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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Correctional Administration
Jessop Building, 63, N.S. Road, Kolkata - 700 001

NOTIFICATION

No. 1644-DCA/O/2C-28/2018

Dated: 29.11.2019

The Governor is pleased hereby to make the following Scheme for the purpose of providing compensation to such beneficiaries who, by virtue of their kinship to the deceased have suffered loss or injury as a result of Unnatural death of a prisoner in a Correctional Home.

1. Short title and commencement. – (1) This Scheme may be called the 'West Bengal Correctional Services Prisoners (Unnatural Death Compensation) Scheme, 2019.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. Definitions.— In this Scheme, unless the context otherwise requires,-

(a) "Act" means the West Bengal Correctional Services Act, 1992, (West Ben. Act of XXXII of 1992);

(b) "Beneficiary" means a person who have suffered loss or injury as a result of Unnatural death of a prisoner in a Correctional Home and includes wife, husband, father, mother, unmarried daughter and minor children of the Prisoner as may be determined by the authority empowered to issue dependency certificate, or any other authority authorized by the Government in this regard;

(c) "Compensation" means such compensation as may be awarded under this Scheme;

(d) "Correctional Home" means a correctional home as defined in the West Bengal Correctional Services Act, 1992;

(e) "Committee" means the West Bengal Correctional Services Unnatural Death Compensation Committee;

(f) "Government" means the Government of West Bengal;

(g) "Prisoner" means a Prisoner who died an unnatural death in a Correctional Home of West Bengal;

(h) "Schedule" means the Schedule appended to this Scheme;

(i) "State" means the State of West Bengal.

(2) Words and expressions used but not defined in this scheme shall have the same meaning as assigned to them in the Act.

3. West Bengal Correctional Services Unnatural Death Compensation Fund.— (1) There shall be constituted a Fund, namely, the West Bengal Correctional Services Unnatural Death Compensation Fund from which the amount of compensation, as decided by Committee, shall be paid to the beneficiary in relation to a Prisoner.

- (2) The Fund shall be funded from budgetary allocation for which necessary provision shall be made in the Annual Budget by the Government or otherwise.
- (3) The said Fund shall be operated by the Inspector General of Correctional Services.
4. **Eligibility for Compensation.**— The beneficiary shall be eligible for the grant of compensation after satisfying the criteria that he should not have been adequately benefited under any other scheme of the State Government or the Central Government or otherwise.
5. **West Bengal Correctional Services Unnatural Death Compensation Committee.**— The State Government shall constitute a Committee named West Bengal Correctional Services Unnatural Death Compensation Committee to decide on the quantum of compensation payable to the beneficiary or beneficiaries with the following members:—
- (a) Additional Secretary, Department of Correctional Administration or any other Officer of the Department not below the rank of a Joint Secretary- Chairman;
- (b) Additional Inspector General (South) of Correctional Services, West Bengal.- Member;
- (c) Deputy Inspector General (Presidency) of Correctional Services, West Bengal.- Member.
6. **Procedure for grant of compensation.**—(1) Wherever, a recommendation is made by the court or any other authority for compensation or an application is made by any person to the Committee, it shall examine the case and verify the contents of the claim with regard to the loss or injury and may also call for any other relevant information necessary for consideration of the claim from the person or Authority concerned.
- (2) The inquiry as contemplated shall be completed expeditiously and the period in no case shall exceed sixty days from the receipt of the claim or petition.
- (3) After consideration of the matter, the Committee, upon its satisfaction, shall decide the quantum of compensation to be awarded, and the beneficiary or beneficiaries thereof.
- Provided that the quantum of compensation to be awarded shall not be less than what is provided in the Schedule.
7. **Method of Disbursement of compensation.**— (1) The amount of compensation so awarded shall be deposited in a Nationalized Bank or if the branch of a Nationalized Bank is not in existence, it shall be deposited in the branch of a scheduled commercial bank, in the single or joint name of the beneficiary.
- (2) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit.
- Provided that, in exceptional cases, amounts may be withdrawn for educational or medical needs of the beneficiary as may be decided by the Committee.
- (3) The interest on the sum shall be credited directly by the bank in the savings account of the beneficiary.
8. **Dependency certificate.**— The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and in no case shall this period be extended.
- Provided that the Committee, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.
9. **Appeal.**— (1) Any beneficiary aggrieved by the denial of compensation by the Committee may file an appeal to the State Government within a period of sixty days.
- (2) The State Government, if satisfied, for the reasons to be recorded in writing may condone the delay in filing the appeal.
10. **Limitation.**— Under the Scheme, no claim made by the beneficiary, shall be entertained after a period of 3 years from the date of occurrence of the death.

Schedule

Sl. No.	Particulars of Unnatural death	Minimum Limit of Compensation
1.	Death by Suicide	Rs.3.00 Lakh
2.	Death due to Injury by other Prisoners	Rs.4.00 Lakh
3.	Death due to Injury by self	Rs.3.00 Lakh
4.	Death due to Injury by any correctional home employee	Rs.5.00 lakh
5.	Death due to Medical Negligence	Rs.5.00 lakh
6.	Death due to any other reason	Rs.3.00 Lakh

By Order of the Governor,

SANJOY MUKHERJEE

Principal Secretary to the Government of West Bengal.