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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 13th November, 2024

\+ W.P.(C) 7519/2024

DARSHANA RANI .....Petitioner

Through: Mr. B.S. Bagga, Mr. Jitender Khurana, Mr. Nishant Kumar, Mr. Sahil Sharma, Advocates.

versus

THE GOVERNMENT NCT OF DELHI AND ANR. .....Respondents

Through: Ms. Mehak Nakra, ASC for GNCTD with Ms. Bhavya Nakra, Advocate for R-1

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. Mrs. Darshana Rani, the Petitioner, a widow and senior citizen, seeks directions for payment of life insurance claim of INR 10 Lakhs under the Chief Minister Advocate Welfare Scheme[1] on account of the death of her son, Late Sh. Kamal Khurana, Advocate.

2. The CMAWS was introduced by Government of NCT of Delhi[2] *vide* Cabinet Decision No. 2794 dated 18th December, 2019, for the benefit of Advocates enrolled with the Bar Council of Delhi[3], who are the residents of Delhi. The stated object of the scheme is to recognise the role and contributions of Advocates in society and the growth of the legal fraternity,

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[1] "CMAWS"
[2] "GNCTD"

in terms of building a strong democracy, encouraging active citizen engagement as well as participation in nation building. The scheme was approved by the Cabinet in 2019 and an annual outlay of INR 50 Crores was created for implementation of the scheme.

3. To enhance the welfare of advocates, benefits under the scheme included: Group (Term) Insurance policy of Life Insurance Corporation of India[4], providing a life cover of Rs. 10 Lakhs per advocate; Group Medi-claim coverage through New India Assurance Company Ltd[5] for the Advocate, their spouse and two dependent children upto the age of 25 years, under a family floater sum insurance of upto INR 5 Lakhs; and other benefits such as E-libraries and Creche facilities in 6 District Courts of Delhi.

4. In order to streamline the process of inviting applications under CMAWS, in March 2023 a Standard Operating Procedure[6] was framed by Respondent No. 1 - Department of Law, Justice & Legislative Affairs, GNCTD[7] with the approval of Minister (Law) of GNCTD. As per the said SOP, online applications for fresh enrolment under the CMAWS are invited twice a year, during the months of January and July respectively. In order to be eligible under the CMAWS, an applicant is required to submit their enrolment details with the BCD as well as documents establishing that they are on the electoral role of GNCTD. It has been clarified that an advocate can only be conferred the benefit of the CMAWS if his/her Enrolment

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[3] "BCD"
[4] "LIC"
[5] "NIACL"
[6] "SOP"
[7] "Law Department"

Number and Electors Photo Identification Card[8]/Voter ID card numbers are duly verified by the BCD and the Office of the Chief Electoral Officer, GNCTD, respectively.

5. Pertinently, when the CMAWS was first introduced, the Group (Term) Insurance Policy taken by GNCTD from LIC was valid for one year. It therefore needed to be renewed at the expiry of the term period. In this regard, all beneficiaries/advocates were required to re-register themselves and get verifications with the CMAWS afresh, whenever a notice to this effect is issued by Respondent No. 1 - Law Department, GNCTD.

6. Respondent No. 1 submits that initially in the first phase of the CMAWS around 37,145 advocates submitted their applications for registration. After the final verification process for the scheme, the Department entered into a contract with LIC to provide the Group (Term) Insurance to 21,964 advocates, who were found to be eligible. Thereafter, the first policy came into effect from 20th November, 2020 to 19th November, 2021 for period of one year.

7. In 2021, prior to the expiry of the Group Term Insurance Policy, the Law Department requested LIC to continue the same policy with effect from 20th November, 2021, however, LIC refused to do so under the existing terms and conditions, as well as premium rates. Under these circumstances, the BCD approached this Court through W.P.(C) 13010/2021 titled ***Bar Council of Delhi v. Govt. of NCT of Delhi*** seeking necessary directions to ensure continuation of the Group Term Insurance Policy. In this regard, the Court on 18th November 2021, directed extension of the policy in favour of the existing members on a *pro-rata* basis for one month, while the Law

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[8] "EPIC"

Department and LIC engaged in negotiations over the premium rates and other terms and conditions of the Group (Term) Life Insurance Policy. Thereafter, the policy which taken in the year 2020 was extended upto 19th October, 2022, and thus only the existing beneficiaries who had applied in the year 2020 were covered by the said policy. At the expiry of this period, a new policy was taken by Respondent No. 1, commencing from 20th October, 2022 to 19th October 2023. At present, the current Group (Term) Insurance Policy is applicable for the period of 20th October, 2023 to 19th October, 2024 and covers about 27,218 advocates.

8. Late Sh. Kamal Khurana registered himself under CMAWS which was duly acknowledged through email communication dated 20th March, 2020. At the time of initial registration under the scheme, Kamal Khurana filled his EPIC number as DTZ0550889. However, the said EPIC number was not verified by Office of the Chief Electoral Officer, Delhi. Thereafter, the online module for updating of particulars of advocates for verification under the scheme was opened for the period from 28th December, 2020 to 10th January, 2021 and again, from 15th January, 2021 to 30th January, 2021. Accordingly, Kamal Khurana updated his EPIC No. as DTZ0550889 which he had earlier submitted at the time of registration. However, the said EPIC number was again not verified by the Office of the Chief Electoral Officer.

9. Therefore, since the EPIC number of Kamal Khurana was not verified by the concerned authority in terms of his eligibility under the CMAWS, his name was not included in the list of beneficiaries during the initial policy period between 20th November, 2020 to 19th November, 2021, which was further extended upto 19th October, 2022, in compliance of this Court's directions in *Bar Council of Delhi v. Govt. of NCT of Delhi*.

10. Subsequently, through notice dated 07th February, 2022, the online portal for CMAWS was opened once again for the policy period of the new Group Term Insurance Policy commencing from 20th October, 2022 to 19th October, 2023, wherein they invited fresh registration of advocates and requested the existing beneficiaries to update their credentials, if required. At this juncture, Late Sh. Kamal Khurana again re-applied for benefits under the CMAWS and provided his EPIC number as DTZ0550889. However yet again his EPIC number could not be verified by the Office of the Chief Electoral Officer and his name was not included in the list of beneficiaries for the CMAWS from 20th October, 2022 to 19th October, 2023.

11. It must also be noted that the notice dated 07th February, 2022 as well as the subsequent notice dated 14th March, 2023 of Respondent No. 1 – the Law Department, GNCTD, categorically states that mere registration under the scheme does not confer the benefit of this scheme until the Delhi Bar Council enrolment number and EPIC number are verified by Bar Council of Delhi and National Voters Service Portal[9] of the Election Commission of India or the Office of the Chief Electoral Officer, Delhi. The said notice dated 14th March, 2023 is as follows:

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[9] "NVPS"

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS
8th LEVEL,C-WING, DELHI SECRETARIAT,I.P.ESTATE,NEW DELHI

No. F.5(604)/Lit/LJ&LA/21 / 2731 Dated: 14/3/2023

NOTICE

All the practicing advocates who are enrolled with Bar Council of Delhi and who also are an elector of NCT of Delhi are hereby informed that the process of fresh and mandatory registration under Chief Minister Advocates' Welfare Scheme for availing benefits of Group (Term) Life Insurance providing life cover of Rs. 10,00,000/- (Rupees Ten Lakh only) and Group Medi-Claim Insurance coverage for Advocates and his/her spouse and two dependent children up to the age of 25 years, for a family floater sum assured of Rs. 5,00,000/-(Rupees Five Lakh) will commence w.e.f **16.03.2023**.

All interested advocates are required to get themselves mandatorily registered under this scheme, at the website **www.cmaws.delhi.gov.in w.e.f. 12:00 A.M.** on **16.03.2023** till **11:59 P.M. of 31.03.2023**. [It is clarified that all those advocates who were earlier registered and whose insurance policies already in force also need to get themselves registered afresh under the scheme].

Further, in order to avoid double premium payment (only in case of Group Medi-Claim Insurance), all the registered advocates are requested to update enrolment number of his/her spouse (in case where both are advocates). In such cases both have to mention enrolment number of his/her spouse. In case of any duplicity of entries, the Law Department shall be entitled to delete the name of one beneficiary (either husband or wife) of Group Medi-Claim Insurance without any further notice to the concerned advocate (s), at any point of time during the period of Insurance Policy.

***Please note that mere registration under this scheme does not confer the benefit of this scheme to the advocate unless his/her Enrolment Number and EPIC Number are verified by Bar Council of Delhi and by the Office of The Chief Electoral Officer, GNCT of Delhi respectively.**

In case of any discrepancy the decision of Department of Law, Justice & LA would be final.

DEPUTY SECRETARY (LIT.) ”

12. Pursuant to this notice in terms of the new policy from 2023-24, Sh. Kamal Khurana applied through application No. 20230012192 and an acknowledgment was duly issued. This time, Late Sh. Kamal Khurana provided his EPIC number as RRP0593673, which was different from the earlier EPIC number provided by him. On this occasion, both credentials provided by Sh. Kamal Khurana in the online application form were verified/confirmed by the concerned authorities. Resultantly, he became eligible to be included as a beneficiary under the CMAWS subject to completion of the administrative formalities. Thereafter, indeed, he was granted a Medical Insurance cover under policy no. 90000034230400000038, which was valid from 16th May, 2023 to 15th May, 2024.

13. Respondent No. 1 has explained that for the year 2023, a large number of applications were received by them for the CMAWS and verification of the credentials of the applicants took considerable time. Therefore, for the advocates who applied under the CMAWS in the year 2023, pursuant to the notice dated 14th March, 2023, the Group Term Insurance policy was taken for the period extending from 20th October, 2023 to 19th October, 2024 and the same is currently in force. Since the credentials Sh. Kamal Khurana were verified before the new policy was purchased, the name of the applicant was included in the insurance policy under the scheme for the period 20th October, 2023 to 19th October, 2024 as no information of his death was given to Law Department before 20th October, 2023, which was the commencement date of the current insurance policy.

14. Unfortunately, Late Sh. Kamal Khurana, son of the Petitioner, deceased on 02nd August, 2023. When the Petitioner approached the Law

Department for processing the life insurance claim of INR 10 Lakhs under the CMAWS, the request was rejected *vide* the impugned order dated 3rd April, 2024, on the grounds that the applicable Group (Term) Insurance policy with respect to Mr. Kamal Khurana was not active on the date of his death, since Mr. Kamal Khurana passed away before the commencement date of the existing policy of 2023 – i.e., 20th October, 2023.

15. The Court has considered the contentions of the parties. Undeniably, Late Mr. Kamal Khurana deceased on 02nd August, 2023, prior to the commencement of the said policy for which he was duly verified to be eligible and for which his name was included in the list of beneficiaries. Despite his repeated efforts to secure coverage under the CMAWS scheme, his documents remained unverified, ultimately rendering him ineligible for the benefits of the scheme in the previous years.

16. The Petitioner's contention regarding the exclusion of Late Mr. Kamal Khurana from the Group (Term) Life Insurance policy while he was included in the Group Medical Insurance policy is factually correct, but does not advance their case. These two policies were distinct in their nature, scope, and coverage periods. The Group Medical Insurance policy, which provided coverage for eligible advocates and their families, was operational for the period from 16th May, 2023, to 15th May, 2024, and Late Mr. Khurana was included as a beneficiary under this scheme. However, the Group (Term) Insurance policy was a separate scheme which provided life insurance cover and it had its own set of eligibility criteria and timelines. For the period from 20th October, 2022, to 19th October, 2023, the eligible beneficiaries were verified and included in the policy, and Late Mr. Khurana was not among them due to non-completion of the requisite verification

process. Furthermore, while Late Mr. Khurana applied for inclusion under the subsequent Group (Term) Insurance policy following the notice issued on 14th March 2023, his unfortunate demise on 02nd August, 2023 occurred before the commencement of the new policy which was finalized only in October 2023. Therefore, the delay alleged by the Petitioner in terms of payment of the premium for the Group (Term) Insurance policy is unfounded, as no procedural lapse or delay can be attributed to the Respondents. The timeline reflects the natural course of finalizing such policies, including completing the verification of eligible beneficiaries and other necessary formalities.

17. In sum, the inclusion of Late Mr. Khurana under the medical insurance policy does not automatically imply eligibility or inclusion under the life insurance policy, given the distinct nature of these schemes and their respective coverage periods. The exclusion of Late Mr. Khurana from the earlier Group (Term) Insurance policy, and his subsequent inclusion in the next cycle upon application, was consequent to verification of his credentials. The verification of enrolment with the Delhi Bar Council, along with other requisite credentials, was a clear and necessary condition for inclusion under the scheme. Even though Mr. Khurana applied under CMAWS in the year 2023 on the basis of the notice dated 14th March, 2023, the Group (Term) Insurance policy bearing No. GINP/103011595 was taken from LIC only in the month of October, 2023 for the period from 20th October, 2023 to 19th October, 2024 whereas, Mr. Khurana's death occurred on 02nd August, 2023, 79 days prior to the starting date of the policy. Insurance coverage is inherently contingent upon the activation of the policy, which, in this case, occurred after the unfortunate event.

18. As noted above, the notice dated 14th March, 2023 issued by Respondent No. 1 makes it clear that mere registration under the CMAWS would not amount to conferring any benefits under the scheme until the Delhi Bar Council enrolment number and EPIC number are duly verified by Bar Council of Delhi and National Voters Service Portal of the Election Commission of India or the Office of the Chief Electoral Officer, Delhi. It was only after this verification process that the benefits of the Group (Term) Life Insurance Policy can be given to the advocate. Thus, the Respondents cannot be faulted for denying the claim, as no contractual obligation to provide coverage existed at the relevant time.

19. In view of the foregoing, while the Court empathizes with the Petitioner's circumstances, it is unable to grant the relief sought. No grounds are made out for quashing of the impugned order dated 3rd April 2024 passed by Respondent No. 1.

20. Accordingly, the writ petition is dismissed, along with pending applications.

SANJEEV NARULA, J

NOVEMBER 13, 2024

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