



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,

[Signature]
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 CMOH/ 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.

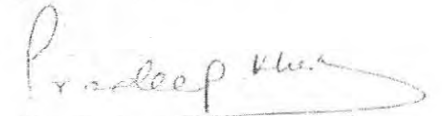
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F. No. C.18018/11/2021-DMCell
Government of India
Ministry of Health & FW
(Disaster Management Cell)

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) 9/9/21
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 (LA)

Government of India

Ministry of Health & Family Welfare & Indian Council of Medical Research Guidelines for Official Document for COVID19 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:

- 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

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:

- a) Death related data maintained by MoHFW in COVID-19 India Portal
- b) 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.

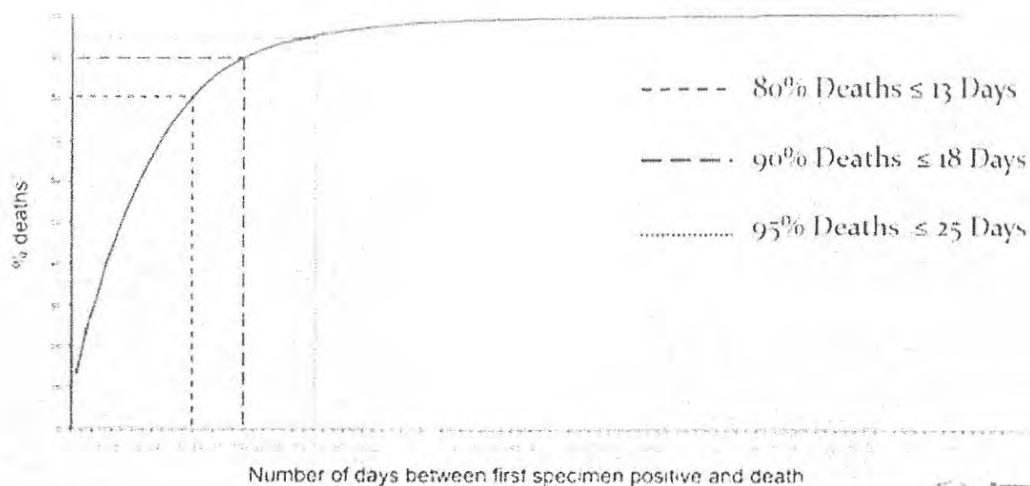
Days elapsed following the first swab positive date and before death

¹ World Health Organization. WHO Coronavirus (COVID-19) Dashboard. Available from: <https://covid19.who.int/region/searo/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 crucial. 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

Place of issue

Date 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.