

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 25896 of 2024

Tanuja Khatun

versus

The State of West Bengal and others

For the petitioner

Mr. Dibyayan Banerji
Ms. Utsa Podder
Mr. Abhrajit Roy Chowdhury

For the State

Mr. Biswabrata Basu Mallick
Mr. Sayak Chakraborty

For the respondent Nos.6 & 7

Ms. Soma Chowdhury Bandhu

Heard on

05.12.2024

Judgment on

05.12.2024

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to grant a sum of Rs.50 lakhs as compensation to the victim of acid attack and to grant a pension of a sum of Rs.15,000/- per month, among other things.

Affidavit of service, as filed in Court, is taken on record.

Copy of order sheet in VC Appeal No.7 of 2024, as filed by the State Legal Services Authority, is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner was aged about 18 years when the accused threw acid on her on 10.04.2010. A compensation of a paltry sum of Rs.4 lakhs was granted on 23.12.2019 in terms of Section 357A of Cr.P.C. On 11.05.2021 the petitioner obtained a disability certificate showing her disability to 55%. Thereafter, she prayed for enhancement of compensation. Her representation dated 14.03.2024 appears to have been treated by the Legal Services Authority as an appeal being VC Appeal No.07 of 2024. Till date the appeal has not been decided. Although it appears from the copy of the order sheet filed by the learned counsel for the Legal Services Authority that no one appeared on 29.11.2024, the victim was actually present physically. In any event, the petitioner is entitled to far more benefits than what have been awarded including a much higher sum of compensation.

Learned counsel for the State submits that the victim of acid attack should be granted proper relief in terms of the appropriate scheme.

Learned counsel for the State Legal Services Authority denies the allegations and submits that the representation made by the petitioner for enhancement of compensation has already been treated as an appeal. The matter was taken up for hearing on several dates. The Legal Services Authority can only act in terms of the West Bengal Victim Compensation Scheme, 2017 as they are to be funded by the State Government in terms of such Scheme.

In *Paromita Bera and another (WPA 5633 of 2021)*, a Coordinate Bench of this Court held that the State Government had not complied with the mandate of Hon'ble Supreme Court in *Nipun Saxena and another vs. Union of India and others*, reported at (2020) 18 SCC 499 and had failed to amend its own scheme of compensation in tune with NALSA's Compensation Scheme for women victims/survivors for sexual assault/other crimes, 2018. The Court directed the State Government to accordingly frame its own scheme as per NALSA's Compensation Scheme and accordingly, granted a substantial sum as compensation to the petitioners therein.

This Court also finds no reason as to why the appeal /representation of the petitioner has been kept pending for so long.

In view of the above and interest of justice, the Member Secretary, the State Legal Services Authority, West Bengal is requested to conclude the proceedings in VC Appeal No.7 of 2024 by granting adequate reliefs to the petitioner in terms of the applicable schemes and according the directions passed by a Coordinate Bench of this Court in *Paromita Bera* (supra).

Let such decision be taken expeditiously, preferably within a period of four weeks from the date of communication of this order.

With the aforesaid observations, the writ petition is disposed of.

Parties shall act on a server copy duly downloaded from the official website of this Court.

(Jay Sengupta, J.)

