

HARI CHAND

ADVOCATE

ਹਰੀ ਚੰਦ

ਵਕੀਲ

PUNJAB & HARYANA HIGH COURT

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ

H. NO. 2299,

SECTOR 44-C, CHANDIGARH-160045

ਮੋਬਾਈਲ: 9814013764

EMAIL ID : ਈ ਮੇਲ ਆਈ ਡੀ

hcarora.highcourt@gmail.com

ਮਕਾਨ ਨੰਬਰ -2299

ਸੈਕਟਰ 44- ਸੀ

ਚੰਡੀਗੜ੍ਹ 160045

DATED: 19.6.2019

TO,

Secretary, Union of India, Ministry of Finance (Department of Financial Services), North Block, New Delhi.

E-mail: secy-fs@nic.in

Subject:- Demand for directing the Life Insurance Corporation of India and General Insurance Companies of Public Sector, to print their proposals for insurance, and the Insurance Policies in bi-lingual manner, i.e., English and Hindi /Regional language.

By E-mail

Dear Sir,

I hereby serve this demand notice on you in the following terms on my own behalf :-

1. That I am practicing as an Advocate in the Hon'ble High Court of Punjab and Haryana at Chandigarh and have been filing Public Interest Litigations on various issues for the last about 14 years.
2. That through the instant Demand Notice, my purpose is to impress upon you to ensure the implementation of the provisions of Section 3 (3) of the Official Languages Act, 1963 in the LIC of India, as well as General Insurance Companies of Public Sector.
3. That Section 3 (3) of the Official Languages Act, 1963, lays down as under:-

“(3) Notwithstanding anything contained in sub-section (1) both Hindi and the English languages shall be used for - □

(i) resolutions, general orders, rules, notifications, administrative or other reports or press communiques issued or made by the Central Government or by a Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company;

(ii) administrative and other reports and official papers laid before a House or the Houses of Parliament;

(iii) contracts and agreements executed, and licences, permits, notices and forms of tender issued by or on behalf of the Central Government or any Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company.”

4. That in view of the aforesaid mandatory provisions of law, all the Insurance Companies, Life Insurance Corporation of India, and all other Insurance Companies of Public Sector, are bound to use both Hindi and English Language for the contracts and agreements executed and also in their communications. However, it has been noticed that even the proposal forms for issuance of Life Insurance Policy or any other insurance policy, are printed in English only, and the Life Insurance Policies as well as the General Insurance Policies issued to the beneficiaries are in English language only. This amounts to violation of the mandatory provisions of the aforesaid law by Life Insurance Corporation of India, as well as other Insurance Companies of Public Sector.

5. That otherwise too, you may kindly note that a large number of frauds and other cases where the insurance agents mislead the concerned person to purchase a policy of Life Insurance or General Insurance, are happening, and the contents of such proposal, which are got signed from the person desirous of getting insurance policy, are not in the knowledge of the said person, because copies of such proposals are not supplied to such persons. Otherwise too, the proposal forms as well as the Life Insurance Policies or General Insurance Policies issued are also in English language only. You may kindly appreciate that the contract of insurance is a contract *Uberrimae-fidei* (a Latin word), where under the parties to the contract of insurance are under a fundamental duty to disclose to the other party, all material facts and surrounding circumstances that may influence decision of the other party to sign the contract. In that view of the matter, transparency of such a contract should be the primary requirement. In other words, the proposals for insurance as well as the insurance policy should be in such a language, which is understood by the applicant for such insurance policy. You may kindly appreciate that even the Commercial Banks in our country are now using both English and Hindi

(bilingual) in their documents/ contracts to be signed between the bank and the borrower. The Insurance Companies including Life Insurance Corporation of India, are therefore, expected to follow suit, and copies of proposal forms must be supplied to the insured person.

6. That you may also kindly appreciate that in some of the States, like Punjab, there are regional languages, which are the official languages adopted by the said State through some statute or other. In Punjab, the Official Language of the State is Punjabi. Thus, the endeavour of the Life Insurance Corporation of India, or General Insurance Companies of public sector should be to use the official language of the State, for the insurance policies issued within that State. In any case, an start can be made by using both English and Hindi at least in the proposal forms as well as in the insurance policies by the Life Insurance Corporation of India and other General Insurance Companies of the Public Sectors. The copy of the proposal form for purchasing insurance policy must be supplied to the insured person after issuance of Insurance Policy.

I would therefore, request you to kindly consider the aforesaid matter with the urgency and seriousness that it deserves. However, in case I do not receive any positive response to my demand being raised through the instant Demand Notice, within a period of two months from the date of receipt of this notice by you, in that event, I shall be left with no other alternative except to approach the Hon'ble High Court of Punjab and Haryana at Chandigarh, by way of a PIL (Public Interest Litigation) for seeking redressal of my legitimate grievance mentioned, above in public interest.

Meanwhile, please acknowledge receipt of this notice.

(HARI CHAND)
ADVOCATE