



# **PRAVASI LEGAL CELL**

*Empowering People on Legal Front*

Ref :-PLC/REP/NDMA/1135/2021

Dated:-05<sup>th</sup> July, 2021

To,

1. Shri. Narendra Modi,  
Honorable Prime Minister of India &  
Chairperson, National Disaster Management Authority.
2. National Disaster Management Authority  
Represented by its Member Secretary,  
NDMA Bhavan, Block A-1,  
Safdarjung Enclave, Nauroji Nagar,  
New Delhi -110010.

**Subject:- An urgent appeal to the NATIONAL DISASTER MANAGEMENT AUTHORITY OF INDIA to Extend the benefit of the Honourable Supreme court Judgment in W.P. (c) No. 554 OF 2021 to the Indian Expats who are working abroad and their family Members who lost their life due to the Covid Pandemic.**

Honourable Prime Minister,

Pravasi Legal Cell (PLC) is a registered NGO working with the objective of empowering people on the legal front. It is a group of retired judges, practicing lawyers, social activists, academicians and public spirited citizens working to empower people with the power of law. For the last ten years it has been striving to provide legal aid to the most needy and voiceless individuals of the society, especially the Indian migrants and emigrants.

The organisation during the ongoing Covid-19 times has filed numerous representations and Public Interest Litigation(s) before the Hon'ble Supreme Court and in the High Court of Delhi and Kerala on multifarious issues which affect the lives of the Indian expatriate community. There were positive interventions of the Hon'ble Apex Court in the PIL(s) filed on issues pertaining to repatriation of stranded pregnant women and refund of canceled airline tickets and more recently notice has been issued by the Apex Court in the plea filed by PLC on the issue of abandonment of woman by their NRI husbands.



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At the outset the organization places on record its appreciation and sincere gratitude for the commendable steps taken by National Disaster Management Authority under the able leadership of the Honourable Prime Minister as the Chairperson of NDMA, Govt. of India to tackle Covid-19 in the country. We also extend our best wishes to the Government of India and NDMA for the all the great efforts to tackle various issues caused by the pandemic.

That the instant representation has been submitted to your good self with regard to the recent Supreme Court verdict in W.P. (c ) No. 554 of 2021 dated 30-06-2021. In this matter, Honourable Supreme Court of India directed the National Disaster Management Authority 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 DMA 2005 for the minimum standards of relief to be provided to the persons affected by disaster – Covid 19 Pandemic, over and above the guidelines already recommended for the minimum standards of relief to be provided to persons affected by Covid-19. However, what reasonable amount to be offered towards ex gratia assistance is left to the wisdom of National Authority which may consider determining the amount taking into consideration the observations made hereinabove, such as, requirement/availability of the fund under the NDRF/SDRF for other reliefs and the priorities determined by the National Authority/Union Government and the fund required for other minimum standards of relief and fund required for prevention, preparedness, mitigation and recovery and other reliefs to carry out the obligation under DMA 2005. The aforesaid exercise and appropriate guidelines be recommended, as directed hereinabove, within a period of six weeks from today”*.

It is submitted that as the court has issued a positive direction to the National Disaster Management Authority 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”*. It is humbly submitted that the said benefit of the judgment should also be extended to the Indian Migrants and their family members who are residing abroad who lost their life due to Pandemic.

It is submitted that the Indian Migrants in destination countries are the worst effected groups due to pandemic as most of them have either lost their jobs or their salary has been reduced.



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It is submitted that the Honorable Apex court in *Gaurav Kumar Bansal v. Union of India*, (2015) 2 SCC 130, had taken a view that : **“8. There is no manner of doubt that a welfare State is the protector of life and liberty of its citizens not only within the country but also outside the country in certain situations. The concept of *parens patriae* recognises the State as protector of its citizens as parent particularly when citizens are not in a position to protect themselves. The Preamble to the Constitution, read with directive principles, under Articles 38, 39 and 39-A enjoins the State to take all protective measures to which a social welfare State is committed”.**

It is submitted that The fundamental rights that are guaranteed to all citizens are not extinguished when the person travels or lives abroad. Hence it is important to include the Indian Migrants who are residing abroad who lost their life due to Pandemic within the Purview of the National Minority.

It is submitted that unless and until a positive decision is taken by the National Disaster Management authority to extend the benefit of the judgment to Indian Migrants and their family who are working abroad and their family members who lost their life due to Pandemic, will be put to hardship.

Hence, in light of the above circumstances, we again humbly request you to consider the plight of Indian expat community those who lost dear and near ones and struggles to continue their life forward. A special rehabilitation package especially for the expat community also would be a welcome step considering the present situation of them. It is further submitted that an appropriate direction may be issued to the Indian missions abroad to collate the data of the casualties caused to the Indian expats due to covid pandemic and report it to the Govt. of India for further action.

We hope your good self will consider the instant representation in its true letter and spirit and will do the needful at the earliest considering the urgency cited above, as has been done in the past by the Government of India and NDMA in particular.

Thanking You

Yours sincerely,

Sd/-  
Adv. Jose Abraham  
President, Pravasi Legal Cell

Sd/-  
Babu Francis  
Global Spokesperson, PLC.