

GAHC010175592025



2026:GAU-AS:6094

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4479/2025

SAFIYA KHATUN
W/O ASHEK ALI
R/O VILL- AND P.O. BALIKATIA
P.S. JURIA,
DIST. NAGAON, ASSAM
PIN-782122.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT (RELIEF AND
REHABILITATION BRANCH)
DISPUR
GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY

TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DISTRICT COMMISSIONER

NAGAON
ASSAM
P.O. AND P.S. NAGAON
DIST. NAGAON
ASSAM

PIN-782001.

5:THE CIRCLE OFFICER

DHING REVENUE CIRCLE

P.O. BALIKATIA

P.S. JURIA

DIST. NAGAON

ASSAM

PIN-782122

6:THE SUPERINTENDENT OF POLICE

P.O. AND P.S. NAGAON

DIST. NAGAON

ASSAM

PIN-782001.

7:THE OFFICER IN-CHARGE

RUPAHIHAT POLICE STATION

P.O. RUPAHI

DIST. NAGAON

ASSAM

PIN-782125

Advocate for the Petitioner : MR G U AHMED, MS S. MEHJABIN,MR. R ISLAM

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, REVENUE

:::BEFORE:::

HON'BLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved : N/A

Date of pronouncement of judgment : 05.05.2026

Whether the pronouncement is of the

Operative part of the judgment : N/A

Whether the full judgment has been

Pronounced : Yes

Judgment & Order (Oral)

Heard Mr. G. U. Ahmed, learned counsel for the petitioner. Also heard Mr. N. Goswami, learned State Counsel for respondent Nos. 1 & 4 to 7 and Ms. G. Hazarika, learned Standing Counsel, Revenue Department, for respondent No. 2.

2. By filing this petition, the petitioner claims rehabilitation grant/compensation/financial assistance in terms of the notification dated 27.07.2011 issued by the Government of Assam, Revenue and Disaster Management Department, a guideline/policy providing, immediate relief to victims of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloudburst and pest attack, on account of the death of her granddaughter, *Late Afrina Begum*, who died due to drowning.

3. The case in brief is that information was received on 03.09.2024 at around 6:00 PM from an unknown person of village Owana, Rupahihat, Nagaon, by the police that a two-year-old baby girl had died due to drowning. On enquiry, it was found that at around 3:00 PM, *Late Afrina Begum*, aged about two years, daughter of *Ruhul Amin* of village Owana, Police Station Rupahihat, District Nagaon, had died after falling into a pond while she was playing. Thereafter, necessary inquest was conducted and post-mortem examination was carried out, wherein the cause of death was opined to be asphyxia as a result of drowning.

4. The present petitioner is the grandmother of the deceased *Late Afrina*

Begum. The petitioner contends that since her late granddaughter had died in the pond due to onslaught of thunderstorm and flood, she is entitled to be provided the rehabilitation grant as per the policy of the State. The petitioner claims to be a very poor lady having no one to look after her and she has been suffering from financial difficulties and the respondent authorities are duty bound to extend financial help to the family of the victim who had died due to drowning during flood. The petitioner had submitted a representation on 18.12.2024 before the Deputy Commissioner, Nagaon, praying for financial assistance against the unnatural death of her granddaughter as she had died due to drowning during the flood. However, the respondent authorities have failed to consider the petitioner's genuine grievance for financial grant.

5. Mr. G. U. Ahmed, learned counsel for the petitioner, while referring to the notification dated 27.07.2011, which provides immediate relief to victims of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloudburst and pest attack, submits that a sum of Rs. 4,00,000/- (Rupees Four Lakhs only) per deceased is payable as ex-gratia compensation to the families of deceased persons. He submits that the granddaughter of the petitioner, who was about three years old, had died due to drowning in a pond during thunderstorm and flood, therefore the petitioner is entitled to the aforesaid amount of Rs. 4,00,000/- (Rupees Four Lakhs only) as ex-gratia payment under the said notification. Accordingly, it is prayed that the respondent authorities be directed to grant ex-gratia payment of Rs. 4,00,000/- (Rupees Four Lakhs only) to the petitioner. In support of his submissions, the learned counsel, Mr. Ahmed, has referred to the certificate of the Officer-in-Charge, Rupahihat Police Station, as well as the post-mortem examination report, which state that the deceased granddaughter of the petitioner died due

to drowning and that the cause of death was asphyxia as a result of drowning.

6. On the other hand, Mr. N. Goswami, learned State Counsel, and Ms. G. Hazarika, learned Standing Counsel, Revenue Department for the respondents, submit that as per the report dated 11.09.2025 of the Circle Officer, Samaguri Revenue Circle, Nagaon, the granddaughter of the petitioner died on 03.09.2024 after falling into a roadside pond situated near her house at village Owana Kisamat. Though the petitioner has claimed that her granddaughter died due to drowning during flood, the investigation, along with the certificate of the concerned LRA and the Government Village Headman, reveals that there was no flood situation in the area at the relevant time, nor is the area flood-affected. Therefore, while the death is admitted to be due to drowning, it is not attributable to any natural calamity such as flood.

7. The State Counsel further submits that the notification dated 27.07.2011 pertains to guidelines for the State Disaster Response Fund (SDRF), which provides immediate relief to victims of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloudburst and pest attack. Since the granddaughter of the petitioner died due to drowning in an unfortunate accident, it is contended that the petitioner is not entitled to ex-gratia payment under the aforesaid notification.

8. I have considered the submissions of the learned counsel for the parties and also perused the materials on record.

9. Undisputedly, Late Afrina Begum, a three-year-old child and the deceased granddaughter of the petitioner, had died due to drowning in a pond. The records reveal that the death occurred due to her falling into the pond while playing and the cause of death was asphyxia as a result of drowning, which

appears to be an unfortunate accident.

10. The State of Assam, through the Revenue and Disaster Management Department, vide notification dated 27.07.2011, has framed guidelines governing the constitution and administration of the State Disaster Response Fund (SDRF). The said guidelines, *inter alia*, provide that the SDRF shall be utilized only for meeting expenditure towards providing immediate relief to victims of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloudburst and pest attack. Subsequently, from time to time, the Central Government as well as the State Government have issued circulars prescribing the list of items and norms of assistance under SDRF and NDRF, which include gratuitous relief. One such relief is ex-gratia payment of Rs. 4,00,000/- (Rupees Four Lakhs only) per deceased person to the families of deceased, including those involved in relief operations or associated in preparedness activities, subject to due certification regarding the cause of death by the competent authority.

11. Upon perusal of the notification dated 27.07.2011 issued by the Government of Assam through the Revenue and Disaster Management Department, as well as the subsequent circulars issued by the Central Government and the State Government, it is evident that the SDRF framework is intended to provide relief only in cases arising out of specified natural calamities, namely cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloudburst and pest attack. It further clearly reflects that ex-gratia payment is payable to the families of deceased persons, including those involved in relief operations or associated in preparedness activities, subject to certification regarding the cause of death by the

appropriate authority.

12. In the present case, it is not in dispute that the deceased granddaughter of the petitioner died due to drowning in a pond. However, there is no material on record to establish that the death of the petitioner's granddaughter occurred due to drowning in a flood situation or on account of any other notified natural calamity. Rather, the records indicate that the incident occurred when the child accidentally fell into a pond while playing near her house and at the relevant time, there was no flood situation in the area, nor is the area shown to be flood-affected. It is needless to state that, for availing gratuitous relief in the form of ex-gratia payment under the said notification, the death must be directly attributable to one of the specified natural calamities, and the payment of Rs. 4,00,000/- (Rupees Four Lakhs only) as ex-gratia is subject to due certification of the cause of death by the appropriate authority. Since there is no material on record to indicate that the deceased granddaughter of the petitioner died due to drowning during flood or any other such calamity, the petitioner is not entitled to any ex-gratia under the notification dated 27.07.2011. Accordingly, this Court is constrained to refuse any relief to the petitioner in the facts and circumstances of the case, particularly under the said notification.

13. In view of what has been discussed hereinabove, I am of the considered view that the petitioner is not entitled to ex-gratia payment as a gratuitous relief under the notification dated 27.07.2011, as the petitioner has failed to establish that her deceased granddaughter had died due to drowning during flood or that she was a victim of any other calamity as outlined in the said notification.

14. Accordingly, the writ petition stands dismissed being devoid of merit.

15. However, the dismissal of the present writ petition shall not preclude the petitioner from seeking appropriate relief under any other policy/notification, other than the notification dated 27.07.2011, as may be permissible under law.

JUDGE

Comparing Assistant