



2026:AHC:45128-DB

AFR

Reserved on 09.02.2026

Delivered on 27.02.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2130 of 2026

Kishori Lal

.....Petitioner(s)

Versus

The State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Shashi Kumar Mishra
Counsel for Respondent(s) : C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

(Per Swarupama Chaturvedi, J.)

1. Heard Shri Shashi Kumar Mishra, learned counsel for the petitioner and Ms. Shruti Malviya, learned brief holder appearing for the State-respondents.

2. The petition is filed under Article 226 of the Constitution of India with the prayer to issue a writ, order or direction in the nature of mandamus directing the respondent No. 2 to pay Rs.4,00,000/- to the petitioner in view of the Government notification dated 02.08.2018 and the government order dated 08.07.2021.

3. The background fact of the matter is that on 23.08.2019, wife of the petitioner, Smt. Raj Kumari, while working in an agricultural field got snake bite and resultantly died. Subsequently, in this regard, General Diary entry bearing No. 015 dated 24.08.2019 was recorded by the police, wherein it was written that the deceased had died due to snake bite. On the same day, inquest report was prepared, and the statements of the

witnesses got recorded, which indicated that the death had occurred due to snake bite. The postmortem examination of the deceased was also conducted on 24.08.2019, however, the postmortem report did not conclude the cause of death as such and recorded that the cause of death could not be ascertained. Consequently, the viscera of the deceased was preserved and handed over to authorities for examination.

4. Subsequently, petitioner applied for the *ex gratia* payment, claiming that death of his wife was due to snake bite, which stood covered under the Government notification dated 02.08.2018 for benefits in terms of compensation. According to the procedure, site inspection was conducted, during which the Lekhpal interacted with people in village, who were present and had witnessed the incident. Thereafter, report dated 23.03.2022 was prepared and submitted by the Lekhpal. The report recorded that people present there had stated that the death was due to snake bite. Following this, on 30.03.2022, the Sub-Divisional Magistrate, Konch, District Jalaun, wrote a letter to the Additional District Magistrate, Jalaun. The letter relied on the Lekhpal's report, mentioning the on-site inspection and statements made by people in village, who were present at that time. People present there, stated that the petitioner's wife while engaged in agriculture work in her field died on 23.08.2019 due to snake bite. However, the Sub-Divisional Magistrate concluded as finding that the case did not get covered under government notifications and, therefore, the petitioner was not entitled to *ex gratia* payment. The reason for the rejection was that postmortem report did not record the reason for death as snake bite, whereas the report, in fact, stated that the cause of death could not be ascertained.

5. Petitioner also raised his grievance through the “Jansunwai Portal” by filing online complaints bearing reference Nos. 40016522003379 and 40016522005028. He reiterated his claim that his wife had died due to snake bite and that *ex gratia* payment had not been granted to him. The Sub-Divisional Magistrate, Konch, again rejected the claim of the petitioner vide order dated 28.05.2022, referring the same Lekhpal’s report dated 23.03.2022 and the postmortem report dated 24.08.2019. The order also referred the Government order dated 08.07.2021, however, this time concluded that since the death had occurred before 08.07.2021, the case of the petitioner’s wife of her death due to snake bite would not be covered under this notification.

6. Learned counsel appearing for the petitioner submitted that the death of the petitioner’s wife was due to snake bite and, therefore, this case was covered under the Government notification dated 02.08.2018, and the petitioner was entitled to *ex gratia* payment of Rs.4,00,000/-. He further submitted that from the very inception, including the General Diary entry, the inquest report, and the statements of people in village during spot inspection by the Lekhpal, a consistent version had been that the deceased died due to snake bite while working in the agricultural field.

7. Learned counsel further submitted that the impugned order itself referred to the report, which mentioned statements of people present at the place of occurrence who all had supported petitioner’s statement regarding the cause of death. It was contended that there was no material on record suggesting any cause of death other than the snake bite and the rejection of the claim of the petitioner was baseless for want of due without application of mind.

8. Learned counsel appearing for the petitioner further submitted that the postmortem report did not attribute the death to any other cause and merely recorded that the cause of death could not be ascertained. In such circumstances, the inability of the medical report to conclusively determine the cause of death could not have been construed against the petitioner, particularly when the medical evidence did not contradict the eyewitnesses accounts. Learned counsel submitted that where there was no conflict between medical evidence and eyewitness testimony because postmortem report did not state any direct reason for death. He further submitted that where the medical report did not negate the version of eyewitnesses, the consistent and corroborated statements of eyewitnesses deserved due weight, and the application of the petitioner should not have been rejected stating that there was no document to support cause of death being snake bite. He further submitted that the rejection of the petitioner's claim for *ex gratia* payment was an arbitrary decision and hence unsustainable in law.

9. Per contra, learned brief holder appearing for the State supports the impugned orders passed by the authorities and submitted that the same is rightly passed in accordance with the applicable government notifications. She contends that the petitioner failed to furnish any documentary evidence along with his application to establish that the death of his wife had occurred due to snake bite. She further submitted that the claim of the petitioner cannot be considered under the subsequent Government order dated 08.07.2021, as the death of the petitioner's wife had taken place much before 08.07.2021.

10. In the light of aforesaid facts and the rival submissions advanced by the learned counsel for the parties, the question that falls for consideration

before this Court is whether the subsequent government order dated 08.07.2021 is clarificatory to the earlier one and, being clarificatory in nature, can be used as an external aid to understand the government notification dated 02.08.2018 for the purpose of granting *ex gratia* relief in a case where the death due to snake bite occurred on 23.08.2019. Thereafter this court is to consider whether in the absence of a conclusive opinion regarding the cause of death in the postmortem report, the claim of the petitioner can be sustained on the basis of consistent statements of witnesses which find mention in official proceedings, particularly when such evidence uniformly supports the petitioner's version and the policy in question is a welfare measure in cases of State specific disaster/ natural calamity, which are listed in government notification.

11. To appreciate the issues that arise for consideration, it is necessary to trace the circumstances leading to the issuance of government notifications. State of Uttar Pradesh issued notifications to address the problem of State specific disaster in Uttar Pradesh. In this regard the first notification was issued on 27.06.2016 bearing notification number 303/1-11-2016-4(G)/16 providing for the modalities with respect to funds for expenditure to be incurred from State Disaster Response Fund (SDRF). For ready reference, relevant part of the above mentioned notification is reproduced below:

“2. Every year, a large number of lives and property are lost in the state due to unseasonal heavy rains, storms, lightning and heat waves. Therefore, in view of the above arrangement made by the Government of India, while cancelling Government notification No. 249/1-11-2015-4 (G)/2015, dated 15.04.2015 (as amended on 16.04.2015), the Governor is pleased to give his approval to declare unseasonal heavy rains, storms, lightning and heat waves as state disasters.

3. Relief will be provided to the families of the persons affected by the said State disaster as per the standards and rates fixed by the

Government of India for the State Disaster Relief Fund.

4. Expenditure in connection with the above mentioned State Disasters under Grant No. 51 under the Account Head "2245-Relief due to Natural Calamity-05-State Disaster Response Fund-800-Other Expenditure-06-Expenditure from State Disaster Response Fund-09-For other disasters declared by the State Government Expenditure from Disaster Response Fund-42 will be borne from other expenditure.

5. Action should be ensured as per the above decision taken by the State Government."

(Notification is originally in Hindi)

12. Subsequently on 02.08.2018, State issued another notification bearing notification number- UO 30/1-11-2018-4(G)/2015, where snake bite got specifically included along with other natural calamities. For ready reference the relevant part of the notification is reproduced below:

"2. In continuation of the above arrangement made by the Government of India, by Notification No. 303/1-11-2016-4 (G)/2015, dated 27.06.2016, unseasonal heavy rainfall, lightning strikes, storm and heat wave have been declared as State Disaster.

3. Hon'ble Governor accords approval to declare the following incidents as State-notified disasters, in addition to the disasters declared under the Government Notification dated 27.06.2016, namely: unseasonal heavy rainfall, lightning, thunderstorm and heat-wave, as well as boat accidents, snakebite, accidents during sewer cleaning, gas leakage, and accidents resulting from falling into borewells within the State.

4. There has been an agreement in principle to declare human-wildlife conflict a state disaster. Detailed guidelines in this regard will be issued separately.

5. The expenditure incurred in connection with the above declared State disasters will be borne under Grant No. 51 under the account head "2245- Relief due to natural calamity-05-State Disaster Response Fund-800-Other Expenditure-06-Expenditure from State Disaster Response Fund-09-Expenditure from Disaster Response Fund for other disasters declared by the State Government-42-Other Expenditure".

(Notification originally in Hindi)

13. Snake bite got included in the list in the year 2018 and with the experience, it was realized by the State that certain clarifications were required to make the welfare scheme effectively implemented and, therefore, the State through its additional chief secretary, has issued clarifications, which was sent to all district magistrates by the letter No.-157/A-11-2020-04(G)/2015-TC dated 08.07.2021. For convenience and clarity, complete letter is reproduced below:

*“Very important
No.-157/A-11-2020-04(G)/2015-TC*

*From,
Manoj Kumar Singh,
Additional Chief Secretary,
Government of Uttar Pradesh.*

*To,
All District Magistrates,
Uttar Pradesh.*

Revenue Section-11 Lucknow: Date: July 08, 2021

*Subject:- **Regarding the grant of ex-gratia assistance to the dependents of persons who have died due to snakebite.***

Sir,

1. In the above mentioned Government notification No. U.O.-20/Ek-11-2018-4(G)/2015 dated 02.08.2018, snakebite has been declared a State disaster, and it is provided that, in the event of death due to snakebite, ex-gratia assistance of Rs. 4.00 lakh shall be granted to the dependents of each deceased person.

2. It has come to the notice of the Government that, for the purpose of certifying death due to snakebite, the viscera of the deceased is sent to a forensic laboratory for examination, and during the pendency of the viscera examination report, ex-gratia assistance is not made available in a timely manner to the dependents of the deceased. As per the opinion of the State Forensic Legal Cell, there is no justification for insisting upon a viscera examination report in cases of snakebite, and it has been informed that death due to snakebite is not established solely on the basis of a viscera examination report.

3. In pursuance of the advice of the State Medico Legal Cell, and upon due consideration, it has been decided that, in cases of death due to snakebite, since the viscera examination report has no relevance, the following procedure shall be followed for the purpose of providing ex-gratia assistance to the dependents of the deceased:

(1) A Panchnama of the deceased should be prepared.

(2) A post-mortem examination of the deceased should be conducted.

(3) There is no need to preserve the viscera report of the deceased after post-mortem.

(4) In case of death due to snake bite, ex gratia assistance shall be provided to the dependents of the deceased within a maximum period of 7 days.

4. Accordingly, I am directed to state that, in cases of death due to snakebite, while strictly adhering to the procedure mentioned above, all matters relating to the grant of ex-gratia assistance to the dependents of the deceased shall be endeavoured to be disposed of within a period of 7 days.

Yours truly

(Manoj Kumar Singh)

Additional Chief Secretary."

(Letter originally in Hindi)

14. Bare reading of the above noted notifications as well as subsequent communication leads us to infer that the underlying objective of the State is to extend timely support to families who have lost family member due to the circumstances contemplated therein. The scheme is in the nature of a welfare measure intended to provide relief to persons in need. Therefore, while determining entitlement under the scheme, rejection based on technicalities would be antithetical to the very aim and object sought to be achieved by the State.

15. After discussion on background and underlying principle *qua* purpose of above notifications, the issue for determination is, whether the subsequent government notification dated 08.07.2021 can be relied upon as an external aid to understand or interpret the government notification dated 02.08.2018. It is a well-established principle of administrative law that subsequent instructions, circulars, or notifications can be used as clarificatory aids in interpreting an earlier policy, particularly where the earlier policy is beneficial in nature. Beneficial schemes or policies of the State are required to be construed purposively and liberally to advance

their intended objective, and not to be seen in a hyper-technical or restrictive manner.

16. In *WPIL Ltd. Ghaziabad vs Commissioner Of Central Excise, Meerut*, (2005) 3 SCC 73, the Supreme Court, while considering the nature and effect of clarificatory notifications, referred to its earlier decision in *CCE vs Wood Craft Products Ltd.*, (1995) 3 SCC 454. The Supreme Court observed that where a notification is clarificatory in character, it operates retrospectively, as it does not introduce something new but merely clarify and makes explicit what was already implicit in the existing legal framework. The Supreme Court has held as under :

“15. The learned counsel for the appellant is also right in relying upon a decision of this Court in CCE v. Wood Craft Products Ltd. [(1995) 3 SCC 454] In that case, this Court held that a clarificatory notification would take effect retrospectively. Such a notification merely clarifies the position and makes explicit what was implicit. Clarificatory notifications have been issued to end the dispute between the parties.”

17. In *State Bank of India vs V. Ramakrishnan*, (2018) 17 SCC 394, the Supreme Court has dealt with the issue of amendment which held to be retrospective in nature. In this case, the Supreme Court has quoted the judgment in case of *CIT vs Vatika Township (P) Ltd.*, (2015) 1 SCC 1, observing as follows:

“32. Let us sharpen the discussion a little more. We may note that under certain circumstances, a particular amendment can be treated as clarificatory or declaratory in nature. Such statutory provisions are labelled as “declaratory statutes”. The circumstances under which provisions can be termed as “declaratory statutes” are explained by Justice G.P. Singh [Principles of Statutory Interpretation, (13th Edn., LexisNexis Butterworths Wadhwa, Nagpur, 2012)] in the following

manner:

‘Declaratory statutes. The presumption against retrospective operation is not applicable to declaratory statutes. As stated in Craies [W.F. Craies, Craies on Statute Law (7th Edn., Sweet and Maxwell Ltd., 1971)] and approved by the Supreme Court (in Central Bank of India v. Workmen [Central Bank of India v. Workmen, AIR 1960 SC 12, p. 27, para 29]): “For modern purposes a declaratory Act may be defined as an Act to remove doubts existing as to the common law, or the meaning or effect of any statute. Such Acts are usually held to be retrospective. The usual reason for passing a declaratory Act is to set aside what Parliament deems to have been a judicial error, whether in the statement of the common law or in the interpretation of statutes. Usually, if not invariably, such an Act contains a Preamble, and also the word “declared” as well as the word “enacted”.” But the use of the words “it is declared” is not conclusive that the Act is declaratory for these words may, at times, be used to introduced new rules of law and the Act in the latter case will only be amending the law and will not necessarily be retrospective. In determining, therefore, the nature of the Act, regard must be had to the substance rather than to the form. If a new Act is “to explain” an earlier Act, it would be without object unless construed retrospective. An explanatory Act is generally passed to supply an obvious omission or to clear up doubts as to the meaning of the previous Act. It is well settled that if a statute is curative or merely declaratory of the previous law retrospective operation is generally intended. The language “shall be deemed always to have meant” is declaratory, and is in plain terms retrospective. In the absence of clear words indicating that the amending Act is declaratory, it would not be so construed when the pre-amended provision was clear and unambiguous. An amending Act may be purely clarificatory to clear a meaning of a provision of the principal Act which was already implicit. A clarificatory amendment of this nature will have retrospective effect and, therefore, if the principal Act was existing law which the Constitution came into force, the amending Act also will be part of the existing law.”

18. In view of the above principle, we are of the view that subsequent legislation or policy can be referred to as an external aid to understand an

earlier provision, particularly when the later measure is beneficial, clarificatory, or declaratory in nature and not creating any new right. It is an established principle of law that later legislation or policy can sometimes throw light on the legislative intent behind an earlier provision, especially when the later law clarifies rather than changes the position. Later statute, amendment, or policy may be used as an interpretative aid if it explains or clarifies an ambiguity in the earlier law or is declaratory or explanatory in nature or the same reflects the legislature's understanding of the earlier provision.

19. It is also a well settled principle that statements, reports, and records created at or near the time of an event carries a considerable weight in determining facts, particularly when there is no conclusive evidence. In the present case, the General Diary entry, the inquest report, and the statements of witnesses recorded by the Tehsildar and other officials immediately following the death of the petitioner's wife constitute contemporaneous records, consistently stating that the death occurred due to snake bite. The postmortem report, though inconclusive, does not contradict these records. Therefore, after applying the principle of *contemporanea expositio*, consistency of statements indicate that they are reliable evidence in determining the cause of death, and the authorities are bound to give due weight to such contemporaneous material while adjudicating claims under a beneficial policy. Failure to consider contemporaneous evidence and giving undue weightage to hyper-technical reasons like inconclusive postmortem is against well-recognized legal principles.

20. Having considered this preceding issue, the next question that arises for consideration is the nature of the order/circular dated 08.07.2021

issued by the State Government. It is clear from the bare reading of the order that it merely clarifies as to how claims arising from snake bite deaths should be considered under the earlier policy to make the beneficiaries get compensation without delay. It does not impose any new limitation, nor does it affect deaths that occurred prior to its issuance. The principle regarding clarificatory notification is well recognized, and according to which, a notification or circular that only elaborate the intention of an earlier policy is to be read harmoniously with the original notification and the subsequent notification is especially relevant in guiding authorities on proper implementation.

21. After careful consideration of the submissions made by the learned counsel for the parties and upon perusal of the records, it is evident that the government notification dated 02.08.2018 clearly recognizes death due to snake bite as a circumstance entitling the dependents of the deceased to *ex gratia* relief. It is also apparent that the notification dated 02.08.2018 is a State-specific policy intended to aid in cases of disasters or calamities which are not included for relief under other policies. The said notification, therefore, contemplates relief to families affected by specific local contingencies, including death due to snake bite.

22. The subsequent government notification dated 08.07.2021 specifically addresses circumstances where dependents of a deceased person who died due to snake bite were being denied or delayed *ex gratia* relief on technical grounds, particularly due to the non-availability of viscera reports. The notification explicitly clarifies that the absence of a viscera report shall not be a ground to reject the claim and instructs the District Magistrates across the State to ensure timely disbursement of *ex gratia* relief, preferably within seven days. Bare reading of the order

demonstrates that it is clarificatory in nature and intended to reinforce the objective of the notification dated 02.08.2018, rather than creating any new policy. Learned Standing Counsel's argument justifying rejection of the petitioner's claim on the ground of inconclusive postmortem findings or unavailability of the viscera report is therefore wholly untenable. The clarificatory notification was issued precisely to prevent denial or delay of relief to affected families on such technical grounds, ensuring that the purpose of the policy is fulfilled.

23. In the present case, the petitioner had promptly informed the police about the death of his wife explaining the reason of the death as well. The General Diary entry records the cause of death as a snake bite. The inquest proceedings and spot inspection conducted by the Lekhpal further corroborate the petitioner's version, with statements of eyewitnesses confirming that the death occurred due to snake bite while the deceased was working in the agricultural field. There is no discrepancy or conflict in the statements recorded at any stage, and the postmortem report merely states that the cause of death could not be ascertained, without contradicting the consistent evidence of the eyewitnesses. In such circumstances, the principle of *contemporanea expositio* is relevant here and reliance on consistent official records should be placed to decide petitioner's claim.

24. Applying the principles discussed in forgoing paragraphs, it is clear that the order dated 08.07.2021 is a guidance to interpret and implement the notification dated 02.08.2018 in cases of death due to snake bite. Consequently, we are of the view that the petitioner's claim very much fell within the ambit of the policy framework, and the authorities ought to have considered it on that basis.

25. In the light of the above discussion, it is evident that the petitioner is entitled to relief under the Government notification dated 02.08.2018, read harmoniously with the clarificatory order dated 08.07.2021, which is brought to control possible mischief under order 02.08.2018. The impugned rejection of the claim on technical grounds cannot be sustained and, therefore, the order dated 02.08.2018 and 08.07.2021 are hereby quashed. Matter is required accordingly remitted to the District Magistrate, Jalaun, with a direction to consider the petitioner's claim afresh in accordance with the policy, without raising technical objections regarding the inconclusive postmortem report or unavailability of viscera report.

26. It is one of those cases where we find that documents speak volume of the merit of claims for compensation set up by petitioner having discussed the provisions contained under the Government Order and further policy with regard to grant of compensation not depending upon the viscera report etc., we are of the clear view that claim of compensation deserves to be allowed.

27. There are authorities to the effect that if the High Court while exercising its jurisdiction under Article 226 of the Constitution finds facts of the case to be full setting merit of the case set up by petitioner that it should not hesitate in granting appropriate relief instead of remitting the matter for reconsideration by the authority.

28. In our above considered view, we are supported by the recent decision of the Supreme Court dated 10.02.2026 in the case of *Mahendra Prasad Agarwal vs. Arvind Kumar Singh and Others* being *SLP (C) No. 1714 of 2025*, in which vide paragraph 13,14, and 15, the Court has observed thus:

"13. Facts that we have recounted till now reveal a sad reflection, not our laws, but the way we practice our laws and work our judicial remedies. We are not be mistaken as sermonising, for such episodic disposal could feature even in the practice of Supreme Court. Our endeavour is to ensure that we take notice of it and adopt course correction.

14. There is no doubt about the fact that the "consider jurisprudence", so routinely adopted these days and if we may use the expression - to throw the ball out of the Court, is counterproductive and harms the system.

15. When a claim of a right is legal and justified, relief must follow. The Constitutional or statutory remedies are not intended for academic discourse. If a case deserves relief, it must be granted then and there, unflinchingly if need be. Balancing of equities is not to be confused with avoiding or postponing the relief. These are not matters of law, but of its working and practice. Unlike law and its procedures, good practices that evolve over a period of time are far more precious than written laws, as it is in this practice that we see acceptance and internalization of the spirit of law. It is necessary to recognize, nurture and develop good practices which become habits. These habits come from the shared belief, values and attitudes that breathe vitality into rule of law. Legal culture integrates collective beliefs, fostering habits. It is necessary and in fact compelling to keep our remedies simple, effective and efficient."

29. In view of above, writ petition succeeds and is **allowed**. The District Magistrate, Jalaun is directed to accord benefit of compensation to the petitioner for untimely death of the deceased due to snake bite. The District Magistrate, shall pass the order within a period of six weeks from the date of presentation of certified copy of this order.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

February 27, 2026

Mukesh Kumar/#Vikram/-