

**THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CWP No. 12093 of 2013 (O&M)  
Date of decision: February 4, 2015

Santosh Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE K. KANNAN**

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Ashutosh Kaushik, Advocate,  
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

Mr. Suvir Kumar, Advocate,  
for respondent No.3.

**K. KANNAN, J. (Oral)**

1. The petitioner is before the court disenchanted with the order of refusal to accommodate the statutory compensation under a Scheme brought by the Marketing Board for the death of accident claims for farmers arising from the alleged use of machine, equipment and other tools during agricultural operations. The petitioner relies on the fact that there was no information available in the manner said to have been made by the Marketing Board that the post-mortem certificate should be made available to entertain a claim for compensation and hence no post-mortem was done and the body was cremated on the same day when the death occurred. The learned counsel would also rely on a resolution of the Gram Panchayat

which recorded the fact that the petitioner's husband died during agricultural operation due to "some unidentified reason". The petitioner would stake the claim on the basis of her own application that she has referred to the caused of death as pesticide use.

2. It is but natural that any public body that makes itself liable for compensation for death to farmers during an agricultural operation, as a welfare measure and to prevent deprivation to the family, secures adequate proof that the death was on account of some accident by the use of machine, equipment or other tools. With or without a publicity made for requirement of a post-mortem certificate, a person that lodges a complaint must have some modicum of proof that the death was under the circumstance that made possible the application of the scheme. I will not make much of the fact that the post-mortem certificate was not issued. I am also prepared to accept that due publicity was not given in the village and the petitioner was not informed that post-mortem must have been obtained. All the same, it is essential that the cause of death has arisen under the specified circumstance is proved. The resolution of the Panchayat is hardly sufficient to evoke confidence that such circumstance existed. There is perhaps local evidence available and information could be obtained about how the death had occurred. It is not possible for me to adjudicate on a disputed question of fact and I reserve the petitioner a right to secure a declaration by appropriately instituting a civil suit where the petitioner may bring evidence about the cause for death. The respondent-Board will also have a right to get its own evidence to join issue on the aspect of whether the death was on account of an accident during agricultural operation or not. The death has taken place on 16.7.2012 and right of declaration is permissible within a

period of three years. If the petitioner is an indigent person, she would be competent to sue as indigent person and the respondents shall not contest her status as indigent. The maintainability of the suit shall also not be questioned. The parties will abide by the ultimate decision of the civil court.

3. The writ petition is disposed of with liberty granted to the petitioner in the manner indicated above.

**February 4, 2015**  
**prem**

**(K.KANNAN)**  
**JUDGE**