

Government of Jammu and Kashmir
Department of Disaster Management, Relief, Rehabilitation & Reconstruction
Civil Secretariat Jammu

Subject: - Ex-gratia assistance to next of Kin of the deceased by Covid-19.

*Reference: (i) No.16/11/20 21-RR dated 11.09.2021 received from NDMA, Gol.
(ii) Decision of the J&K SEC Meeting held on 18.10.2021.*

**Government Order No: 83-JK (DMRRR) of 2021
Dated: 29-11-2021**

Sanction is hereby accorded to the:-

- 1) Adoption of the scheme for granting claim to the next of kin of the deceased by Covid-19 (under section 12 (iii) of the Disaster Management Act, 2005 in pursuance to the guidelines issued by NDMA vide their letter No.16/11/2021-RR dated 11.09.2021 in compliance to the Hon'ble Supreme Court Order dated: 30.06.2021 in WP (C) No. 539 and WP (C) 554 of 2021) **(Annexure-A)**.
- 2) Grant of claim to the next of kin of the deceased by Covid-19 as an Ex-Gratia Assistance @ Rs 50000/- (Rs. Fifty Thousand Only) in terms of the items and norms of NDMA as per communication No. 33-04/2020-NDM-I dated 25.09.2021 of MHA (Disaster Management Division) **(Annexure-B)**.
- 3) The implementation of the scheme shall commence immediately and shall be applicable to all deaths of Residents belonging to UT of J&K, that occur due to Covid-19.
- 4) The eligibility of case(s) under the scheme shall be verified through the database created by Health & Medical Education Department, Government of J&K and duly certified by the designated Medical Authority for the purpose in accordance with the SOP notified by the Health & Medical Education Department, Government of J&K.
- 5) Wide publicity shall be given to the scheme by the concerned Deputy Commissioners(Chairman, District Disaster Management Authority)/ Health & Medical Education Department to ensure saturation of the scheme within a period of two months.
- 6) All Deputy Commissioners shall put a robust yet simple mechanism in place for DBT disbursement of the ex-gratia Assistance based on the Process and Procedure detailed in **(Annexure-C)**.
- 7) All Deputy Commissioners shall issue an appropriate order for constitution of a District Level Committee (DLC) for redressal to any grievance(s) with regard to the certification of the Covid death. The committee shall consist of the following:-

a) Additional Deputy Commissioner of the concerned District.

b) Principal of Government Medical College/Chief Medical Officer of District.

c) MS of District Hospital/Government Medical College.

The terms and conditions of the District Level Grievance Committee shall be:-

- i. To verify the authenticity of the Covid -19 death as per the MoHFW and ICMR guidelines.
- ii. Propose necessary remedial measures including amended certificate of Covid-19 death.
- iii. Detail appropriate Administrative resources to verify facts in accordance with the guidelines issued for Covid-19 related deaths.

By order of the Government of Jammu and Kashmir.

Sd/-
(Nazim Zai Khan) JKAS
Secretary to the Government

No: DMRRR-Act/73/2021
Dated: 29.11.2021

Copy to the:-

1. Financial Commissioner (Additional Chief Secretary) Finance Department.
2. Financial Commissioner (Additional Chief Secretary) Health & Medical Education Department) **with the request to notify and publicise the SOP as specified under point 4 of this Order.**
3. Principal Secretary to the Hon'ble Lt. Governor.
4. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
5. Divisional Commissioner, Jammu/Kashmir.
6. All Deputy Commissioners, J&K.
7. Director Finance, D/o DMRRR for necessary action.
8. Private Secretary to Chief Secretary, J&K.
9. Private Secretary to Secretary to the Government, Department of DMRRR.
10. In-charge of GAD, Health & Medical Education Department and D/o DMRR Websites for placing copy of this order on respective websites.
11. Government Order file (w.2.s.c.).
12. Stock file.

Anjali/29.11.21
(Anjali Kotedar)
Under Secretary to Government

(Annexure - A)



Government of India
NATIONAL DISASTER MANAGEMENT AUTHORITY
NDMA Bhawan, A-1, Safdarjung Enclave,
New Delhi-110 029
Phone: 011-26701707.



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No. 16/11/20 21-RR

Dated, the 11th September, 2021

To

Chief Secretary / Administrator of States / UTs
(As per list attached)


Subject : Guidelines for Ex-Gratia Assistance to next of kin of the Deceased by Covid-19-reg.

Sir / Madam,

In pursuance of Hon'ble Supreme Court Judgment dated 30.06.2021 in W.P.(C) No. 539/2021 and W.P. (C) No. 554/2021, National Disaster Management Authority prepared Guidelines for ex-gratia to next of kin of the Deceased by Covid-19 under section 12(iii) of the DM Act, 2005.

2. I am directed to forward herewith the above guidelines along with the "Guidelines for Official Document for COVID-19 Death" issued by Ministry of Health & Family Welfare for information and further necessary action at your end.
3. This issues with the approval of Competent Authority.

Yours faithfully,


11/09/2021
(Dr. S. K. Jena)
Joint Advisor (RR)

Encl : As above (9 Pages)

Copy for information to :

1. Sr. PPS to Home Secretary, MHA
2. Sr. PPS to Secretary, M/o Health & Family Welfare.
3. Sr. PPS to Member Secretary, NDMA
4. PS to RGI & CC, Office of Registrar General of India.

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Government of India
National Disaster Management Authority

Guidelines for Ex-Gratia Assistance to next of kin of the Deceased by COVID-19

(Issued in compliance to the Hon'ble Supreme Court Order dated 30.06.2021
in WP (Civil) No. 539 and WP (Civil) 554 of 2021)

1. The Hon'ble Supreme Court through its order dated June 30, 2021 in WP (Civil) No. 539 and WP (Civil) 554 of 2021 has directed the National Disaster Management Authority (NDMA) 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 Disaster Management Act (DMA) 2005 for the minimum standards of relief to be provided to the persons affected by disaster.
2. The present guidelines are being issued in compliance with the above mentioned directions of the Hon'ble Supreme Court. These Guidelines should be read in conjunction with the "Guidelines for Official Document for COVID-19 Death" issued by Ministry of Health & Family Welfare (MoHFW) & Indian Council of Medical Research (ICMR) in compliance to the same order of the Hon'ble Supreme Court.
3. **Existing Norms:** The Existing Guidelines on Minimum Standards of Relief issued by NDMA in 2016, in accordance with Section 12(iii) of DMA 2005, in section 7 (e) stipulate that for *ex-gratia* assistance on account of loss of life, the norms provided by Government of India for Assistance from SDRF should be the minimum standard of relief. In this regard, the "Revised list of items & norms of assistance from State Disaster Response Fund (SDRF)/ National Disaster Response Fund (NDRF)" issued by the Ministry of Home Affairs on 8th April 2015 are the extant norms.
4. **Key considerations:** After broad consultations and due deliberations with key stakeholders, NDMA is of the view that for *ex-gratia* assistance related to COVID-19, different norms need to be applied for the following reasons:
 - a. COVID-19 is a disaster that has not abated. The total number of deaths continues to rise. There is uncertainty about new variants of the virus and likely future waves. Therefore, it is not possible to ascertain the total final financial burden emanating from *ex-gratia* assistance. Financial prudence demands that we plan in a manner that assistance can be provided to larger number of people should the number of deaths rise.
 - b. The state governments have already been incurring large expenditure from SDRF on various aspects of COVID-19 prevention, management and response. In addition, central government from the national budget has announced several measures to prevent COVID-19 (nationwide vaccination drive) as well as to provide relief assistance to those affected by COVID-19 (for example, support provided to the orphaned children, and PM Garib Kalyan Yojana Package). State governments have also announced welfare measures from the state budgets. So,

In effect, some financial and material assistance has already been provided in different forms to some of the most vulnerable sections.

- c. While COVID-19 is an unprecedented disaster, other natural disasters that occur more frequently have not abated. It is important that sufficient funds are available under SDRF to provide a timely and effective response to other disasters as well.
5. In view of the points mentioned in para 2, the Authority recommends an *ex-gratia* payment to next of kin of the deceased due to COVID-19, subject to cause of death being certified as COVID-19 as per the guidelines issued by MoHFW and ICMR.
6. Amount of *ex-gratia* payment: The Authority recommends an amount of Rs. 50,000/- (Fifty thousand only) per deceased person including those involved in relief operations or associated in preparedness activities, subject to cause of death being certified as COVID-19. With regards to such certification, and redressal of any grievances regarding the same, guidelines issued by MoHFW and ICMR on 3rd September 2021, and referred to in Para 2 above, will be applicable.
7. Source of funds: The *ex-gratia* assistance shall be provided by States from the State Disaster Response Fund (SDRF).
8. Disbursement: The District Disaster Management Authority (DDMA)/ district administration would disburse the *ex-gratia* assistance to the next of kin of the deceased persons. The concerned families will submit their claims through a form issued by State Authority alongwith specified documents including the death certificate that certifies the cause of death to be COVID-19. The DDMA will ensure that the process of claim, verification, sanction, and the final disbursement of *ex-gratia* payment will be through a robust yet simple and people-friendly procedure. All claims must be settled within 30 days of submission of required documents, and disbursed through Aadhaar linked Direct Benefit Transfer procedures.
9. Grievance redressal: In case of any grievances with regards to certification of the death, as prescribed in the MoHFW and ICMR guidelines mentioned above a Committee at district level consisting of Additional District Collector, Chief Medical Officer of Health (CMOH), Additional CMDH/ Principal or HOD Medicine of a Medical College (if one existing the district) and a subject expert, will propose necessary remedial measures, including issuance of amended Official Document for COVID-19 death after verifying facts in accordance with these guidelines. In case the decision of the Committee is not in favour of the claimant, a clear reason for the same shall be recorded.
10. Continuous scheme: The *Ex-Gratia* assistance to families affected by COVID-19 deaths will continue to be provided for deaths that may occur in the future phases of the COVID-19 pandemic as well, or until further notification.

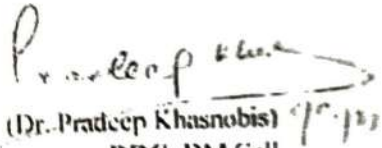
Sl. No. C-18018-11-2021 DM Cell
Government of India
Ministry of Health & F.W.
(Disaster Management Cell)

Nirman Bhawan, New Delhi
Dated the 3rd September 2021

OFFICE MEMORANDUM

In pursuance of Hon'ble Supreme Court directions vide orders dated 30.06.2021 in the in W. P. (C) No. 554/2021 titled Reepak Kansal Vs. Union of India & Ors. and W. P. (C) No. 539/21 titled Gaurav Kumar Bansal Vs. Union of India & Ors. wherein Hon'ble Supreme Court has directed to issue simplified guidelines for issuance of Death Certified/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, I am to enclose herewith "Guidelines for Official Document for COVID19 Death".

This issues with the approval of Competent Authority.


(Dr. Pradeep Khasnobis)
DDG, DM Cell
Tel: 011-23060777

Enclosure as above

Addl. Chief Secretary (Health)/Principal Secretary (Health) of all States & UTs

Copy for information to:

1. Sr. PPS to Sec (H)
2. Sr PPS to Member Secretary, NDMA.
3. Sr.PPS to Sh. Govind Mohan, Addl. Secretary, Ministry of Home Affairs
4. Sr. PPS to AS (H)
5. Sr. PPS to JS (I.A)

Government of India

Ministry of Health & Family Welfare & Indian Council of Medical Research

Guidelines for Official Document for COVID-19 Death

(Issued in compliance to the Hon'ble Supreme Court order dated 30.06.2021 in

WP(Civil) No. 539 and WP (Civil) 554 of 2021)

I. Background

Since the beginning of the Covid-19 pandemic, Indian Council of Medical Research (ICMR) and Ministry of Health & Family Welfare have been issuing specific guidelines to States/UTs based on World Health Organization's (WHO) guidelines & global best practices on reporting Covid deaths. Relevant officers in States/UTs have also been trained on correct recording of deaths related to Covid-19. Hon'ble Supreme Court in Writ Petition (Civil) No. 539 and 554 of 2021 directed the Central Government to issue simplified guidelines for issuance of Official Document relating to COVID-19 deaths to the family members of the deceased, who died due to COVID-19. Hon'ble Court had directed that such guidelines may also provide the remedy to the family members of the deceased who died due to COVID-19 for correction of the Medical Certificate of Cause of Death/Official Document issued by the appropriate authority.

2. Guiding Principles

- i. COVID-19 cases, for the purpose of these Guidelines, are those which are diagnosed through a positive RT-PCR/ Molecular Tests/ RAT OR clinically determined through investigations in a hospital/ in-patient facility by a treating physician, while admitted in the hospital/ in-patient facility.
- ii. Deaths occurring due to poisoning, suicide, homicide, deaths due to accident etc. will not be considered as COVID-19 deaths even if COVID-19 is an accompanying condition.

3. Scenario based approach and Interventions

- i. COVID-19 cases which are not resolved and have died either in hospital settings or at home, and where a Medical Certificate of Cause of Death (MCCD) in Form 4 & 4 A has been issued to the registering authority, as required under Section 10 of the Registration of Birth and Death (RBD) Act, 1969, will be treated as a COVID-19 death. Registrar General of India (RGI) will issue necessary guidelines to Chief Registrars of all States/UTs.
- ii. As per the study by Indian Council of Medical Research (ICMR), 95% deaths take place within 25 days of being tested Covid positive. To make the scope broader and more inclusive, deaths occurring within 30 days from the date of testing or from the date of being clinically determined as a COVID-19 case, will be treated as 'deaths due to COVID-19', even if the death takes place outside the hospital/ in-patient facility.
- iii. However, a COVID-19 case, while admitted in the hospital/in-patient facility, and who continued as the same admission beyond 30 days, and died subsequently, shall be treated as a COVID-19 death.
- iv. In cases where the MCCD is not available or the next of kin of the deceased is not satisfied with the cause of death given in MCCD (Form 4/4A), and which are not covered by the aforesaid scenarios, the States/ UTs shall notify a 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 exists in the district) and a subject expert, for issuance of the Official Document for COVID-19 Death. The Committee will follow the procedure outlined below:

- (26)
- a. The next of kin of the deceased shall submit a petition to the District Collector for issuance of the appropriate Official Document for COVID-19 Death.
 - b. The Official Document for COVID-19 Death will be issued in the format annexed to these Guidelines by the aforesaid district-level Committee after due examination and verification of all facts.
 - c. The Official Document for COVID-19 Death shall also be communicated to Chief Registrars of States/UTs and Registrar of Birth and Death, who issued the death certificate.
 - d. The Committee shall also examine the grievances of the next of kin of the deceased, and propose necessary remedial measures, including issuance of amended Official Document for COVID-19 Death after verifying facts in accordance with these guidelines.
 - e. The applications for issuance of Official Document for COVID-19 Death and for redressal of grievances shall be disposed off within 30 days of submission of the application/ grievance.

Balram Bhargava

[Prof. (Dr.) Balram Bhargava]
Director General,
Indian Council of Medical Research

(Rajesh Bhushan)

(Rajesh Bhushan)
Secretary
Ministry of Health & Family Welfare

Annexure 1 - Brief of ICMR study

Annexure 2 - Format of Official Document for COVID-19 Death

ICMR: COVID-19 Deaths in India, a brief summary

Background

Since its emergence in Wuhan, China in November 2019, severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), the causative agent of the disease COVID-19, has spread rapidly around the world. India detected the first case of SARS-CoV-2 infection in the country in the last week of January, 2020. This was followed by the beginning of the first wave, which lasted for about 9 months. A total of 11 million cases and 0.157 million deaths were reported from India during this period¹ with a peak of daily reporting of cases of over 4, 00,000 attained in mid-September, 2020. The current understanding of COVID-19 in India comes largely from disease surveillance, epidemiologic studies and modeling exercise.² The first wave was relatively mild compared to the second wave that followed, from mid-February 2021 onwards, and exhibiting a more explosive spread across the country. Clinical severity in terms of shortness of breath and mortality were experienced in larger proportion during the second wave compared to the first one.

In order to help decide upon the number of days to be considered for ascertainment of death related to COVID, the present document examined mortality series data specific to India.

Databases used to create mortality series pertaining to India

Two databases, as follows, were used to merge the necessary information for creation of mortality series:

- Death related data maintained by MoHFW in COVID-19 India Portal
- ICMR COVID-19 testing database for SARS-CoV-2.

ICMR-Identification number, which is a common attribute in both the databases, was used to achieve the necessary merger. This helped create a mortality series and assess the time period within which a recorded death took place following the first positive swab test date in this series.

Examination of mortality series from within India

SARS-CoV-2 virus – the causative organism of COVID-19 – results in an acute respiratory viral infection. Data from a cohort of individuals testing positive for SARS-CoV-2 infection during the second half of 2020 were examined to map the time over a period of three months from being test-positive within which deaths (71, 982) occurred.

Days elapsed following the first swab positive date and before death

¹ World Health Organization. WHO Coronavirus (COVID-19) Dashboard. Available from: <https://covid19.who.int/region/sara/country/in>, accessed on May 31, 2021.

² Plausibility of a third wave of COVID-19 in India: a mathematical modeling based analysis. Indian Journal of Medical Research DOI: 10.4103/ijmr.ijmr_1627_21

While cumulative number of deceased individuals were plotted against the number of days elapsed between the first positive swab date and death, clearly two to four weeks time appeared to be critical. The following graphical (Figure 2) representation quantifies this finding.

Cumulative coverage of deaths



OFFICIAL DOCUMENT FOR COVID-19 DEATH

(Issued in compliance to the Hon'ble Supreme court Judgement dated 30th June 2021 in WP(Civil)
No. 539 & WP(Civil) 554 of 2021)

Shri/Smt./Kum.....s/w/d of Shri R/O
..... (address of the deceased at the time of death) expired on (date of death)
at (place of occurrence of death). This death is registered vide registration
number..... in the office of Registrar of Births and Deaths (Address of local
registrar as per death certificate).

The Covid-19 Death Ascertaining Committee (CDAC) hereby certifies that the said person "Died
due to COVID-19".

Name and signature of the Chairman of CDAC

Date of issue

Place of issue

Document No.....

To:

1. The family member of the deceased (Name & address), who applied to the CDAC.
2. Registrar of Birth & Death, who issued the death certificate
3. Chief Registrar of Birth & Death of the concerned State/UT
4.
5.

(Annexure - B)

No. 33-04 2020-NDM-I
Government of India
Ministry of Home Affairs
(Disaster Management Division)

C Wing, 3rd Floor, NDC-C-II,
Jan Singh Road, New Delhi,
Dated 25th September, 2021

To
The Chief Secretary,
(All States)

Sub: Amendment in revised list of Items and Norms of assistance under State Disaster Response Fund (SDRF).

Sir Madam,

I am directed to refer to this Ministry's letter No. 32/7/2014-NDM-I, dated 8th April, 2015 on the above mentioned subject.

2. In this context it is stated that in pursuance of the Hon'ble Supreme Court Judgement dated 30th June, 2021 in Writ Petition (Civil) No. 554/2021 and W.P.(C) 539, National Disaster Management Authority (NDMA) under section 12(iii) of the Disaster Management Act, 2005, has issued guidelines for ex-gratia assistance to next of kin of the deceased by COVID-19 on 11th September, 2021. A copy of the guidelines is enclosed.

3. In pursuance to the direction of the Hon'ble Supreme Court and the aforesaid guidelines issued by NDMA, the Central Government has decided to revise the item 1 of MHA letter No. 32/7/2014-NDM-I, dated 8th April, 2015 in respect of the 'Gratuitous Relief' by adding a new entry as 1(f) after 1 (e) in the 'revised list of items and norms of assistance' under SDRF, as per the following:

S. No.	Items	Norm
1(f)	Ex-Gratia payment to next of kin of the deceased due to COVID-19.	<p>Rs. 50,000/- (Rs. Fifty thousand only) per deceased person including those involved in relief operations or associated in preparedness activities, subject to the cause of death being certified as COVID-19, as per guidelines jointly issued by Ministry of Health & Family Welfare and Indian Council of Medical Research on 3rd September 2021.</p> <p>-Expenditure on this item will be incurred from SDRF only, in strict compliance with the aforesaid NDMA guidelines dated 11th September 2021.</p> <p>-This ex-gratia assistance will be applicable from the date of first Covid-19 case reported in the country and will continue till de-notification of Covid-19 as a disaster or till further orders, whichever is earlier.</p>

13/9/2021

Contd...P-2/-

: 2 :

4. This Ministry's letter No. 32/7/2014-NDM-I, dated 8th April 2015 stand modified to the above extent.
5. This issues with the approval of the Competent Authority.

Yours faithfully,

Encl: As above.


(Ashish Kumar Singh)

Under Secretary to Government of India
Tel: 23438103

Copy for making similar provisions for utilization of UT Disaster Response Funds by the Union Territories:

- (a) Additional Secretary (JKL), MHA.
- (b) Additional Secretary (UT), MHA.

Annexure-C to GO 83-JK(DMRRR) of 2021 Dated 29.11.2021

Procedure and Process

Procedure

Step1 Deputy Commissioners to create Web Based Form (Based on Format Given Below, and place link on their own website for Ex-Gratia Assistance to the next of kin of deceased by Covid-19.



Step 2 The claimant will submit his/her details as per the prescribed format.



Step 3 Submission of form by the claimant will include necessary documents as prescribed under format (uploading thereof) as sought for.



Step 4 Verification of documents as per Process given below by the competent authority and



Step 5 Approval thereof for disbursal of amount through DBT.

Note: Each Deputy Commissioner will setup a Helpdesk for assistance of the Claimants.

Process

- a) The Health and Medical Education Department through Chief Medical Officer/Medical Superintendent of the District Hospital/ Principal of the Government Medical College of the concerned District shall share list /database of deaths due to Covid-19 with the concerned Deputy Commissioners for verification of cases falling in their respective jurisdiction.
- b) The concerned Deputy Commissioner shall further assign duty to respective SDM/ACR who will depute Government officials for home visit for the verification of the address and other relevant details provided by the applicant in the application.
- c) The Government officials at the time of home visit will collect all relevant details and fill it for the dependent, if needed, thereafter complete the process of application/verification and submit the same to the higher authority.
- d) The concerned SDM will send his recommendation to the respective District Authority, within 5 days of submission of report which is based on the verified application and home visit report by the field staff.
- e) The concerned Deputy Commissioner, shall accordingly accord approval to these cases for disbursal of amount through DBT only.

Note: The applicants who come in person shall be assisted by the designated staff at SDM Office/ DC Office respectively.

Prescribed Application Form

Ex-Gratia Assistance Claim (Death due to Covid-19).

Photograph of the
claimant

1. Name of Claimant(s): _____

Relationship with the deceased _____

S/o, D/o, W/o _____

R/o Village/Ward/ _____

Tehsil & District _____

2. Name of the deceased due to Covid-19: _____

S/o, D/o, W/o _____

R/o Village/Ward _____

Tehsil & District _____

3. Date of Death _____

4. Place of Death due to Covid-19 _____

4. Contact No.(M) of claimant _____

Signature of the claimant/thumb impression

Mandatory documents to be submitted by the claimant.

S.No	Documents	No. and date of the document	Available (Y/N)
1	Death Certificate(due to Covid-19)		
2	Aadhar linked Account No. with IFSC code of the claimant		
3	Copy of Aadhar Card of the claimant		
4	Address proof of the claimant		
5	Legal Heirship certificate or adoption deed (Issued by competent authority) for establishing kinship with the Covid-19 deceased.		