTIONS:

1. What is the definition and elements of Insurance?
2. What is the nature of Insurance of defence personnel?
3. What is the scope of life insurance with respect to defence personnel?

HYPOTHESIS:

It is hypothesised that there are lacuna in providing the insurance to defence personnel. There exist no government led life insurance policy to the defence personnel.

RESEARCH METHODOLOGY:

The researcher followed the doctrinal method for the purpose of this paper. For this paper, the researcher uses the conceptual-analysis method. The researcher relied on the primary sources of legislation (Life Insurance Act, 1956), judicial decisions and secondary sources of Books, web pages of various insurance companies and government websites.

TENTATIVE CHAPTERIZATION:

⁴ The type of insurance involved in motor vehicles is different from the basic ones. The policy can be taken only for vehicle or third party or person and vehicle together. It can be considered as hybrid one.

The following is the chapterization of the paper:

I. Introduction

The above is the tentative introduction.

II. Definitions.

The definitions of insurance and life insurance are included in this chapter.

III. Nature of Insurance of defence personnel.

This chapter consist of the features/characteristics and elements of life insurance.

IV. Scope of defence personnel Insurance.

This chapter answers the questions why there aren't many policies available to defence personnel. The elements of risk are discussed as well.

V. Conclusion and Suggestions.