

## News

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**Under the PMGKY, the families of doctors who died during COVID do not need to show that they needed the doctor's services in order to collect insurance:**



*The Court said, "The courage and sacrifice of our doctors can never be forgotten."*

*The Supreme Court decided that if a health worker dies, their family does not need to show proof that the deceased health worker was specifically requested to provide care during COVID-19 in order to get insurance from the Union government under the Pradhan Mantri Garib Kalyan Yojana Package: Insurance Scheme for Health Workers*

## ***Fighting COVID-19 (PMGKY-Package).***

The PMGKY-Package plan promised a ₹50 lakh insurance policy to the next of kin of healthcare workers who qualified.

A group of judges named PS Narasimha and R. Mahadevan said, "There cannot be any doubt about the compelling situation in which the governments requisitioned services of doctors and other health professionals to contain the virus." They said this was clearly the case after March 2020, when COVID-19 became a pandemic.

The Court said, ***"We don't think it's that simple. Just because there wasn't a specific request doesn't mean the insurance claim should automatically fail."***

It said, quite rightly, that you could easily imagine a situation where sending each individual letter of appointment or requisitioning would not have been possible, and this was the reason for putting immediate steps in place using the Epidemic Diseases Act of 1897 and the 2020 Regulation.

But the Court also said that each person's claim for insurance under the PMGKY package must be decided by a legal review of the facts in each case.

The Court said that whether a doctor or healthcare worker offered and provided their services as part of their COVID-19-related duties is a question of the evidence.

***"The onus to prove that a deceased lost his life while performing a COVID-19-related duty is on the claimant, and the same needs to be established on the basis of credible evidence," it said.***

The Court delivered the ruling while setting aside a Bombay High Court decision that had rejected the plea made by the wife of a deceased doctor, Dr B Surgade, on the ground that there was no proof that his services had been 'requisitioned' for COVID-related duties.

However, the top court held that requisitioning had to be assessed in the context of the situation that prevailed, coupled with the relevant laws and the executive actions that were resorted to.

In context of Maharashtra, it found that the rules empowered Collectors and Municipal Commissioners to requisition services of any person. It also noted that the Commissioner of Navi Mumbai had issued a notice to Dr Surgade to explain the reason for not keeping his hospital/dispensary open during the lockdown time.

***"Powers under the [Epidemic Diseases] Act and Regulation 2020 were also exercised while issuing the order dated 31.03.2020 issued in the type of show cause notice to Late Dr. Surgade. In this view of the matter, we have no hesitation in holding that there was a "requisition" of doctors and other medical professionals," the Court decided.***

Since the Court had limited its examination to determining the question as to whether there is 'requisition' of the services of doctors and health workers, Dr Surgade's case will now have to be considered on the basis of evidence.

However, the Court in the decision underlined that while laws and regulations were intended to leave no stone unturned in requisitioning the doctors, the insurance scheme was to assure doctors and health workers in the front line that the country is with them.

The courage and sacrifice by our doctors stay indelible, it said.

***Additional Solicitor General Aishwarya Bhati and lawyers Shivika Mehra and Ketan Paul appeared for the government***