

NEETA

.....PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Ms. Veena Kumari, Advocate
for the petitioner.Ms. Gehna Vaishnavi, Advocate
for the respondent No. 1.Mr. Hemant Bassi, Advocate and
Ms. Aashima Narula, Advocate
for respondent No. 3.**VINOD S. BHARDWAJ, J (ORAL)**

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of directions to the respondents to grant compensation to the petitioner who is an acid attack survivor in terms of the Policy dated 30.11.2017 (Annexure-6) read with the policy of National Legal Services Authority.

Briefly summarised the facts of the present case that the petitioner is an acid attack survivor in an incident that took place on 15.07.2014. The petitioner was 30 years old and was working as a volunteer teacher for special children in Topkhana, Elementary Government School, Kapurthala. One Paramjit Singh S/o Mangat Ram had already been working there and he started compelling the petitioner to marry him. The petitioner being aware of the fact that the Paramjit Singh was already married and was having children submitted a complaint to the SSP Kapurthala against constant harassment meted out by Balkar Singh and

Paramjit Singh.

The said Paramjit Singh although tendered an apology, however, he felt offended and thus was incited to give effect to the above incident on 15.07.2014 when the petitioner was going to the school. An FIR No.202 dated 15.07.2014 was registered under Sections 307 and 326-A of IPC at Police Station City Kapurthala. Upon conclusion of trial, the accused was convicted and sentenced for fifteen years vide judgment dated 22.11.2016 passed by Additional Sessions Judge, Kapurthala. No compensation, however, was granted to the petitioner under Section 357-A of Cr.P.C. The petitioner was subjected to Medical Examination by the Medical Board Authority, Kapurthala and was issued disability certificate on 06.06.2018 to have suffered permanent disability to the extent of 40%. The petitioner was however, granted a compensation of Rs.2,50,000/-.

The State of Punjab notified its Victim Compensation Scheme on 30.11.2017 under Section 357-A Cr.P.C. in suppression of all the earlier such schemes. Compensation of Rs. 3 lakh along with 100% free medical treatment is prescribed under the said scheme.

Learned counsel for the petitioner contends that insofar as the compensation by the Punjab State Legal Services Authority as per its schemes is concerned, the same stands disbursed. It is contended that the Government of India had also announced an additional compensation of Rs. 1 Lakh to the victims of acid attack under Prime Minister's National Relief Fund (PMNRF) under the Central Government's Victim Compensation Funds Scheme. Under the said scheme the District Magistrate-cum-Deputy Commissioner of the concerned District is required to send a report to the Ministry of Home Affairs as per the enclosed format (Annexure-I) with a copy to the office of the Prime Minister. The

report must contain information such as bank account number, Aadhar number and other details of the victim. On receipt of such report by the Ministry of Home Affairs, the compensation is to be paid to the bank account of the victim directly within a time bound period.

Ms. Gehna Vaishnavi, Advocate, has appeared on behalf of respondent No.1-U.O.I and has contended that the Ministry of Home Affairs, Women Safety Division, Government of India has already written a letter bearing folio No. 24013/326/2022-SC/ST-W dated 04.10.2022 calling upon the Deputy Commissioner, Kapurthala to forward the report in the case of the petitioner as per the prescribed form so that the necessary action can be taken by the Union of India. It is contended that since the report from the office of Deputy Commissioner, Kapurthala has not been received, the additional compensation to be granted by the Union of India cannot be disbursed.

Taking into consideration the circumstances noticed above and the fact that the relief qua the compensation to be granted by the State of Punjab already stands satisfied and the surviving grievance in relation to the additional compensation to be granted by the Government of India is denied to the petitioner awaiting the report being forwarded by the Deputy Commissioner, Kapurthala to the Ministry of Home Affairs (Women Safety Division), it would be appropriate to dispose of the instant writ petition by directing the Deputy Commissioner, Kapurthala to forward the particular details in accordance with the letter bearing folio no 24013/94/Misc./2014-CSR-III dated 09.11.2016, (Annexure R-1/4) and the subsequent communication received on 04.10.2022 (supra) within a period of 4 weeks from the date of receipt of certified copy of this order to the Competent Authority in the Ministry of Home Affairs (Women Safety Division) to enable the concerned authority to disburse the additional compensation under the Central

Government Victim Compensation Funds Scheme.

It is made clear that in the event the needful is not done within the stipulated period as above, the petitioner shall be at liberty to seek revival of the present petition. In such an eventuality, the Deputy Commissioner, Kapurthala shall remain present in person in Court to explain the reasons for such failure, if any and also to apprise that as to why appropriate proceedings for non-compliance of the order be not initiated against the said respondents.

The instant petition is accordingly disposed of.

Needless to mention that in event of forwarding of the necessary details pertaining to the petitioner/victim by the Deputy Commissioner, Kapurthala-appropriate steps for disbursement of additional compensation under Central Government Victim Compensation Funds Scheme shall be initiated by the Ministry of Home Affairs (Women Safety Division) Government of India and compensation as per scheme shall be disbursed within a period of 4 weeks thereafter.

(VINOD S. BHARDWAJ)
JUDGE

09 November, 2022
Monika

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>