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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7889/2015

A.K.BISWAS

..... Petitioner

Through : Petitioner in person.

versus

NCT OF DELHI

..... Respondent

Through : Ms. Prabhsahay Kaur, ASC for GNCTD.

Mr. Vivek Goyal, CGSC with Mr.Prabhakar
Srivastav, Advocate for UOI/R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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28.09.2016

1. This petition by way of Public Interest Litigation has been filed with a prayer to declare Section 11 of the Delhi Victim Compensation Scheme, 2011 as ultra vires Article 21 of the Constitution and Section 357A of Cr.PC and to amend the Scheme by deleting the said provision. A further direction is also sought to amend the definition of "dependent" in Section 2(c) and to include "other relatives" also in the definition.
2. Though a counter affidavit has been filed on behalf of the Respondent/Government of NCT of Delhi justifying the Delhi Victim Compensation Scheme, 2011, when the petition is taken up for consideration, it is brought to our notice by the learned counsel for GNCTD that the impugned Scheme of 2011 is proposed to be replaced by Delhi

Victim Compensation Scheme, 2015 and the same has been submitted for the concurrence of the Government of India, Ministry of Home Affairs.

3. Since the formulation of new scheme is under process, we consider it appropriate to dispose of the writ petition with a direction to the Government of NCT of Delhi as well as Government of India, Ministry of Home Affairs to consider the issues raised by the petitioner in this petition and take an appropriate decision before finalization of the new scheme.

4. Since Government of India is not arrayed as a Respondent, the Ministry of Home Affairs, Government of India is suo moto made a party to this writ petition as respondent No. 2. Mr. Vivek Goyal, CGSC accepted notice on behalf of respondent No. 2. A copy of this order be communicated to the impleaded respondent No.2/Ministry of Home Affairs, Government of India also.

5. Petitioner is at liberty to file a fresh writ petition in case the amendments proposed in the present petition are not incorporated in the new scheme.

6. The writ petition is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 28, 2016

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