

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.20477 of 2017
Date of Decision: 10.05.2018

Suman and another

. Petitioners

Vs.

Union of India and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sushil Bhardwaj, Advocate,
for the petitioners.

Mr.S.P. Jain, Additional Solicitor General of India with
Mr.Dhiraj Jain, Advocate, and
Mr.Karan Singh, Advocate,
for respondent No.1/UOI.

Mr.Vishal Garg, Addl. A.G., Haryana

Mr.Puneet Gupta, Advocate,
for respondent No.4.

RAKESH KUMAR JAIN, J.

The petitioners, who are the unfortunate mother and daughter, victims of acid attack, have prayed for the grant of compensation, over and above ₹3 lacs, as prescribed under the Scheme called 'Relief and Rehabilitation of Women Acid Victims' floated by the Women and Child Development Department, Government of Haryana.

Shorn of unnecessary details, three persons, namely, Raja son of Dalip Paswan, Arif son of Amirudeen and Azad alias Ismail son of Rahis were tried in a case registered vide FIR No.898 dated 15.12.2014 under Sections 326-A, 452 & 120B of the Indian Penal Code, 1860 at Palam Vihar,

Gurgaon for the alleged offence of throwing acid upon the petitioners. The Additional Sessions Judge, Gurgaon, vide his order dated 30.1.2017, acquitted Arif son of Amirudeen but convicted Raja son of Dalip Paswan and Azad alias Ismail son of Rahis and vide his order dated 8.2.2017 sentenced them for life imprisonment and fine. The Government of Haryana floated a Scheme called 'Relief and Rehabilitation of Women Acid Victims' on 02.05.2011 which was further superseded by the amended Schemes dated 09.1.2013, 16.1.2014 and 25.3.2016 whereby it has been decided to pay ₹3 lacs as maximum compensation to an injured/acid attack victim besides free of cost 100% medical treatment from any Government hospitals or Government approved hospitals and also decided to give preference to acid attack victims in allotment of fair price shops by the Food and Supply Department, Haryana. In the Scheme, amended vide notification dated 25.3.2016, under the head of 'Rehabilitation', it has also been decided to provide monthly financial assistance of ₹8000/- to acid victims who would come within the definition of disability under Section 2(i) of the Persons with Disabilities (Equal Opportunities Protection of Rights of Full Participation) Act, 1995 by the Social Justice & Empowerment Department, Haryana. Besides this, the Government of India has also floated a Scheme called 'Prime Ministers National Relief Fund Scheme' to give compensation of ₹1,00,000/- to the acid attack victim.

Learned counsel for the petitioners has submitted that though they have received ₹3 lacs each under the Relief and Rehabilitation of Women Acid Victims Scheme floated by the Women and Child Development Department, Government of Haryana but the amount of ₹1 lac

each from the Prime Ministers National Relief Fund Scheme has been declined only on the ground that the Scheme has come into operation w.e.f. 9.11.2016 whereas the incident had occurred on 15.12.2014. Learned counsel for the petitioners has also submitted that vide notification dated 27.10.2016, the Haryana Victim Compensation (Amendment) Scheme, 2016 has been notified in which it is categorically provided that *“if the victim is less than 14 years of age, the compensation shall be increased by 50% over the amount specified above.”*

According to the petitioners, in the normal circumstance, the acid attack victim would get maximum amount of compensation of ₹3 lac but if the victim is less than 14 years of age then the amount is to be increased by 50% over and above the amount of ₹3 lacs. It is submitted that petitioner No.2, who is 11 years of age, should have been awarded compensation of ₹4.5 lacs instead of ₹3 lacs.

I am in full agreement with the contention raised by learned counsel for the petitioners because in the the latest Scheme of the Government of Haryana, notified on 25.3.2016, which was further amended by issuance of a notification dated 27.10.2016, a note has been appended for granting 50% over and above the amount specified to the acid victim provided he/she is less than 14 years of age. Thus, I hold that petitioner No.2 deserves to be paid another sum of ₹1.5 lacs being less than 14 years of age at the time of occurrence, besides the amount of ₹3 lacs already paid to her, in terms of the Scheme notified on 16.1.2014.

As regards the payment of ₹1 lac to each of the petitioners from the Prime Ministers National Relief Fund Scheme is concerned, the

argument raised by learned counsel for respondent No.1 is not accepted that the said Scheme would not be applicable to the petitioners, who had suffered the unfortunate incident on 15.12.2014 and the Prime Ministers National Relief Fund Scheme was floated by the Government of India on 9.11.2016.

To my mind, in a social welfare state where the Government of India is trying to ameliorate the grievance of the deprived section of the Society, declining the payment of compensation of ₹1 lac from the Prime Ministers National Relief Fund Scheme only on the ground that the occurrence is prior to the decision taken by the Government of India is not justified. Therefore, I hold the petitioners entitled to ₹1 lac each from the Prime Ministers National Relief Fund Scheme and direct respondent No.1 to make the payment of the said amount to the petitioners within a period of one month from the date of receipt of certified copy of this order. Further, learned counsel for the petitioners has relied upon a decision of this Court in the case of ***“Anju Vs. State of Haryana and others” 2016(2) RCR (Criminal) 794***, which was also a case of an acid attack victim. In the said case, all the policies of the Government were thoroughly discussed besides noticing the decision of the Supreme Court in the case of ***“Parivartan Kendra Vs. Union of India” 2016(1) RCR (Criminal) 336***. Respondents No.2 & 3 are thus further directed to consider the case of the petitioners in the light of the decision rendered by this Court in the case of ***Anju (Supra)*** and grant them necessary compensation/relief, if they are found entitled to it. The necessary order shall be passed either by respondent No.2 or respondent No.3 within a period of one month from the date of receipt of certified copy of this order. It is needless to mention that the amount of ₹1,50,000/-, which has been

enhanced in the case of petitioner No.2, shall also be paid to her within a period of one month from the date of receipt of certified copy of this order.

Disposed of.

10.05.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No
Whether Reportable : Yes/No