

ITEM NO.1 Court 12 (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

(Arising out of impugned final judgment and order dated 30-06-2021 in W.P.(C) No. No. 539/2021 passed by the Supreme Court Of India)

GAURAV KUMAR BANSAL

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION.

IA No. 147377/2021 - APPLICATION FOR PERMISSION

IA No. 146330/2021 - CLARIFICATION/DIRECTION

IA No. 146331/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 146332/2021 - EXEMPTION FROM FILING O.T.)

Date : 04-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Petitioner-in-person

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Ms. Uditha Chakravarthy, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Despite our earlier order directing all the State Governments to give full particulars of the deaths due to Covid-19 registered with their portal and the number of persons to whom the

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- 5 -

ex-gratia payment is made, it appears that most of the State Governments have given only Statistics and no full particulars are given to the respective State Legal Services Authorities. The object and purpose of our earlier order was to give full particulars and to see that at least with respect to those cases which are registered with the State Governments, if they have not approached the appropriate authority for compensation, the concerned Legal Services Authority will reach to them and see to it that they make an application and they act as a facilitator and as a bridge between the victim and State Authorities, as an ombudsman. Similarly, the particulars with respect to the orphans are also not given. We direct all the State Governments to give full particulars including the name, address, death certificate etc. and to whom compensation is already paid to the concerned State Legal Services Authority including the particulars with respect to the orphans within a period of one week from today failing which the matter shall be viewed very seriously. We also direct the concerned State Governments to appoint a dedicated officer, not below the rank of Deputy Secretary in the Chief Minister Secretariat as a Nodal Officer, who should be in constant touch with the Member Secretary of the concerned State Legal Services Authority so that the Member Secretary of the concerned State Legal Services Authority may coordinate with him and see to it that the applications are received from the eligible persons. The endeavour of the Legal Services Authority would be to reach to all those

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sufferers/victims who could not yet approach for whatever reason. As and when such particulars are given, on verification, if the Member Secretary finds that out of the deaths registered some of the kin/family members of those persons are yet not given compensation, the Member Secretary of the concerned State Legal Services Authority to reach to them through the Secretary, District Legal Services Authority/Secretary, Taluka Legal Services Authority through the para legal volunteers. Their function would be to facilitate those who could not approach for getting the compensation to make an application and to see to it that they get the compensation. Their role shall be as an ombudsman as a bridge between the victim and the Government. If there is any difficulty found by the Member Secretary, the State Legal Services Authority, they may immediately approach the concerned Nodal Officer who is to be appointed as observed hereinabove and all are directed to cooperate the Member Secretary, the State Legal Services Authority in the above process.

From the report which is submitted , it appears that in many of the States high number of applications are rejected. We again reiterate and direct that the applications shall not be rejected on the technical ground and if it is found that there is some technical glitch, the concerned State Governments/Authorities must give them one opportunity to cure the defects as the ultimate goal of the concerned State as a welfare State is to provide some solace and compensation to the concerned victim/family.

From the report submitted, it appears that so far as State of

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Maharashtra is concerned, 61,848 applications are rejected out of 2,27,107 applications/claims received. It is also reported that so far as State of Maharashtra is concerned, some applications are rejected on the ground that they are filed off-line. Rejection of the claim on the aforesaid ground is deprecated and it is in the teeth of the order passed by this Court earlier. All the State Governments have to consider the applications received on merits whether they are filed off-line or online. There shall not be any rejection of any claim on the ground that the same has been filed off-line. So, wherever claims are rejected more particularly in the State of Maharashtra on the ground that they are filed off-line, the State Government is directed to review the decision within a period of one week from today and process those applications and pay the compensation to them on merits. The State of Maharashtra is directed to give full particulars of the claims/applications rejected along with the reasons to the Member Secretary, Legal Services Authority, Maharashtra within a period of one week from today who will scrutinize and consider the grounds on which the applications are rejected and if it is found that they are rejected on technical ground, he may in consultation with the Nodal Officer to be appointed, as observed hereinabove and see to it that those persons are given opportunity to rectify the mistake so that ultimately they can be paid the ex-gratia compensation by re-considering their applications.

Put up on 07.03.2022.

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- 8 -

In the meantime, the State Governments should make all endeavour to pay the compensation maximum within a period of 10 days from the date of receipt of the claims.

Registry is directed to communicate this order to all the State Legal Services Authorities for their information.

(NEETU SACHDEVA)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER