

ITEM NO.1503  
(For Judgment)

Court 6 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 539/2021

GAURAV KUMAR BANSAL

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

W.P.(C) No. 554/2021 (PIL-W)

Reepak Kansal

Petitioner

Versus

Union of India and others

Respondents

Date : 30-06-2021 These petitions were called on for  
pronouncement of judgment today.

For Petitioner(s) Mr. Reepak Kansal, Adv.  
Mr. Yadunandan Bansal, Adv.  
Ms. Ruhi Gupta, Adv.  
Ms. Shahnaz Rahman, Adv.  
Mr. Prince Arora, Adv.  
Mr. Harisha S.R., AOR

For Respondent(s)/ Mr. K.M. Nataraj, ASG  
Intervention Ms. Aishwarya Bhati, ASG  
Mr. Rajat Nair, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Sughosh Subramanian, Adv.  
Mr. B. V. Balaram Das, AOR

Mr. Sumeer Sodhi, AOR  
Mr. Varun Tankha, Adv.  
Mr. Aman Nandrajog, Adv.  
Mr. Hussain Ali, Adv.

Mr. Anand S. Jondhale, Adv.  
Ms. Yashoda Jondhale, Adv.  
Mr. Abdul Qadir, Adv.  
Mr. Sunil Prem Lalla, Adv.  
Mr. Satish Pandey, AOR  
Mr. Salim Ansari, Adv.

Mr. Sachin Patil, AOR  
Mr. Rahul Chitnis, Adv.  
Mr. Aaditya A. Pande, Adv.

Mr. Geo Joseph, Adv.  
Mr. C. Aravind, Adv.

Mr. Rahul Joshi, AOR

Hon'ble Mr. Justice M.R. Shah pronounced the reportable judgment of the Bench comprising Hon'ble Mr. Justice Ashok Bhushan and His Lordship.

The writ petitions are disposed of with following directions in terms of the signed reportable judgment:

- 1) We direct the National Disaster Management Authority to recommend guidelines for ex gratia assistance on account of loss of life to the family members of the persons who died due to Covid-19, as mandated under Section 12(iii) of DMA 2005 for the minimum standards of relief to be provided to the persons affected by disaster - Covid 19 Pandemic, over and above the guidelines already recommended for the minimum standards of relief to be provided to persons affected by Covid-19. However, what reasonable amount to be offered towards ex gratia assistance is left to the wisdom of National Authority which may consider determining the amount taking into consideration the observations made hereinabove, such as, requirement/availability of the fund under the NDRF/SDRF for other reliefs and the priorities determined by the National Authority/Union Government and the fund required for other minimum standards of relief and fund required for prevention, preparedness, mitigation and recovery and other reliefs to carry out the obligation under DMA 2005. The aforesaid

exercise and appropriate guidelines be recommended, as directed hereinabove, within a period of six weeks from today;

2) The Appropriate Authority is directed to issue simplified guidelines for issuance of Death Certificates/official document stating the exact cause of death, i.e., "Death due to Covid-19", to the family members of the deceased who died due to Covid-19. While issuing such guidelines, the observations made hereinabove in paragraph 13 be borne in mind. Such guidelines may also provide the remedy to the family members of the deceased who died due to Covid-19 for correction of the death certificate/official document issued by the appropriate authority, if they are not satisfied with the cause of death mentioned in the death certificate/official document issued by the appropriate authority; and

3) The Union of India to take appropriate steps on the recommendations made by the Finance Commission in its XVth Finance Commission Report bearing in mind paragraph 8.131 in consultation with other stakeholders and experts.

Pending applications stand disposed of.

(MEENAKSHI KOHLI)  
AR-CUM-PS

(RENU KAPOOR)  
COURT MASTER

[Signed reportable judgment is placed on the file]