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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-35807-2019
Date of decision: 10.12.2019

Ms. X through her brother **.....Petitioner.**

vs.

State of Punjab and another **.....Respondents.**

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Ms. Veena Kumari, Advocate for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

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Sanjay Kumar, J. (ORAL)

The grievance of the petitioner, who is represented by her brother, is that she is not being extended interim compensation despite being a victim entitled to the same under the Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018, promulgated by the National Legal Services Authority.

In terms of the aforestated Scheme, the Punjab State Legal Services Authority, the second respondent, would have to consider the case of the petitioner. Be it noted that the aforestated Scheme has application to victims and their dependents. '*Dependent*' is defined under Clause 2(1) (b) of the Scheme to include husband, father, mother, grandparents, unmarried daughter and minor children of the victim.

The aforestated definition is an inclusive one and not an exhaustive one. Therefore, the claim of the petitioner, put forth by her brother, cannot be excluded from consideration on the sole ground that a brother is not included within the definition of a '*dependent*'. It is the case of the petitioner that her parents are both physically disabled and not in

That being so, it would not be open to the second respondent to not consider the case of the petitioner in terms of her entitlement under the Scheme on the short ground that she is not represented properly.

The writ petition is accordingly disposed of directing the second respondent to take appropriate action upon the petitioner's representation dated 16.10.2019 (Annexure P-7) and award her compensation/interim compensation in terms thereof as per her entitlement. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.12.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no