

(2011) 04 SHI CK 0231
In the High Court Of Himachal Pradesh
Case No : CWP No. 1507 of 2010

Sumitra Devi

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 20-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0231

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—The undisputed facts of the case are that late Sh. Hari Chand who unfortunately died while helping to put out a forest fire and his widow Smt. Sumitra Devi has claimed compensation by means of filing this writ petition.

2. The facts necessary for decision of the case are that on 13.3.2009, a fire took place in the forest near village Shamkor. The forest guard requested the villagers to accompany him to help in controlling the fire. Sh. Hari Chand, husband of the Petitioner also went with the forest guard and other villagers to help in controlling the fire. Unfortunately, one tree fell on Sh. Hari Chand and resultantly, he died on the spot.

3. The Petitioner by means of this petition prays that the State be directed to grant compensation to her. The State in its reply has submitted that the case of the Petitioner for the grant of compensation was forwarded and the state has granted ex-gratia compensation of Rs. 1 lac to the Petitioner.

4. Sh. Shashi Shirshoo, learned Counsel for the Petitioner urges that this compensation is very low and this Court may pass a direction enhancing the compensation.

5. This is not a case where negligence is alleged on the part of the State. There is no dispute with regard to the facts of the case and it is obvious that the deceased Hari Chand, on the asking of the forest guard, had gone to help in

putting out the forest fire. It is also not disputed that he was also a right holder and, therefore, had an interest in the forest. All citizens of this country have certain rights and certain duties. Article 51-A deals with the fundamental duties of every citizen. One of the fundamental duties prescribed in Sub-clause (g) is to protect and improve the natural environment including forest. Similarly Clause (i) deals with another fundamental duty which is to safe guard public property.

6. When a person performs his duties and unfortunately suffers injury or dies, can the said person claim compensation from the State? In my view, there is no right to claim such compensation. It is for the State to decide whether it should grant adequate compensation to its citizens or not. Whatever view may be taken on this aspect of the matter, in my view, this Court, at least, has no power to issue any direction to the State Government to pay any particular amount of compensation in such a case. No doubt, a sum of Rs. 1 lac in the case of a death does appear to be on the lower side. However, this Court cannot direct the State Government to enhance the compensation. Therefore, the writ petition is rejected. It is however, made clear that in case the Petitioner approaches the State for enhancement of the compensation, her request shall be considered sympathetically keeping in view the value of human life.

7. With these observations, the writ petition is disposed of. No order as to costs.