

(2016) 03 DEL CK 0110
In the Delhi High Court
Case No : W.P. (C) 2229/2016

Renu Sharma

APPELLANT

Vs

GNCT of Delhi and Others

RESPONDENT

Date of Decision : 18-03-2016

Acts Referred:

Citation : (2016) 03 DEL CK 0110

Hon'ble Judges : Manmohan, J.

Bench : Single Bench

Advocate : Kamlesh Kumar Mishra and Mangla Verma, Advocates, for the Appellant; Rahul Mehra, Sr. Standing Counsel and Satyakam, Addl. Standing Counsel, for the Respondent

Final Decision : Disposed Off

Judgement

Manmohan, J.—1. Present writ petition has been filed by an "acid attack victim" seeking compensation of at least Rs. 50 lacs. Petitioner further seeks a direction to the respondents to reimburse petitioner's medical expenses. Petitioner also seeks a direction to respondent to provide a government job of not less than a Grade II officer to either the petitioner or one of her family members.

2. It has been averred that acid was thrown on the face of the petitioner on 15th February, 2006 as the accused was asked to vacate the house of the petitioner's father.

3. It is stated in the writ petition that despite undergoing various surgeries, petitioner is now completely blind and needs constant treatment. It is averred that petitioner's family has already spent Rs. 25 to 30 lacs on her surgeries and it is difficult for the petitioner's family to bear any further cost.

4. Though learned counsel for petitioner admits that petitioner has been paid Rs. 3 lacs by the Delhi Legal Services Authority, he contends that the compensation is grossly inadequate. In support of his contention, he relies upon judgment of the Supreme Court in Parivartan Kendra Vs. Union of India and Others, W.P.(C)

867/2013 dated 7th December, 2015.

5. Mr. Rahul Mehra, learned senior standing counsel for Govt. of NCT of Delhi has handed over today in Court the proposed Delhi Victims Compensation Scheme 2015 which has been approved by the Govt. of NCT of Delhi but awaiting approval of the Central Government. He has drawn this Court's attention to paragraph 13 of the said Scheme which deals with interim relief to an acid attack victim. The relevant portion of the Scheme is reproduced hereinbelow:-

"13. INTERIM RELIEF TO THE VICTIM-

XXXX XXXX XXXX XXXX

* Provided further that in cases of acid attack a sum of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DSLSA/DLSA. The order granting interim compensation shall be passed by the DSLSA/DLSA within 7 days of the matter being brought its notice and the DSLSA shall pay the compensation within 8 days of passing of order. Thereafter an additional sum of Rs.2 lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.

XXXX XXXX XXXX XXXX

6. However, Mr. Mehra fairly states that the Delhi Government does not treat the present litigation as adversarial and is willing to abide by any orders passed by this Court.

7. In the opinion of this Court, the State owes a duty to provide free medical treatment to acid attack victims. This Court is further of the opinion that ceiling of expenditure of Rs. 7 lacs on medical treatment may be arbitrary and unreasonable in some cases. If more than Rs. 7 lacs is spent on treatment of an acid attack victim, the respondents cannot take the stand that they would not spend more than the ceiling amount.

8. Further, as petitioner requires medical treatment even in future on regular basis, this Court asked learned counsel for petitioner and respondents to suggest a government hospital where the petitioner would like to be treated.

9. Learned counsel for parties states Lok Nayak Jai Prakash Hospital [for short "LNJP"] offers good treatment to acid attack victims.

10. Keeping in view the aforesaid, this Court passes the following interim directions:

i) LNJP is directed to provide free medical treatment to the petitioner. Cost, if any, for the petitioner's treatment at LNJP shall be borne by the Govt. of NCT of Delhi.

ii) Govt. of NCT of Delhi is directed to provide employment to the petitioner on compassionate basis appropriate to her educational qualification as well as medical status.

iii) Petitioner's medical bills up till date are directed to be scrutinized by an officer appointed by Finance Secretary of Govt. of NCT of Delhi. The medical bills found to be genuine are directed to be reimbursed to the petitioner. As stated hereinabove, the ceiling of Rs. 7 lacs mentioned in Govt. of NCT of Delhi circular shall not come in the way of the State reimbursing the petitioner's medical bills "on actual basis." Also if the petitioner is entitled to any further interim relief, the same may be granted to her by the State in accordance with its policies.

11. Issue notice.

12. Mr. Rahul Mehra, learned senior standing counsel accepts notice on behalf of respondents. He prays for and is permitted to file a counter- affidavit within six weeks.

13. Rejoinder, if any, be filed before the next date of hearing.

14. List before Registrar on 17th May, 2016 for completion of pleadings.

15. List before Court on 21st July, 2016.

Order dasti under signature of Court Master.