

VERDICTUM.IN

ITEM NO.13

Court 13 (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

Miscellaneous Application No. 1805/2021 in W.P.(C) No. 539/2021

GAURAV KUMAR BANSAL

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION and IA No. 147377/2021 - APPLICATION FOR PERMISSION and IA No. 146330/2021 - CLARIFICATION/DIRECTION and IA No. 146331/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 146332/2021 - EXEMPTION FROM FILING O.T.)

Date : 29-11-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s)

Mr. Pranjal Kishore, Adv.
Mr. Aditya Jain-1, AOR

Petitioner-in-person

For Respondent(s)
UOI

Mr. Tushar Mehta, S.G.
Mr. K.M. Nataraja, ASG
Ms. Aishwarya Bhati, ASG
Mr. Rajat Nair, Adv
Mr. Amit Sharma, Adv
Mr. Sughosh Subramanyam, Adv
Mr. Arvind Kr. Sharma, AOR
Mr. B. V. Balaram Das, AOR

Gujarat

Ms. Manisha Lavkumar, Sr. Adv.
Ms. Deepanwita Priyanka, AOR

Mr. Sumeer Sodhi, AOR

UPON hearing the counsel the Court made the following

O R D E R

Pursuant to our order dated 22.11.2021, State of Gujarat has filed an affidavit dated 28.11.2021. Along with the affidavit, a fresh Resolution dated 28.11.2021 with respect to providing

financial assistance to the family members / successors of the persons that died due to Covid 19 in the State of Gujarat is placed on record. The aforesaid fresh Resolution is in supersession of all earlier Resolutions dated 29.10.2021, 20.11.2021 and 21.11.2021. Under the fresh Resolution, fresh guidelines are issued. On going through the fresh Resolution, *prima facie*, we are satisfied that the Resolution can be said to be absolute as per our judgment and order dated 04.10.2021. The procedure to claim compensation is simplified and absolutely in consonance with our judgment and order dated 04.10.2021. Even, the form required to be filed by the applicants is simplified. However, it requires further modification to the extent that while submitting the applications / making claims, the same shall be online and for which an exclusive portal be created by the State Governments. The aforesaid shall facilitate the applicants to make applications for compensation from their place and even a person from the remote village may not have to go to the distant place and / or a city area. It will make the procedure easier and even avoid long queues at the Collectors / Mamlatdars office.

Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the State of Gujarat has stated at the Bar that necessary further steps shall be taken by the State of Gujarat within a period of one week from today and the State shall come out with an exclusive portal for the aforesaid purpose so that the applications for claiming compensation along with necessary documents as required, can be filed online.

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Having gone through the fresh Resolution dated 28.11.2021 of the State of Gujarat, barring the aforesaid aspect, as such, we are satisfied with the said Resolution now and even the same can be made applicable PAN India. GR dated 28.11.2021 issued by the Gujarat Government to provide financial assistance to the family members/successors of the persons that died due to Covid-19 in other States shall be passed after hearing the concerned States so that the procedure for compensation can be followed PAN India uniformly.

An additional affidavit dated 27.11.2021 has been filed on behalf of the Union of India pointing out the data collected from all the States. Ongoing through the data collected by the Union of India produced along with the additional affidavit, it appears that in many of the States, number of forms / claims received is on a much lower side. Some of the States have not even furnished any particulars. For example, States of Andhra Pradesh, Bihar, Assam, UT of Chandigarh, Jammu and Kashmir, Jharkhand, UT of Ladakh, Sikkim, Tamil Nadu, Telangana, Tripura, Maharashtra have not provided any information to the Union Government, asked by the Union of India pursuant to our earlier order. From the data, it also can be seen that the forms/applications received for compensation is on a very lower side. The particulars in the tabular form showing that number of less persons have applied/claimed for compensation are as under:

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Sl. No.	State	Deaths Recorded	Claim Applications/Forms received
01	Chandigarh	820	12
02	Goa	3378	72
03	Gujarat	10092	1250
04	Haryana	10053	1800
05	Himachal Pradesh	3821	670
06	Karnataka	38182	14237
07	Kerala	38737	6116
08	Madhya Pradesh	10528	937
09	Maharashtra	140807	Information provided not
10	Orissa	8401	1148
11	Punjab	16588	1818
12	Rajasthan	8955	329
13	Tamil Nadu	36401	Information provided not
14	Uttar Pradesh	22909	3071
15	Uttarakhand	7407	726
16	West Bengal	19407	124

Thus, from the aforesaid, it can be said that either there is no wide publicity given by the concerned States with respect to the compensation offered for the death of a person who has died due to Covid 19 or the concerned claimants are not made aware where to apply. It is also required to be noted that as per the data available, so far as the State of Andhra Pradesh is concerned, the deaths recorded is 14,431 and the claim forms received are 28,468, which is double the deaths recorded. It may be because of our earlier order that a claimant can make application for compensation in case the RT PCR report of the deceased was positive and he died within a period of 30 days, irrespective of the cause mentioned in the death certificate. The number of claimants may be likely to increase in other States as well.

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As observed hereinabove, many of the States have not even provided any information to the Union Government/NDMA.

In view of the above, we direct the Chief Secretaries of the States of Andhra Pradesh, Assam, Bihar, UT of Chandigarh, Goa, Haryana, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal to file the compliance report on the directions issued by this Court in its earlier judgment and order dated 04.10.2021 in Writ Petition (Civil) No. 554 of 2021 and to furnish full particulars on,

1. Whether directions issued in the judgment and order dated 04.10.2021 in Writ Petition (Civil) No. 554 of 2021 have been fully and duly implemented or not;
2. the procedure to be followed for inviting the applications and the format of the application for compensation;
3. number of deaths recorded;
4. claim forms received so far;
5. number of claimants/persons to whom the amount of compensation has been paid/disbursed;
6. whether any Grievance Redressal Committee in each district has been constituted or not, which is required to be constituted as per the directions issued in the judgment and order dated 04.10.2021;
7. Whether any wide publicity has been given with respect to the scheme for compensation and the application to be made to which authority and the full particulars of the office to whom the application is to be made so that compensation can be received; and
8. Whether any exclusive online portal for the purpose of

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inviting applications and for disbursal of amount of compensation has been created or not.

The aforesaid particulars shall be supplied by all the States to the Ministry of Home Affairs, Union of India/NDMA on or before 3rd December, 2021. The status report on the aforesaid aspects shall also be filed by the concerned States, as observed hereinabove, on or before the next date of hearing.

Issue notice to the Chief Secretaries of the States of Andhra Pradesh, Assam, Bihar, UT of Chandigarh, Goa, Haryana, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal to file the status report/affidavit on the aforesaid aspects making returnable on 6.12.2021. Notice shall be also served through the standing counsel for the aforesaid States.

Put up on 06.12.2021.

In the meantime, the State of Gujarat may create an exclusive online portal for the purpose of inviting applications for disbursal of compensation.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER