

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.103

CWP-20815-2020

Date of decision : 4.12.2020

Sarita

..... Petitioner

VERSUS

State Legal Services Authority and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.S. Gopera, Advocate, for the petitioner.

Mr. Jaivir Chandail, Addl. Standing Counsel for
Mr. Pankaj Jain, Senior Standing Counsel, for UT, Chandigarh.

SUDHIR MITTAL, J. (Oral)

The petitioner claims financial assistance under Policy dated 3.9.2012 of the Chandigarh Administration. She is a minor rape victim and has given birth to a male child. An application dated 29.7.2020 was made to the District Legal Services Authority, UT Chandigarh, for the said purpose, but no order has been passed thereupon, even though, Policy dated 3.9.2012 fixes a period of 60 days for deciding the application.

Notice of motion.

Mr. Jaivir Chandail, Addl. Standing Counsel, for UT Chandigarh, accepts notice and waives service.

Learned counsel for the respondents submits that the Policy dated 3.9.2012 (Annexure P-3) has been repealed vide Policy notified on 31.7.2019. According to the Clause 19 of this Policy, applications for compensation have to be made to the Special Court under the POCSO Act, 2012. The State Legal Services Authority or the District Legal Services Authority, is not competent to grant compensation to victims such as the petitioner.

A copy of the Notification dated 31.7.2019, notifying the Union Territory of Chandigarh Victim Assistance Scheme, 2018, has been made

available to the Court through email. I have gone through the said Notification and I am in agreement with the submissions made by learned counsel for the respondent, in view of clause 19 of the Scheme. Thus, I direct the petitioner to move the competent Court for grant of financial assistance. On receipt of the application, the competent Court shall decide the same within a period of four weeks.

The writ petition stands disposed of.

(SUDHIR MITTAL)
JUDGE

4.12.2020

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No