

Covid-19 deaths- Plea in SC wants deadline for seeking ex gratia payment

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A plea has been filed in the Supreme Court for setting a deadline of four weeks to claim the ex gratia payment from authorities on the death of kin to COVID-19.

The plea filed by advocate Gaurav Kumar Bansal said it may not be desirable to continue the process of ex gratia payment without any outer limit.

Bansal has urged the apex court to determine a deadline before which the claimants of persons who died can approach the authorities raising their claims.

Though the fatality rate due to COVID has substantially decreased, it may be desirable to direct that if any death takes place due to COVID-19 henceforth, the eligible claimant can move a competent authority within a period of four weeks from the death, the plea said.

"Modify the order dated June 30, 2021 and other subsequent orders passed by this court in the captioned matter permitting any central agency to undertake sample scrutiny to verify the claimed documents processed by respective state governments for grant of ex gratia payment and take steps thereafter in accordance with the law.

"Modify the order dated June 30, 2021 and other subsequent orders passed by this court in the captioned matter to the extent of declaring a time limit of four weeks," the plea said.

The apex court had earlier expressed concern over fake claims for getting ex gratia compensation of Rs 50,000, meant for family members of those who have lost their lives due to COVID-19, saying it had never visualised that this can be "misused" and had thought that the morality has not gone so down.

The top court had earlier directed all states governments and Union Territories to appoint a dedicated nodal officer to coordinate with the member secretary of the state legal service authority (SLSA) to facilitate payment of ex gratia compensation to the family members of COVID-19 victims.

The apex court, which was earlier annoyed over the non-disbursal of Rs 50,000 ex gratia to the kin/family members of those who lost their lives due to COVID-19, had pulled up the state governments.

It had said on October 4 last year that no state shall deny ex gratia of Rs 50,000 to the next of kin of the of those who died after being infected with COVID-19 solely on the grounds that the death certificate does not mention the virus as the cause of death.

The court had also said that the ex-gratia is to be disbursed within 30 days from the date of applying to the district disaster management authority or the district administration concerned along with the proof of the death of the deceased due to coronavirus and the cause of death being certified as died due to COVID-19.

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The top court had said that its directions for payment of compensation to the family members of the persons who died due to COVID-19 are very clear and there was no requirement at all of constituting the scrutiny committee to award compensation.

It had said it was very much made clear that even in a case where, in the death certificate, the cause is not shown as death due to COVID-19 but if found that deceased was declared positive for coronavirus and has died within 30 days, automatically his or her family members are entitled to the compensation without any further conditions.

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