



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ (PIL) Petition No. 7010/2021

Tanay Jain

----Petitioner

Versus

1. Union Of India, Through Chief Secretary, Ministry Of Home Affairs, Government Of India, North Block, Cabinet Secretariat, Raisina Hills, New Delhi.
2. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Secretariat, Jaipur.
3. The Principal Secretary, Department Of Medical And Health, Government Of Rajasthan, Secretariat, Jaipur.
4. The Principal Secretary, Department Of Disaster Management, Relief And Civil Defence, Government Of Rajasthan, Secretariat, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Dikshant Jain, through V.C.
For Respondent(s)	:	Mr. M.S. Singhvi, AG with Mr. Sidhant Jain and Mr. Sheetanshu Sharma through V.C. Mr. R.D. Rastogi, ASG with Mr. Akshay Bhardwaj through V.C.

**HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE BIRENDRA KUMAR**

Order

27/01/2022

Heard.

This PIL has been filed by the petitioner seeking issuance of directions for payment of *ex-gratia* compensation to those who lost their family members due to Covid-19 pandemic. Prayer has also been made for issuance of direction to the Government to provide similar relief to those who have been found to be suffering



from Black-Fungus on the ground that infection is wide-spread and people have lost their lives.

The first issue with regard to *ex-gratia* compensation in cases where death has taken place due of Covid-19 pandemic is covered by the order passed by the Supreme Court on 04.10.2021. In that order their Lordships in the Supreme Court passed following directions:-

"10. In furtherance of our earlier order dated 30.06.2021, it is directed as under:

i) that the next of the kin of the deceased died due to Covid-19 shall be paid ex-gratia assistance of an amount of Rs.50,000/-, which shall be treated as ex-gratia payment under Section 12(iii) of the DMA, 2005 and which shall be minimum and which shall be over and above the compensation/amount to be paid by the Union of India/State Governments/Union Territories to be declared/provided under different benevolent schemes;

ii) that the ex-gratia assistance of Rs. 50,000/- shall be provided by the concerned States from the State Disaster Response Fund (SDRF);

iii) that the ex-gratia assistance to the next of the kin of the deceased shall be disbursed by the District Disaster Management Authority/District Administration;

iv) that the full particulars and address of the District Disaster Management Authority/District Administration who is required to disburse the ex-gratia assistance of Rs. 50,000/- shall be published in the Print Media and Electronic Media and wide publicity shall be given;

that the same shall be published within a period of one week from today; it is further directed that such information shall also be published in the prominent offices of the village/taluk/district, such as, Gram Panchayat Office, Taluk Panchayat Office, District Collector Office, Corporation Office etc.;

v) that such ex-gratia assistance of Rs. 50,000/- shall be disbursed within a period of 30 days from the date of submitting the application to the concerned District Disaster Management Authority/District Administration along with the proof of the death of the deceased due to Covid-19 and the cause of





death being certified as "Died due to Covid-19";

vi) that the amount to be disbursed as per the Guidelines dated 11.09.2021 and as observed hereinabove on the death being certified as Covid-19 death for which the cause of death mentioned in the death certificate shall not be the conclusive and if other documents are provided as discussed hereinbelow, the next kin of the deceased died due to Covid-19 shall be entitled to the ex-gratia assistance of Rs. 50,000/-;

vii) that no States shall deny the ex-gratia assistance of Rs.50,000/- to the next of the kin of the deceased died due to Covid-19 solely on the ground that in the death certificate issued by the appropriate authority, the cause of death is not mentioned as "Died due to Covid-19";

viii) that in case of any grievance with regard to certification of the death, the aggrieved person may approach the Committee at District level consisting of Additional District Collector, Chief Medical Officer of Health (CMOH), Additional CMOH/Principal or HOD Medicine of a Medical College (if one existing in the district) and a subject expert, who shall take remedial measures including issuance of amended official document for Covid-19 death after verifying the facts on production of the necessary documents showing that the death is due to Covid-19;

ix) that the Authority/Committee shall carry out the directions as mentioned hereinbelow while considering the case of the deceased as Covid-19. All the States shall constitute such Committee within a period of one week from today and the address location and full particulars of the said Committee at the District level shall be published in Print Media and Electronic Media having wide circulation;

so far as the Corporation area is concerned, a similar Committee be constituted consisting the Deputy Commissioner, Medical/Health, the Chief Medical Officer of Health of the Civil Hospital in the area, if any, Additional CMOH/Principal/HOD Medicine of a Medical College (if one existing in the district) and a subject expert and their office shall be at the office of the Municipal Corporation of the concerned municipality;

x) it is further directed that in case the decision of the Committee is not in favour of the claimant, a clear reason for the same shall be recorded by the Committee which is called a Grievance Redressal Committee;





xi) as agreed, and as per the Guidelines, the ex-gratia assistance to the families affected by Covid-19 deaths shall continue to be provided for deaths that may occur in future phases of Covid-19 as well"

In view of aforesaid detailed and exhaustive directions issued by the Hon'ble Supreme Court, the first issue stands resolved. All the Authorities including the State and Union have been issued direction for payment of ex-gratia compensation as directed above.

An issue of providing compensation for victims Black-Fungus infective virus has also been raised. On this count we do not think that we have to pass any order at this stage because such kind of infections and the spread had not been stated to be of such a magnitude that it has been considered to be a pandemic.

In view of the above, no further directions are required to issued in the petition and petition is accordingly disposed of.

(BIRENDRA KUMAR),J

(MANINDRA MOHAN SHRIVASTAVA),J

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