
(2016) 05 AHC CK 0188

In the Allahabad High Court

Case No : Public Interest Litigation (PIL) No. 18294 of 2016

Muhim

APPELLANT

Vs

State of U.P. and 3 Others

RESPONDENT

Date of Decision : 04-05-2016

Acts Referred:

Citation : (2016) 6 ADJ 49

Hon'ble Judges : Dr. Dhananjaya Yashwant Chandrachud, C.J. and Yashwant Varma, J.

Bench : Division Bench

Advocate : Himanshu Singh, Smriti Kartikey, Advocates, for the Appellant;

Final Decision : Disposed Off

Judgement

1. The Joint Director, Medical Health and Family Welfare has filed a counter affidavit in response to the directions issued by this Court on 25 April 2016.
2. Two schemes have been formulated in the State of Uttar Pradesh in regard to the grant of compensation to victims of acid attack, namely; (i) Uttar Pradesh Victim Compensation Scheme (formulated in terms of the directions issued by the Supreme Court in Laxmi v. Union of India, Criminal Misc. Writ Petition No. 129 of 2006 and under Section 357-A of the Criminal Procedure Code, 1973). The scheme envisages a victims' compensation fund from which payment is made on the application of the victim or her/his dependent by the District Legal Services Authority. The quantum of compensation is governed by Schedule-I to the scheme where a maximum of Rs. 3 lacs is payable; and (ii) Uttar Pradesh Rani Laxmi Bai Mahila Samman Kosh Rules, 2015 which came into effect on 6 February 2015. The Rules have provided for the setting up of a fund for monetary and medical relief to acid attack survivors and the process of paying compensation has been specified in Rule 12. The Rules were modified on 30 September 2015 with retrospective effect.
3. The State Government has also issued a Government Order on 23 May 2014

to the effect that all acid attack victims should be provided free medical aid at the cost of the State exchequer. The State Government has proposed a twenty five bedded speciality ward in the Department of Plastic and Reconstructive Surgery at King George Medical College, Lucknow for which, a grant of Rs.559.41 lacs has been sanctioned. The counter affidavit specifically states that full treatment of all acid attack victims shall be carried out at the expense of the State exchequer. The second part of the counter affidavit which has been filed on behalf of the State deals with the actual payment of compensation to the victims who have been referred to in the writ petition. The submission of the State is that the compensation has been paid upon an assessment of injuries by a duly constituted Medical Board.

4. The writ petition has raised basically two aspects - the broader aspect - is in regard to the policy of the State Government on which a counter affidavit was sought by this Court. That has been clarified in the counter affidavit, which sets out the procedural mechanism as well as the undertaking of the State to ensure that full treatment to all acid attack victims shall be provided at the expense of the State exchequer. The Court accordingly proceeds to issue the following directions:

(i) The State shall abide by the undertaking which has been furnished to the Court by issuing requisite administrative directions to all the District Collectors in the State of Uttar Pradesh;

(ii) The Principal Secretary, Medical Health and Education shall, within a month from the date of receipt of a certified copy of this order, proceed to formulate administrative directions to the District Collectors;

(iii) The State Government shall also take all necessary steps to ensure that the District Collectors give wide publicity to the above schemes which have been made by the State as well as in regard to the assumption by the State of full responsibility of ensuring treatment, both medical and rehabilitative, to all victims of acid attack in the State; and

(iv) The State Legal Services Authority as well as the District Legal Services Authorities shall take up the matter on priority and disseminate vital information in regard thereto. The monitoring of the performance of the schemes for compensation payable to acid attack victims, shall be carried out by the State Legal Services Authority and the District Legal Services Authorities.

5. Insofar as the victims whose cases have been referred to in the writ petition are concerned, we have already noted the submission of the State that compensation was paid in terms of the assessment by the Medical Board.

6. Having due regard to the nature and background of the victims, we are of the view that it would be necessary to ensure that the process is again re-verified by the District Collector at Meerut. The Collector shall ensure that a fresh Medical Board is constituted for the purpose of examining each of the victims who have

been referred to in the writ petition. Since the learned counsel appearing on behalf of the petitioner is in contact with the victims, she has assured that she would ensure that the victims will move the District Collector through a representation with a certified copy of this order, so that they may be duly examined by a Medical Board for the purpose of assessing their medical condition and the requirement of treatment and rehabilitative care. Upon receipt of the report of the Medical Board, which we expect should be completed within a period of one month from the date of receipt of a certified copy of this order, the Collector and District Magistrate, shall re-examine the quantum of compensation which is payable, having due regard to the provisions contained in the scheme. We request the Collector and District Magistrate not to treat this as an adversarial litigation, but to take up the matter in its appropriate context for the purpose of ensuring that such further treatment, care and rehabilitation as required, including compensation is made available to the victims.

7. We also direct the State to pursue the setting up of the twenty five bedded speciality ward at King George Medical College, Lucknow with high priority and to duly issue necessary directions to sub-serve the proper treatment of acid attack victims.

8. The issue which now remains in the writ petition is in regard to banning the sale of acid in the State of Uttar Pradesh. We request the learned Chief Standing Counsel to take instructions in this regard.

9. List on 11 May 2016, as fresh, to facilitate the passing of final orders.