

\$~18 to 22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 7th October, 2020.
+ **W.P.(C) 3298/2020 & CM APPL. 11567-68/2020**

GOVIND SWAROOP CHATURVEDI Petitioner
Through: Petitioner in person.
versus

STATE OF NCT OF DELHI & ORS. Respondents
Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Satyakam, ASC for
GNCTD.
Mr. Kailash Vasdev and Mr. Ramesh
Gupta Khanna, Sr. Advocates with
Mr. Amit P. Shahi and Mr. Yugansh
Mittal, Advocates for BCD along
with Mr. K.C. Mittal, Former
Chairman, BCD, Mr. Rajiv Khosla
(Chairman of BCD), Mr. Ajayinder
Sangwan, Hony. Secretary BCD.

WITH

19

+ **W.P.(C) 3357/2020**

BALVINDER SINGH BAGGA & ORS. Petitioners
Through: Mr. Amarjit Singh Chandiook, Senior
Advocate with Mr. Ritesh Kumar,
Mr. Tarranjit Singh Sawhney & Mr.
Naginder Benipal, Advocates with
Petitioner No.1, Petitioner No.3 and
Petitioner No.5 in person.
(M:9999329299)

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents
Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Satyakam, ASC for
GNCTD.

Mr. Kailash Vasdev and Mr. Ramesh Gupta Khanna, Sr. Advocates with Mr. Amit P. Shahi and Mr. Yugansh Mittal, Advocates for BCD along with Mr. K.C. Mittal, Former Chairman, BCD, Mr. Rajiv Khosla (Chairman of BCD), Mr. Ajayinder Sangwan, Hony. Secretary BCD.

WITH

20

+

W.P.(C) 3362/2020 & CM APPLs. 11901-02/2020, 17666/2020

BAR COUNCIL OF DELHI THROUGH ITS CHAIRMAN

..... Petitioner

Through: Mr. Kailash Vasdev and Mr. Ramesh Gupta Khanna, Sr. Advocates with Mr. Amit P. Shahi and Mr. Yugansh Mittal, Advocates for BCD along with Mr. K.C. Mittal, Former Chairman, BCD, Mr. Rajiv Khosla (Chairman of BCD), Mr. Ajayinder Sangwan, Hony. Secretary BCD.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Rajiv Nayyar, Senior Advocate with Mr. Satyakam, ASC for GNCTD.

Mr. Anil Soni, CGSC with Mr. Devesh Dubey, Advocate for UOI.

Mr. Sanjay Rawat and Mr. J.P.N. Shahi, Advocates for NIAC with Mr. Jitender Mehdiratta (M:9899023885), DGM in person.

WITH

21

+

W.P.(C) 4303/2020 & CM APPL. 15480/2020

BAR COUNCIL OF DELHI THROUGH
ITS CHAIRMAN.

,..... Petitioner

Through: Mr. Kailash Vasdev and Mr. Ramesh Gupta Khanna, Sr. Advocates with Mr. Amit P. Shahi and Mr. Yugansh Mittal, Advocates for BCD along with Mr. K.C. Mittal, Former Chairman, BCD, Mr. Rajiv Khosla (Chairman of BCD), Mr. Ajayinder Sangwan, Hony. Secretary BCD.

versus

GOVT. OF NCTD & ORS.

..... Respondents

Through: Mr. Rajiv Nayyar, Senior Advocate with Mr. Satyakam, ASC for GNCTD.
Mr. Yudhvir Singh Chauhan, Advocate for Coordination Committee of all District Bar Associations.

AND

22

+

W.P.(C) 4304/2020 & CM APPL. 15481/2020

BAR COUNCIL OF DELHI THROUGH ITS CHAIRMAN

..... Petitioner

Through: Mr. Kailash Vasdev and Mr. Ramesh Gupta Khanna, Sr. Advocates with Mr. Amit P. Shahi and Mr. Yugansh Mittal, Advocates for BCD along with Mr. K.C. Mittal, Former Chairman, BCD, Mr. Rajiv Khosla (Chairman of BCD), Mr. Ajayinder Sangwan, Hony. Secretary BCD.

versus

GOVT. OF NCTD & ORS.

..... Respondents

Through: Mr. Rajiv Nayyar, Senior Advocate with Mr. Satyakam, ASC for GNCTD.

Mr. Anil Soni, CGSC with Mr. Devesh Dubey, Advocate for UOI.

Mr. Yudhvir Singh Chauhan, Advocate for Coordination Committee of all District Bar Associations.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been held through video conferencing.
2. The present petitions raise various issues in respect of life insurance policies and group medi-claim policies for lawyers under the Chief Minister's Advocates Welfare Scheme (*hereinafter*, "Scheme"), announced by the Delhi Government. The Scheme was initially announced in November and December, 2019. Quotations were submitted by the Life Insurance Corporation of India (*hereinafter*, "LIC") and the New India Assurance Company Limited (*hereinafter*, "NIAC") on the basis of data given by the Bar Council of Delhi (*hereinafter*, "BCD") at the relevant time. Thereafter, however, due to various reasons, purchase of the policies did not fructify and the COVID-19 pandemic and consequent lockdown delayed availing of the policies even further.
3. There are three sets of writ petitions before this Court:
 - (i) The first set relates to lawyers from the NCR region who seek extension of the Scheme to themselves as they are all registered with the BCD.
 - (ii) The second set of petitions have been filed by the BCD, praying

that insofar as the insurance policies for lawyers who are residents of Delhi are concerned, they ought to be purchased.

(iii) In the third set of petitions, the prayer is for reopening of the registration for lawyers who wish to avail of these policies.

4. Insofar as the question of the Scheme being extended to lawyers from the NCR region and the reopening of registration is concerned, this Court would have to hear all the parties concerned to adjudicate the issues that arise.

5. Insofar as the Delhi-based lawyers are concerned, a need was felt by this Court for the policies in respect of these lawyers to be finalized so that the benefit of the Scheme can be availed of by these lawyers, especially during the COVID-19 pandemic. Towards this purpose, this Court has from time to time passed various orders, by which the Delhi Government has been directed to float the tender and seek bids from insurance companies.

6. On 18th June, 2020, the GNCTD was ordered to take all steps required for the immediate procurement of insurance policies for the 29,098 advocates whose names have been verified by the BCD. To this end, the GNCTD was directed to issue the Notice Inviting Tenders ("NIT") seeking bids from insurance companies within one week. After being informed of the last date for submission of tender and the date for opening of Technical Bids, a timeline for opening of financial bids was given by the Court on 17th July, 2020, which was monitored on subsequent dates.

7. On 28th August, 2020, on a perusal of the status report as per which the premium being demanded by the insurance companies had doubled since November/December, 2019, meetings were directed to be held between senior officials from LIC and NIAC, members of the Technical Evaluation

Committee and two representatives of BCD. Senior officials from LIC and NIAC were also directed to join the proceedings on the next date.

8. On the last date i.e. 15th September, 2020, this Court was informed that the Technical Evaluation Committee had held meetings with both Insurance Companies with respect to 28,774 lawyers. It was reported that while LIC had given a firm and final quotation, negotiations were still ongoing with the NIAC. The Technical Evaluation Committee was directed to supply to LIC and NIAC the demographic data relating to 40,115 lawyers and obtain final quotations, in respect of 40,115 and 28,774 lawyers. A further status report was called for and the matter was listed today for further directions and for representatives of the Insurance companies to appear before the Court.

9. After perusing the various bids which were submitted and the meetings which were held between the Government and the Technical Evaluation Committee appointed by the Delhi Government, along with the representatives of BCD, the following two insurance companies were finalized for the purposes of issuing the policies:

- (1) LIC for the purpose of group (term) life-insurance.
- (2) NIAC for the purpose of group medi-claim insurance.

10. It was also noticed that due to passage of time and change in the demographic profile of the lawyers from the data submitted in 2019, the premium which was being demanded by the said companies was also considerably higher than what was quoted in November and December, 2019. Accordingly, the said companies were requested to appear before this Court and parallelly, meetings were also held with various stakeholders of the companies.

11. With the assistance of the officials of GNCTD, including the Committee constituted for this purpose, Senior Counsels who have appeared today and representatives of the Bar, including the present as well as erstwhile Chairman of the BCD, the said companies have arrived at the final figures for issuance of the policies. The terms and conditions of the group (term) life-insurance policies are provided in LIC's email dated 14th September, 2020, which reads as under:

“This refers to the second VC held in the aforesaid matter on 9th September under Chairmanship of Shri Azimul Haque, IAS, Chairman of Technical Evaluation Committee for the aforesaid matter.

*The draft minutes of the said VC has been received and the same was placed before the Chairman of the Corporation for looking into the matter of granting Exclusive and Special reduction, as requested by the Government of State of NCT of Delhi in the aforesaid matter, so as to enable them to proceed with covering 28,744 Advocate members of Delhi Bar Council as mentioned under the bid document floated for the said purpose. It may be noted that the Chairman of the Corporation exercising his discretionary powers, has, as a very special case, accepted the said request as preferred by the Government of NCT of Delhi through the Chairman of its Evaluation Committee for the aforesaid bid and thus, **the revised annual premium for the aforesaid group of 28,774 Advocate members of Delhi Bar Council shall now be Rs. 10,07,70,894/-, provided the Age Distribution of proposed members to be covered meets following Age Distribution, as shared:***

Age Group (Years)	No of Advocate Members
21-25	2728
26-30	5539
31-35	4230
36-40	3931

41-45	3455
46-50	3001
51-55	2029
56-60	1306
61-65	1188
66-70	886
71-74 (NBD)	481
Total	28774

*This Exclusive and Special consideration shall **only** be applicable in respect of the Bid document under reference (proposing to cover 28774 Bar Council Members, Delhi) and **shall not** include any other Group/Additional Members under the same Group (other than indicated vide Bid under reference). The special rate, approved **without** Profit sharing, shall be valid for a period of 1 year from the date of Commencement of Policy and the same will be reviewed as at next Annual Renewal Date.*

This Special Consideration shall not form any precedence for the said Group (Delhi Bar Council) for any additional members/future renewals and/or for any other Bar Council in India, if they so desire to Insure their Advocate Members. All future/further reference shall be reviewed afresh, independently.

xxxxxx

*Hemant Buch
Chief/P&GS. (Marketing/Govt Business & Compliance)
LIC of India, Central Office,
Mumbai
xxxx”*

Insofar as the group (term) life-insurance policies are concerned, the LIC's final quotation with respect to 28,774 lawyers is thus finalised at Rs.10,07,70,894/- as set out in the above email.

12. Insofar as the group medi-claim insurance policies are concerned, Mr. Jitendra Mehndiratta, Deputy General Manager at the NIAC has made a

detailed presentation today and instead of Rs.12,000/- as earlier quoted, has agreed for a final rate of Rs.10,500/- as per family premium payable, for a total of 29,077 lawyers. However, this would be with the modification of one term of the policy i.e., co-payment would now be 25% instead of 20%. The remaining terms as contained in letter dated 14th September, 2020 and reiterated on 4th October, 2020 shall remain intact. Mr. Mehndiratta has agreed to all these terms, subject to all the policies being purchased on or before 30th November, 2020. The above rates have also been agreed to be extended till 40,115 lawyers by the NIAC, if this Court decides that the said lawyers are also entitled to the Scheme of the Delhi Government.

13. In view of the above figures having now been finalized with the companies, the Delhi Government shall now proceed to purchase the insurance policies from LIC for 28,744 members and from NIAC for 29,077 lawyers who are members of the BCD, whose names already stand verified. The purchase of the policies shall be effected on or before 30th November, 2020. Since this is a group insurance policy, each of the lawyers to whom this benefit is given would be given a letter by the respective Insurance companies specifying that the group (term) life-insurance and group mediclaim insurance has been purchased for their benefit. The rates quoted above are slightly higher than which were quoted in November and December, 2019, however, since the figures are within the overall approved budget of the Delhi Government at this stage, the same are being approved by this Court.

14. An apprehension has been expressed by Mr. Nayyar, Id. Senior Counsel on instruction from Mr. Satyakam, Id. counsel for the GNCTD that in case this Court extends the benefit of the Scheme to lawyers residing in

the NCR-region, the approved budgetary allocation can be exceeded. The said issue would be decided at the time of final hearing and at that stage, the question of budgetary allocation would also be considered.

15. Insofar as compliance of paragraph 4 of the order dated 15th September, 2020, in respect of the report being placed on record is concerned, the Principal Secretary, Department of Law, Justice and Legislative Affairs, GNCTD shall contact Mr. Rakesh Khanna, Id. Senior Counsel and obtain a copy of the report along with all the annexures and verification reports. The same shall be filed, at least one week before the next date.

16. List on 6th November, 2020 for hearing on the remaining two issues. Parties to file their written synopsis at least three days before the next date. The earlier date of hearing in the petitions i.e., 8th October, 2020 stands cancelled.

**PRATHIBA M. SINGH
JUDGE**

OCTOBER 07, 2020/dk/T

भारतमेव जयते