COVID-19 AND EX-GRATIA

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ABSTRACT

The validity of the ex-gratia amount and the relief packages that are being given to the victims of the pandemic that has already hit the country with the most severe effects is the subject of this research paper. In light of this the, National Disaster Management Authority (NDMA) provided relief to the citizens of the country under the Disaster Management Act, 2005 (DMA, 2005). The government had already agreed to recognise the new corona virus 19 as a disaster, therefore Section 12 of the DMA dealt with the ex-gratia sum to be granted to the sufferers of the natural tragedy. This study examines the constitutional legitimacy as well as the legal requirements.

LIST OF AUTHORITIES

STATUTES/RULES REFERRED

SR.NO.	STATUE	YEAR
INDIAN		
1.	Constitution of India	1950
2.	Disaster Management Act	2005
INTERNATIONAL		
3.	International Covenant on Civil and Political Rights	1966
4.	International Covenant on Economic, Social and Cultural Rights	1966
5.	Universal Declaration of Human Rights	1948

BOOKS REFERRED

SR.NO.	AUTHOR & TITLE	EDITION & YEAR
1.	B.N. Mani Tripathi, JURISPRUDENCE THE LEGAL THEORY	19th Edition, 2012 (Reprinted)

WEBSITES REFERRED

1. https://ndmindia.mha.gov.in/images/COVID-19.pdf

TABLE OF CASES

S No.	Name of the Case	Citation
1.	Bhavnagar University v. Palitana Sugar Mill (P) Ltd.	(2003) 2 SCC 111
2.	Charan Lal Sahu v. Union of India	(1990) 1 SCC 613
3.	CIT v. T. V SundaramIyyengar	(1975) 101 I.T.R 764 SC
4.	Crawford v. Spooner	4 M.I.A 179
5.	Delhi Medical Association and Ors. v. Union of India (UOI) and Ors	AIR 2009 Delhi 163
6.	D.K. Yadav v. J.M.A. Industries	(1993) 3 SCC 258
7.	DLF Universal Limited v. Director, Town and Country Planning Department, Haryana	(2010) 14 SCC 1
8.	Francis Coralie v. Union Territory of Delhi,	AIR 1981 SC 746
9.	KeshavjiRavji and Co. v. CIT	(1990) 2 SCC 231
10.	Maneka Gandhi v. Union of India	(1978) 1 SCC 248
11.	Municipal board v. State transport authority Rajasthan	1965 AIR 458
12.	N.D. Jayal and Anr. Vs. Union of India (UOI) and Ors.	(2004) 9 SCC 362
13.	Olga Tellis v. Bombay Municipal Corp	AIR 1986 SC 180
14.	PandurangDagdduPastey v/s RamchandraBaburao Harvey	AIR 1997 Bombay 387
15.	People's Union for Democratic Rights v. Union of India	AIR1982 SC 1473
16.	R v. Harris	(1836) 7C

17.	ReepakKansal v UOI	(2020) 7 SCC 815
18.	Samatha v. State of A.P.	(1997) 8 SCC 191
19.	Shantisar Builders v. Narayanan KhimalalTotamen	AIR 1990 SC 630
20.	Shin-Etsu Chemical Co. Ltd. v. AkshOptifibre Limited	(2005) 7 SCC 234
21.	State of Maharashtra v. Chandrabhan	(1983) 3 SCC 387
22.	State of Kerala v. Mathai Verghese and ors	1987 AIR 33 SCR (1) 317
23.	SwarajAbhiyan v. Union of India	(2016) 7 SCC 498
24.	Union of India v. J.N. Sinha	(1970) 2 SCC 458
25.	Vincent Parikurlangara v. Union of India	(1987) 2 SCC 165

INTRODUCTION

From the beginning of year 2020, the world including our country is in the grip of a pandemic known as **Novel Coronavirus (COVID-19)**. Due to the global rise in cases, this was declared a pandemic on **11.03.2020** by the **World Health Organization (WHO)**. As such vide letter dated **14.03.2020**, the Ministry of Home Affairs, Union of India has stated that, keeping in view the spread of Covid-19 virus in India, has decided to treat it as **"Notified Disaster"**.

The impact of disaster is to strike hard earned economy, development and material gains. **United Nations General Assembly (UNGA)** recognizing the importance of reducing the impact of natural disaster for all people including developing countries designated 1990 as the international decade of natural disaster reduction. The International Strategy for Disaster Reduction (UNISDR) was established following International Decade for National Disaster Reduction (IDNDR) of the 1990s. The UNGA convened the second World Conference on Disaster Risk Reduction (DRR) in Kobe, Hyogo, Japan 2005, which concluded the review of the Yokohama Strategy and its Plan of Action and the adoption of the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters (HFA) (UNISDR 2005) by 168 countries. On 23.12.2005, both the Houses of Indian Parliament passed a Disaster Management Bill. In accord with Disaster Management Act, 2005, Union Cabinet approved a **"National Policy on Disaster Management, 2009".**

Section 2, Disaster Management Act 2005:

"*Definitions (d) Disaster means a Catastrophe, mishap, calamity or grave occurrence in any area arising from natural or man- made causes, accident or negligence which results in substantial loss of life or human suffering, destruction of property, damage to environment beyond the coping capacity of the community of the affected area."*

The Union of India has issued National Disaster Management Plan 2019 (NDMP 2019), wherein two types of Disasters are defined, i.e., **(1) Natural Hazards**, and **(2) Man Made Disasters**. It is further submitted that NDMP-2019 has further classified its Natural Hazards and Biological Natural Hazards has been included as "Disaster". It is submitted that therefore Covid-19 being a Biological Disaster comes within the purview and ambit of Section 2(d) of the DMA 2005 and therefore is a "Disaster" under DMA 2005.

The Supreme Court in **N.D. Jayal and Anr. Vs. Union of India (UOI) and Ors.**[1]observed and commented upon DMA, 2005: It is possible only through well-functioning disaster management framework. This will enable us to minimize, control and limit the effects of disaster and will streamline the disaster management exercises. Our present relief centered re-active approach after the striking of disaster need to be changed into preparedness oriented pro-active attitude.

This is the aim of pre-disaster preparations. Disaster Management Plans has to play an integral role in this exercise. They are blue prints for the management of disasters. A proper plan will place the disaster management exercise on a firmer foundation.

On 14.03.2020, with a view to augment the availability of funds with the State Governments. COVID- 19 was declared as notified disaster by Central Government for the purpose of providing assistance under **National Disaster Response Fund (NDRF)** and **State Disaster Response Fund (SDRF)** placed at the disposal of respective State Governments.

RELIEF TO PERSONS AFFECTED BY THE DISASTER, INTER ALIA, EX GRATIA ASSISTANCE ON ACCOUNT OF LOSS OF LIFE

Statutory Obligation under Section 12 of the DMA 2005

Section 12 of the DMA, 2005[2] requires that the national authority as referred to in Section 3[3] of the said Act recommend guidelines concerning minimum standards of assistance to people affected by the disaster and includes, inter alia, assistance to ex gratia on behalf of the loss of life. Therefore, it is argued that it is the statutory duty of the National Authority to provide free assistance in the case of death due to Covid-19 in the guidelines, which is, as emphasized, a **"Notified disaster"**.

The legal duty must be of a public nature. There is a loss of sole bread earner, lakhs of families have completely devastated and destroyed. The grant of respectable and reasonable one-time compensation in the form of ex gratia as provided under Section 12(iii) of DMA 2005[4] to the **"lowest of the low"** to the **"needy and to the families of frontline workers"** who lost their lives while acting as **"Corona Warrior"** shall not only provide a sense of social security to

[1](2004) 9 SCC 362
[2]DMA 2005, Section 12
[3] DMA 2005, Section 3
[4]*Supra note*1.

them but shall also serve the letter and spirit of DMA 2005. The Foundation Stones of enacting DMA 2005 is to provide social security & social insurance to the persons and families affected by disasters.

In Section 12 of DMA 2005[5], the word "shall" is used twice. The intent of the legislature by using the word "shall" twice is very clear and the same can be in tune with the Statement of Objects and Reasons for enactment of DMA 2005 and the functions and powers of the National Authority. One of the Objects and Purposes is "mitigation"[6].

As per Section 6(1)[7] and Sub-section 2(g) of Section 6[8], the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management and recommend provision of funds for the purpose of mitigation.

Section 12 specifically provides that the National Authority "shall" recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which "shall" include,

(i) *the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;*

(ii) *the special provisions to be made for widows and orphans; and*

(iii) *ex gratia assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood.*[9]

As per the settled proposition of law laid down by this Court in a catena of decisions, when the language of the provision is plain and unambiguous, statutory enactments must ordinarily be construed according to its plain meaning. The beneficial provision of the legislation must be literally construed so as to fulfil the statutory purpose and not to frustrate it.[10]

Relying upon the decision of this Court in the case of **SwarajAbhiyan v. Union of India**[11], it is submitted that as held by this Court, a plea of financial inability cannot be an excuse for disregarding statutory duties.

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[5] *Ibid*.
[6] DMA 2005, Section 2(h)(i)
[7] DMA 2005, Section 6(1)
[8] DMA 2005, Section 6 (2)(g)
[9] *Supra note* 1 at 8.
[10] Bhavnagar University v. Palitana Sugar Mill (P) Ltd., (2003) 2 SCC 111 (paras 25 & 26)
[11] (2016) 7 SCC 498 (paras 120 to 123)

In the case of **Delhi Medical Association and Ors. v. Union of India (UOI) and Ors**[12], it is observed that merely because an Act and the Rules there under do not specifically advert to the disposal of hazardous waste by such nursing home, it would not mean that such nursing home does not have to conform to the standards set down under the EPA and the Rules made there under.

Similarly, even though the ex-gratia amount is not stated under Section 12 of DMA 2005, it would not mean that the government may not meet the standards set down under the said statute.

Thus, Section 12 of the DMA, 2005 casts a statutory obligation to provide such ex-gratia assistance on account of loss of life.

To appreciate the context of an 'Ex-Gratia' payment, Section 12 of Disaster Management Act, 2005 needs to be read with section 46, wherein sub-section 46(2) reads as under:

"The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority."[13]

The word "shall" occur twice in Section 12 of the Act puts a constitutional obligation

As provided under Section 12 of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA) has already issued general Guidelines for "Minimum Standards of Relief". However, on the issue of 'ex gratia' assistance on account of loss of life, the guidelines provide that the norms provided by Government of India (Ministry of Home Affairs) for assistance from SDRF should be the Minimum Standards of Relief.

Ex gratia assistance on account of loss of life is not only a statutory obligation under Section 12 of the DMA 2005, but it is the constitutional obligation also since it also affects the right to life guaranteed under **Article 21** of the Constitution of India. A number of constitutional provisions provide for state's obligation to provide relief and rehabilitation. **Article 21** of the Indian Constitution guarantees every person right to life and personal liberty. It casts a positive

[12]AIR 2009 Delhi 163
[13] DMA 2005, Section 46 (2)

obligation on the State to take all possible steps for prevention, preparedness and mitigation of disasters.

Article 21 of the Indian Constitution provides protection to life and personal liberty to all the persons, which can only be deprived of by any 'procedure established by law'. The word 'law' in Article 21 does not mean merely 'enacted law' but incorporates principles of natural justice so that a law to deprive a person of his life or personal liberty cannot be valid unless it incorporates these principles in the procedure laid down by it.[14] The protection is not only against the executive action but also against a legislation, unless the law for deprivation is reasonable, just and fair both procedurally and substantially.[15]

Article 21 of the Constitution envisages a right to life and personal liberty of a person. The word **"Life"** under Article 21 means a quality of life,[16] which includes right of food, and reasonable accommodation to live in [17] and the right to a wholesome environment.[18] Also **ICCPR**[19], **UDHR**[20] and **ICESCR**[21] recognizes right to life and adequate standard of living.

In **Maneka Gandhi's case**[22] the Court gave a new dimension to Article 21. It has been held that the right to 'Live' is not merely confined to physical existence but it includes within its ambit the right to live with human dignity. Elaborating the same view, the Court in **Francis Coralie v. Union Territory of Delhi**,[23] said that the right to live is not restricted to mere animal existence. It means something more than just physical existence. The right to 'live' is not confined to the protection of any faculty or limb through which life is enjoyed or the soul communicates with the outside world but it also includes "the right to live with human dignity".

In **People's Union for Democratic Rights v. Union of India**,[24] held that non-payment of minimum wages clearly violates the Art. 21.

In **State of Maharashtra v. Chandrabhan**,[25] the Court struck down a provision of Bombay

[14] Union of India v. J.N. Sinha, (1970) 2 SCC 458.
[15] Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
[16] Francis Coralie v. Union Territory of Delhi, AIR 1994 SC 1844.
[17]Shantisar Builders v. Narayanan KhimalalTotamen, AIR 1990 SC 630.
[18]Charan Lal Sahu v. Union of India, AIR 1990 SC 1480.
[19] ICCPR, Article 6.
[20] UDHR, Article 3.
[21] ICESCR, Article 11
[22]Maneka Gandhi v. Union of India, AIR 1978 SC 597
[23]AIR 1981 SC 746
[24]AIR1982 SC 1473
[25](1983) 3 SCC 387

Civil Service Rules, 1959, which provided for payment of only a nominal subsistence allowance of Re. 1 is unconstitutional on the ground that it is violative of Article 21 of the Constitution.

In **D.K. Yadav v. J.M.A. Industries**,[26] the Supreme Court held that the right to life enshrined under Art. 21 includes right to livelihood.

In **Vincent Parikurlangara v. Union of India**,[27] the Supreme Court held that the right to maintenance and improvement of public health is included I the right to live with human dignity enshrined in Article 21. A healthy body is the very foundation of all human activities. In a welfare State this is the obligation of the State to ensure the creation and sustaining of conditions congenial to good health.

The Supreme Court has argued in the **Olga Tellis v. Bombay Municipal Corp**[28], that the right to livelihood is born out of the right to life, as no person can live without the means of living, i.e., the means of livelihood.

The preamble of the Constitution of India declares India as a **"Socialist"** country and this term itself gives a substantial proof of the existence of social welfare responsibilities of the government. It is submitted that **Article 39A** of the Constitution of India lays down a duty on the government to frame its policies in such a manner that the citizens get equal right to an adequate means of livelihood. It is submitted that though no amount of money will be enough to mitigate the loss of a family member but still the government as its social responsibility shall frame a national scheme for providing compensation to the families of those people who have died due to Covid-19 pandemic so that they all can live a dignified life and fulfil their basic necessities.

Relying upon the decision of this Court in the case of **Charan Lal Sahu v. Union of India**[29], (popularly known as **"Bhopal Gas Leak Disaster case"**, it is submitted that it is held in the aforesaid case that the Government has the sovereign power of guardianship over the persons under disability and it is its duty to protect them. Reliance is also placed on the decision of this

[26](1993) 3 SCC 258
[27](1987) 2 SCC 165
[28]Olga Tellis v. Bombay Municipal Corp., AIR 1986 SC 180
[29](1990) 1 SCC 613

Court in the case of **Samatha v. State of A.P.**[30].

The **Item No. 23 of the Concurrent List of Schedule VII of the Constitution of India**[31] deals with social security & social insurance and it is on the basis of this item that Parliament enacted DMA 2005 [32]. The Foundation Stones of enacting DMA 2005 [33] is to provide social security & social insurance to the persons and families affected by disasters. Therefore, denying the ex-gratia payment to the families of Covid-19 deceased shall not only hit on the foundation stone on which DMA 2005 [34] is standing but shall also defeat the whole purpose of DMA 2005[35].

No amount of money will be enough to mitigate the loss of a family member but still the government as its social responsibility shall frame a national scheme for providing compensation to the families of those people who have died due to Covid-19 pandemic so that they all can live a dignified life and fulfil their basic necessities. Relying upon the decision of this Court in the case of **Charan Lal Sahu v. Union of India**,[36] (popularly known as "Bhopal Gas Leak Disaster case", it was held in the aforesaid case that the Government has the sovereign power of guardianship over the persons under disability and it is its duty to protect them. Reliance is also placed on the decision of this Court in the case of **Samatha v. State of A.P.**.[37]

The word "shall" occur twice in Section 12[38] of the Act puts a constitutional obligation on the part of the Central/State Government to recommend guidelines for providing ex gratia assistance which is in the nature of sustenance assistance. Keeping the aforesaid in mind, earlier for the years 2015-2020 vide Ministry of Home Affairs letter dated 08.04.2015 the Government has fixed norms of assistance from SDRF and NDRF for providing succour to the aggrieved family.

In the case of **ReepakKansal v UOI**[39], it is stated that the word "shall" occurred in Section 12 of the DMA 2005 should be construed as "mandatory" and shall not be read as "may", as contended on behalf of the Union of India. It is submitted that if the word "shall" used in

[30](1997) 8 SCC 191 (para 72)
[31] Item No. 23 of the Concurrent List of Schedule VII of the Constitution of India
[32]Disaster Management Act 2005
[33]*Ibid*
[34]*Ibid*
[35]*Ibid*
[36] (1990) 1 SCC 613
[37] (1997) 8 SCC 191 (para 72)
[38]*Supra note* 1 at 8.
[39]ReepakKansal v. UOI, (2020) 7 SCC 815.

Section 12 of the DMA 2005 is read as "may", as sought to be canvassed on behalf of the Union of India, the concept of "situation interpretation" evolved would negate the very object and purpose enshrined in Section 12 of the DMA 2005 since the purpose is immediate sustenance assistance to the aggrieved family.[40]

Literal Rule of Interpretation of Section 12 of DMA, 2005

This leads us to quoting the very meaning and importance of the Literal rule of interpretation. It is known by another name also, that is 'grammatical interpretation'. The principle of this kind of interpretation is that the judge should not go beyond the letters of the law (litrealegis). The whole task before the court is to gather the intention of the legislature and this legislature should be gathered only from the words they have used. When the word of the statute is clear, they must be given effect to. This principle was recognised by Roman jurists only. Paulus wrote: *'quum in verbisnullaambiguitasest non debit abmittivoluntationquasestia'* (when there is no ambiguity in the words, the question of intention ought not to be admitted).[41]

Main advantage of The Literal Rule: **No scope for the judges owns opinions or prejudices to interfere**. Respects parliamentary supremacy and upholds separation of power. Encourages drafting precision, promotes certainty and reduces litigation.[42]

In this case of **R v. Harris**[43], the defendant bit the plaintiff's nose. The statute made it an offence 'to stab cut or wound' the court held that under the literal rule the act of biting did not come within the meaning of stab cut or wound as these words implied an instrument had to be used. Therefore, the defendant was acquitted.

The meaning of Literal Rule was given in the case of **CIT v. T. V SundaramIyyengar**[44] as, "If the language of the statute is clear and unambiguous, the Court cannot discard the plain meaning, even if it leads to an injustice."

State of Kerala v. Mathai Verghese and ors[45], the literal rule of interpretation was used and the court held that the word currency notes or bank note cannot be prefixed. The person was

[40] DLF Universal Limited v. Director, Town and Country Planning Department, Haryana (2010) 14 SCC 1 (para 13); Shin-Etsu Chemical Co. Ltd. v. AkshOptifibre Limited, (2005) 7 SCC 234 (para 85).
[41] B.N. Mani Tripathi, Jurisprudence the Legal Theory, Page 259, Chapter XXV, 19th Edition 2012 (Reprinted)
[42] *Ibid*
[43] (1836) 7C
[44] (1975) 101 I.T.R 764 SC
[45] 1987 AIR 33 SCR(1) 317

held liable to be charge-sheeted.

Municipal board v. State transport authority Rajasthan: [46] The Supreme Court held that literal interpretation must be made and hence rejected the application as invalid.

PandurangDagdduPastey v/s RamchandraBaburao Harvey [47] Bombay High Court decided that—Literal interpretation of statutes is the only interpretation which aids in fulfilment of the intention of the legislature and prevents Mischief.

KeshavjiRavji and Co. v. CIT[48] the meaning of literal rule is stated that, as long as there is no ambiguity in the statutory language, resort to any interpretative process to unfold the legislative intent becomes impermissible.

In the case of **Crawford v. Spooner** [49] – Lord Bradham says that the Act should be framed in accordance to the actual words of the Act. We should not try to find out that would have been the intention of the legislature behind it. We should not also attempt to complete or amend those facts of the Act which have been left out.

Relying upon the decision of this Court in the case of **Bhavnagar University v. Palitana Sugar Mill (P) Ltd.**[50], it is submitted that when the language used in the section/provision is plain and unambiguous, no words shall be added, altered or modified unless it is plainly necessary to do so to prevent a provision from being unintelligible, absurd, unreasonable, unworkable or totally irreconcilable with the rest of the statute. It is submitted that in the present case the language used in Section 12 of the DMA 2005 is plain and unambiguous and therefore the word “shall” will be read as “shall” and the same should be construed as mandatorily to be provided.

Therefore, if the word "shall" be interpretated as "may" and as a directory/discretion, then the very object and purpose of the Act will be defeated. The word "shall" used twice in Section 12[51] imposes an obligation on National Authorities to issue guidelines for minimum standards

[46] 1965 AIR 458
[47]AIR 1997 Bombay 387
[48] (1990) 2 SCC 231
[49]4 M.I.A 179
[50](2003) 2 SCC 111
[51]*Supra note*1 at 8

of care that include ex gratia assistance for loss of life, as well as assistance for damage to homes and for recovery of livelihood.

When the responsibility of mitigating the loss of life under DMA 2005 arises, the government is abstaining from its responsibility and trying to escape from its duty to provide compensation to people who have lost their loved ones. The modified list of items and norms of assistance from SDRF vide letter dated **14.03.2020**, the Government of India has withdrawn the clause of ex gratia compensation.[52] Section 12 of DMA 2005 explicitly states that the NDMA shall recommend guidelines for minimum standards of relief to be provided to the persons affected by disaster[53]. Special emphasis should be laid on Section 12 (ii)[54] and Section 12(iii) of DMA 2005.[55]

However, at the same time, if the statutory authority/authority has failed to perform its statutory duty cast under the statute or constitutional duty, a mandamus can be issued directing the authority to perform its duty cast under the statute. In such a situation, the Court would be absolutely justified in issuing a writ of mandamus directing the authority to perform its statutory duty/constitutional duty.

Dynamic Approach adopted by Central Government under DMA, 2005

Various steps have been taken by the Union of India, to strategize nation's response to Covid-19, a once in a lifetime pandemic inflicted on the entire world, wherein not just the funds of NDRF and SDRF, but even from the Consolidated Fund of India are being utilised as per the advice of the experts. Specific steps have been taken for ramping up the entire health infrastructure, preparedness, relief, restoration, mitigation and reconstruction, in a very short time, to include, inter-alia:

a) Testing, tracing, treatment and quarantine facilities;

b) Augmenting hospital facilities, oxygenated beds, ventilators, ICU facilities etc.;

c) Augmentation of health workforce and their insurance;

[52]https://ndmindia.mha.gov.in/images/COVID-19.pdf
[53]https://ndmindia.mha.gov.in/images/COVID-19.pdf
[54] Section 12(ii) Disaster Management Act, 2005
[55] Section 12(iii) Disaster Management Act, 2005

d) Augmentation, allocation, supply and transportation of oxygen and other essential drugs;

e) Research, development, enhanced production and administration of vaccinations to rapidly cover one of world's largest eligible population of beneficiaries;

f) Ensuring food security to the vulnerable groups;

g) Minimising the adverse impact of large-scale economic disruptions by multi-pronged approach; and

h) Rehabilitation, protection and education of children orphaned due to Covid-19.

Covid-19 has come as a novel virus and disease resulting in a pandemic for the entire world. The entire world has faced this phenomenon with differing intensity, mutations and waves, impacting life itself, healthcare systems, livelihood, access to amenities, liberties etc., making it a global public health challenge affecting all countries. The Central Government adopted a multi-pronged, multi-sectoral, whole of society and a whole of government approach, along with the National Plan, in order to tailor the response of the nation in tune with the evolving nature of the virus.

The Government of India while implementing DMA 2005 has applied a different approach keeping the unprecedented nature of disaster in mind, while supporting individual States/UTs as per their specific needs. Such support for fighting the pandemic situation has consisted of ramping up the health infrastructure in a short time, which include testing, treatment, and quarantine facilities on large-scale on the one hand, and augmenting hospital facilities, which include oxygenated beds, ventilators, and ICU facilities, on the other, in which the fund of not only NDRF but even from the Consolidated Fund of India is being spent. This is an on- going effort, which will have to be and is being scaled up further in response to successive waves of Covid-19.

The authorities to deal with the ever changing situations in the best possible manner, utilising all the financial, human, infrastructural and all resources of the nation rationally, judiciously and keeping the future contingencies in mind, as the world does not know how this pandemic will take shape in the future, the Union of India has taken a conscious policy decision to provide relief(s) depending upon the ever changing needs through various Ministries/Departments and such actions are coordinated and monitored by the National Executive Committee, as

contemplated in the Disaster Management Act, 2005 in general and under Section 10 in particular.

The following measures have been taken by the Union of India/NDMA:

(1) The regular funding to deal with COVID-19 has been provided under the National Health Mission;

(2) In order to supplement the efforts of the State Governments, the Central Government on 14th March 2020, by way of a special one- time dispensation, decided to treat COVID-19 as a "notified disaster" for the purpose of providing limited assistance towards containment measures under SDRF,

(i) Measures for quarantine for sample collection and screening

(ii) Procurement of essential equipment/ labs for response to COVID-19.

(iii) To deal with problems of migrant labourers, on 28th March, 2020, the Central Government allowed use of SDRF for setting up relief camps and to provide food, water, etc. to migrant workers and other stranded people.

(iv) On 23rd September, 2020, the Central Government further allowed use of SDRF by the States for oxygen generation for COVID-19 patients in States, to strengthen transport services for transporting oxygen, and setting up containment zones, COVID-19 care centres.

(v) for the containment measures allowed under SDRF, State Governments were allowed to spend up to a maximum of 35% of the annual allocation of funds under SDRF for the financial year 2019-20. The ceiling of 35% was further enhanced to 50% during the financial years 2020-21.

(vi) The State Governments were allowed to utilize up-to 10% of their opening balance of SDRF as on 01.04.2020 by way of one-time special dispensation, for COVID-19 containment measures during 2020-21.

(vii) Keeping in view the recent surge in COVID-19 cases in the country, by way of a special dispensation, Central Government, further extended the dispensation allowed to States to utilise up to 50% of their annual allocation of SDRF, for containment measure of COVID-19 during the financial year 2021-22.

To allow ex gratia compensation/assistance to the family members of the deceased persons who have died due to COVID 19, while providing their services in relief operations or when they were associated with preparedness activities to combat COVID-19 pandemic, the Central Government, by its pro-active and pre-emptive approach, had launched the Pradhan MantriGaribKalyan Package (PMGKP) as early as on 30.03.2020. Under the scheme, a comprehensive personal accident cover of Rs. 50 Lakh has been provided to 22.12 Lakh Health Care Providers throughout the country, including community health workers and private health workers who may have been in direct contact and care of COVID-19 patients and may be at risk of being impacted/infected by this. Further on account of the unprecedented situation, private hospitalstaff/retired/volunteer/local urban bodies/contract/daily wage/ad-hoc/outsourced staffrequisitioned by states/central hospitals/autonomous hospitals of central/states/UTs, AIIMS &Institute of National Importance (INI)s/hospitals of Central Ministries specifically drafted for care of COVID-19 patients were also covered under the scheme. The benefits under the said scheme have been extended for a further period of 180 days (w.e.f. 24.04.2021). The scheme is being implemented through an insurance policy of New India Assurance Company. In order to further expedite the processing of claims, a new system has been introduced as per which the claims are now being processed by the District Collectors and forwarded to the insurance company for release of funds to the claimants. So far, 442.4 ₹ crore have been released to the insurance company in this regard.

CONCLUSION

In light of the paper discussed the researcher has come to the conclusion that in India in spite of so much advancement in all the sector the laws need to be changed with upcoming era and with more proficient public centric laws without any ambiguity in the language procured by the legislature. This pandemic i.e., novel coronavirus had the worst impact to the persons psychological and physical well-being which is in most of the terms irreplaceable. The country's enactment of the Disaster Management Act, 2005 was a great effort by the legislature and the enactment of section 12 of the said act to provide ex-gratia amount to the citizens affected and aggrieved by a natural calamity which helps them to restore their livelihood and make the most use of it to revive their position in the society.

The World Health Organization also helped a lot in the challenges faced by the government and guiding them to set foots in the best way possible to help everyone in need. The action of National Disaster Management Authority made a remarkable achievement by providing the ex-

gratia amount to the family members off the deceased and using the National/State Disaster Relief Fund to provide every medical need such as vaccination or oxygen supplies to the hospitals to help the victims as much as possible.

The Constitution of India also gives a helping hand to the persons by the fundamental right of Right to life and Personal Liberty enshrined in Article 21 and the precedents given by the Supreme Court and the other old and landmark judgements which clearly states about the relief measures and the ex-gratia amount to the victims of the natural calamities.