

12th December,
2023
(AK)
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W.P.A. 9960 of 2023

Jhuma Santra
Vs.
The State of West Bengal and others

Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Pritha Sinha

...for the petitioner.

1. Despite service, none appears for the respondent authorities.
2. Affidavit-of-service filed in court today be kept on record.
3. This is an open-and-shut case. The petitioner, as evident from the photograph of the petitioner annexed at page-19 of the writ petition as well as the disability certificate at page-45 of the writ petition, is suffering from hundred per cent disability due to complete facial disfigurement in view of acid attack.
4. The documents annexed to the writ petition sufficiently establish such fact.
5. Learned counsel for the petitioner places reliance on the Compensation Scheme for Women Victims/Survivors of Sexual Assaults/Other Crimes, in particular the schedule applicable to women victims of

crimes, to argue that in case of disfigurement of face for victims of acid attack, the minimum limit of compensation is Rs.7 Lakh and the upper limit is Rs.8 Lakh.

5. However, a meager amount of Rs.3 Lakh was awarded to the petitioner in terms of the order dated August 22, 2016 annexed at page-47 which is merely an allotment order, without any iota of reason as to why adequate compensation was not given to the petitioner.

6. Upon considering the materials annexed to the writ petition, this court is completely satisfied that there is no reason why the maximum upper limit of compensation for victims of acid attack suffering from disfigurement of face should not be given to the petitioner.

7. Since the petitioner comes squarely within the purview of such victims, the only course of action for the respondent authorities was to disburse the entire amount of Rs.8 lakh to the petitioner, of course, under the aegis of the concerned scheme.

8. Accordingly, WPA 9960 of 2023 is allowed, thereby directing the respondent no. 3 to ensure that the total compensation amount of Rs. 8 Lakh is immediately released to the respondent no. 6 for the purpose of disbursal to the petitioner.

9. Such release shall take place as expeditiously as possible, positively within January 15, 2024. The

respondent no. 6, within four weeks thereafter, shall disburse the amount to the petitioner, in terms of the provisions of the Compensation Scheme for Women Victim/Survivors of Sexual Assault/Other Crimes, 2018 as annexed to the present writ petition.

10. As rightly pointed out by learned counsel for the petitioner, the respondent no.1-State, in tandem with respondent no.6, should also formulate a comprehensive scheme for grant of regular pension to victims of acid attack similarly placed as the petitioner.

11. It is expected that a formulation of such a scheme shall be explored and, if otherwise feasible, effected at the earliest, positively by January 31, 2024. As and when formulated, the petitioner's case shall also be considered under such scheme, subject to the petitioner applying thereunder.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)