

08.07.2024  
Court No.13  
Item No. 1  
pk

**RVW 135 of 2024**  
**State Legal Services Authority, West Bengal**  
**Vs.**  
**Balabinder Kaur and others**

Mr. Jayanta Narayan Chatterjee,  
Mr. Supreem Naskar,  
Ms. Jayashree Patra,  
... for the petitioner.

Mr. Manjit Singh,  
Mr. Abhishek Bagal  
... for the respondent no. 1.

1. Despite service of notice, State is not represented in the matter whenever is taken up on three occasions. Affidavit of service filed in Court is taken on record.
2. Review has been filed by the State Legal Services Authority (SLSA) of order dated 26.06.2023 on the ground that in the light of the “West Bengal Correctional Services Prisoners (Unnatural Death Compensation) Scheme, 2019, the Motor Vehicles Act could not have been resorted to by this Court to assess compensation payable to the petitioner. The said Scheme was not placed by the parties at the time of hearing of the writ petition.
3. This Court, however, notes that in the order dated 26<sup>th</sup> June, 2023 reference was made to the case of **Rudul Sah Vs. State of Bihar and another** reported in **(1983) 4 SCC 141** and **the Chairman, Railway Boara and others Vs. Mrs. Chandrima Das and others** reported in **(2000) 2 SCC 465** and other decisions referred to by the Madras High Court in

**Lakshmana Naidu (decd) Vs. State of Tamil Nadu and another** reported in **2006 WLR 608**.

4. In the **Lakshmana Naidu decision (supra)** the Madras High Court has referred to several decisions of the Supreme Court where compensation fixed by the State has been enhanced depending on the facts and circumstances of the case.
5. In the instant case, this Court notices that the death of the prisoner occurred due to injury inflicted by the correctional home employees, who may have been aided by the fellow prisoners.
6. This Court is therefore of the view that no further enquiry into the circumstances of the death of the victim prisoner is necessary. There is sufficient evidence in this regard before this Court as already discussed in the order dated 26<sup>th</sup> June, 2023.
7. Section 6 of the aforesaid Scheme of 2019, read with the schedule fixes only minimum limits of compensation for six categories of death of a prisoner. The procedure and method of disbursement have also been discussed and set out in the Scheme.
8. From the nature of the scheme and schedule itself, it appears that the Committee under Section 6 is empowered to recommend compensation above the amounts stipulated in the schedule. It is for this purpose that the expression 'minimum

compensation' is used thereat under the Scheme of 2019.

9. It further appears that the victim is a poor unemployed widow, in a rural area in Punjab and has an unemployed son, and two minor daughters. The victim husband of the petitioner no. 1 was a truck driver and was aged about 43 years old at the time of death.
10. This Court also relies upon a decision of the Division Bench of this Court dated 04.04.2023 in WPA (P) 9 of 2020 (Arijit Adhikary Vs. State of West Bengal and others) that was heard along with WPA (P) 13 of 2020. A higher rate of compensation than that recommended by the NHRC was fixed by the Court. This decision was referred to by this Court in its order dated 23<sup>rd</sup> June, 2023.
11. This Court is, therefore, of the view that a sum of Rs.20,00,000/- would be appropriate compensation to be paid to the writ petitioner and her family members. The compensation amount shall be paid by the State Government and forwarded for disbursement to the Committee constituted under the West Bengal Correctional Services Prisoners (Unnatural Death Compensation) Scheme, 2019.
12. The aforesaid amount of Rs.20,00,000/- shall be in addition to the sum of Rs.2,00,000/- already paid to the petitioner.

13. Let a copy of this order be made available to the Secretary, Ministry of Home Affairs, Govt. of West Bengal, Additional Secretary, Department of Correctional Administration, the Joint Secretary and the Chairman of the said Department. Copy shall also be forwarded to the Additional Inspector General (South) of Correctional Services, West Bengal and the Deputy Inspector General (Presidence) of Correctional Services, West Bengal for action at their end.
14. It is expected that the compensation is disbursed to the petitioner into her bank account upon particulars whereof being furnished by Mr. Manjit Singh, learned advocate for the petitioner. All other documents of identification shall, however, be produced by the petitioner, who may be accompanied and assisted by her legal representative before any of the three persons mentioned in the Committee or the Committee itself which may hold a special meeting for the aforesaid purpose. The Committee under Section 5 may in the alternative designate and delegate an officer to verify the credentials of the petitioner and her family.
15. It is expected that the payment is released to the petitioner within one month from the date of receipt of a copy of this order.
16. The Review Application is disposed of.

17. In view of disposal of the review petition, connected applications, if any, are also disposed of.
18. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

**(Rajasekhar Mantha, J.)**