



2024:DHC:8923-DB



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

+ **W.P.(C) 15920/2024 & C.M.No.66801/2024**

AAKASH GOEL

.....Petitioner

Through: **Mr.Anuj Aggarwal with Ms.Divya Aggarwal, Ms.Kritika Matta, Mr.Avinash Kumar and Mr.Pradeep Kumar, Advocates.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr.Ravi Prakash, CGSC with Ms.Archana Surve and Ms.Ashtu Khandelwal, Advocates for UOI. Mr.Kamal Mehta, Advocate for R-4.**

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Date of Decision: 18th November, 2024

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, CJ : (ORAL)

1. Present public interest petition has been filed seeking directions to the Respondent-Life Insurance Corporation of India ("LIC") to provide the policy documents to all the policy holders of Pradhan Mantri Jeevan Jyoti Bima Yojana ("PMJJBY"). The Petitioner further seeks directions to the Respondent-Ministry of Home Affairs ("MHA") to directly provide

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information of all the deceased individuals to the Respondent-Life Insurance Corporation (“LIC”) so that the nominee/family members of the deceased policy holders can directly get the insurance claim of INR 2,00,000/- under the PMJJBY.

2. Learned counsel for the Petitioner states that the Respondents have not been providing the policy documents to the policy holders of PMJJBY as required under Regulation 8(1) of the Insurance Regulatory and Development Authority of India (Protection of Policy Holders Interests) Regulations, 2017. He also states that the Registrar General and Census Commissioner, MHA have not been sharing the database of all deceased individuals in the country with the Department of Financial Services (“DFS”).

3. He states that if such information is provided directly to DFS and LIC by the Registrar General of India, then DFS/LIC can themselves ascertain as to which all of the deceased individuals had held the insurance policy. He states that such sharing of information would also assist in curtailing insurance related frauds.

4. He states that the Petitioner had on 20th December, 2021, made a representation to the Ministry of Finance stating that only one out of ten family members of the policy holders are getting the benefit under the PMJJBY. He states that on 23rd December, 2021, after initiating proceedings under the Right to Information Act 2005 (‘Act, 2005’), the Petitioner received a reply from the Ministry of Finance which was vague.

5. He further states that on 25th April 2024, the Petitioner filed an application under the Act, 2005, seeking information from the DFS and a reply to the same was received on 14th May, 2024. He states that the said



reply makes it clear that LIC is not providing the policy documents with respect to enrolment of individuals in PMJJBY but only providing an acknowledgement slip-cum-certificate of insurance and that the DFS does not use the central death database for processing the claims under the PMJJBY.

6. He states that the Petitioner has brought the aforementioned grievances to the notice of the Respondents *vide* letter/notice dated 21st August, 2024, however, no reply to the same has been received till date.

7. Having heard learned counsel for the Petitioner, this Court is of the view that the present petition is based on the presumption and assumption that the family members / nominees of the deceased are not aware of the fact that the deceased held an insurance policy under the PMJJBY and that no policy documents had been provided to the policy holders. No letter written by any of the family members / nominees of the deceased has been enclosed complaining of non-issuance of policy documents to the policy holders. Consequently, there is no material on record justifying the said presumption and assumption.

8. This Court is further of the view that if the course of action as suggested in the present writ petition is adopted, it may lead to a scam, as benefits under the policy may be appropriated by individuals who have not applied and who are not verified. Further, it is settled law that an insurance contract is a contract between the parties and no public interest petition is normally maintainable with regard to such contracts.

9. Moreover, policy holders cannot be presumed to be illiterate or incapable of approaching the Courts for redressal of their grievances.



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10. Consequently, this Court finds no justification and/or rationale to entertain the present petition. Accordingly, the present writ petition along with the application is dismissed.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 18, 2024
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