

CWP-22895-2012

Poor Patients Relief Society and others
Vs
State of Punjab and others

Present:- Mr. H.C. Arora, Advocate,
for the petitioners.

Mr. Divyjit Sandhu, Advocate,
for petitioner No. 4 – Daljit Kaur.

Mr. Alok Jain, Additional Advocate General, Punjab,
for respondents No. 1 and 2.

Mr. Ajay Gupta, Additional Advocate General, Haryana,
for respondent No. 3.

Mr. Shekhar Verma, Advocate,
for respondent no. 4 – U.T. Chandigarh.

Mr. I.P.S. Doabia, Advocate,
for respondent No. 5 – Union of India.

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On perusal of the status report of the State of Haryana, which should be model norms, learned counsel for the petitioners submits that there are two issues - (i) monthly assistance of ₹ 5,000/- per month as suggested by the Committee presided over by the Chief Secretary and (ii) horizontal reservation in government jobs.

These matters are considered by the State Government, but there has been no positive decision.

Learned counsel for the petitioners states that in view of the stand taken, the issue of horizontal reservation may not be taken further, but emphasizes the importance of continued assistance to the victims as a one time solution is not the remedy. The problem continues and is not cured.

We are also of the view that the monthly assistance of ₹ 5,000/- per month (at least), as suggested by the Chief Secretary, deserves to be adopted and limited to that aspect the matter should be re-examined by the State authorities.

In so far as the State of Punjab is concerned, the policy of the State of Haryana is to be followed apart from what we have observed today on monthly payment. The State of Punjab will now place their final version of the policy on record. It has also been explained that in the earlier affidavit

For Subsequent orders see COCP-2830-2016

the availability of funds had been inadvertently magnified hundred times by stating that ₹ 100 crores had been reserved for the purpose of compensation, while only ₹ 1 crore had been reserved. The aspect of availability of sufficient funds must be quickly attended to.

Learned counsel appearing for petitioner No. 4 - Daljit Kaur submits that ₹ 1 lac paid to her on 02.04.2013 was not part of the scheme, but from the Chief Ministers Relief Fund. It is further pointed out that her claim has been rejected by the District Legal Services Authority, Kapurthala. The order in this behalf passed on 05.04.2014 by the Chairman and Secretary of the District Legal Services Authority, Kapurthala has been produced before us. On perusal of the same, in our view, the authority fell into an error by rejecting the claim of the applicant. The factum of the applicant having been granted compensation by the State Government from another source cannot come in the way of grant of compensation under the scheme. The proper manner of appreciating the claim would be that there should be no duplication of payments. Thus, payments received from other sources may be taken into account while determining the amount payable under the scheme, rather than denying the claim. Naturally if the other payments are more than what is admissible under the scheme, nothing would be payable. Similarly, the fact that the perpetrator of crime has been traced out and put to trial would again not make a difference to the agony of the victim. The amount which may be recovered from the perpetrator could always be adjusted subsequently out of the amounts paid, but what is required is the immediate succour in the form of the amount to be paid to the victim and this amount cannot await the final result of trial. We are thus of the view that the Committee needs to revisit the issue in terms of our observations and in any case on the new policy coming into force the case would be examined under that policy.

We may clarify that where the victim has not been finally cured and all process over, there is a continuing cause of action and such cases would be treated as under the scheme of course taking into consideration payments already made.

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The U.T. Administration is also to bring-forth the same scheme in terms of what has been observed aforesaid and the final version of the scheme be placed on record.

List for compliance on 08.08.2014.

Status report be filed at least three days prior to the next date of hearing.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.05.2014

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**IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH**

CIVIL WRIT PETITION No. 22895 of 2012(O&M)
Date of Decision: September 14, 2015

Poor Patients Relief Society and others -----Petitioners

Versus

State of Punjab and others -----Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN.**

Present: Shri H.C. Arora, Advocate for the petitioners.

Shri Gaurav Garg Dhuriwala, Deputy Advocate General,
Punjab.

Shri Lokesh Sinhal, Additional Advocate General, Haryana.

Shri Shekhar Verma, Advocate for respondent No. 4.

Shri Pawan Kumar Longia, Advocate for Union of India.

SATISH KUMAR MITTAL, J. (ORAL)

“.....Public interest litigation is brought before the Court not for the purpose of enforcing the right of one individual against another as happens in the case of an ordinary litigation, but it is intended to promote and vindicate public interest which demands that violation of constitutional or legal rights of large number of people who are poor, ignorant or in a socially or economically disadvantaged position should not go unnoticed and unredressed.” It was, perhaps, with this object as enunciated by the Hon'ble Supreme Court of India in *People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473*, that Poor Patients Relief Society and a few others, on having come to know of an incident wherein a young boy,

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whose wish to marry a girl was not fulfilled, threw acid on the face of the young girl, resulting into disfigurement of her face and loss of sight, invoked extra-ordinary jurisdiction of this Court by way of the instant civil writ petition under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent-State to sanction/release adequate amount of compensation so as to enable the hapless victim to defray the expenditure on her treatment and rehabilitation.

02. Notice of motion issued in the matter showed magical impact as Fortis Hospital, SAS Nagar (Mohali) came forward and offered to provide treatment to the victim (respondent No.3) *pro bono*. It was also conveyed on behalf of Fortis Hospital that Shankar Netralaya, Chennai was also willing to provide treatment to the victim, *pro bono*, for restoration of her vision.

Though the matter could be closed at that stage but the fact that basic aim of administration of justice is to do justice as per law and it is through effective jurisprudence that the rights of victims can be protected, otherwise the victim remains a meek viewer in the whole process of justice and the offender enjoys the facilities of food and shelter in jail, impelled this Court to go ahead and seek State's response on the larger issue of providing compensation to victims of such or similar crimes in general.

03. During the course of hearing State of Haryana, Union Territory of Chandigarh and Union of India were also impleaded as respondents. This Court was apprised that there in the State of Haryana a scheme for payment of compensation to, and rehabilitation of, victims of crimes was in place. Union Territory of Chandigarh and State of Punjab were requested to formulate similar schemes.

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04. It transpired that in the Haryana Scheme there was no provision for grant of compensation to victims of acid attacks. Accordingly, State of Haryana was requested to amend the Scheme and include victims of acid attack in the definition of "Victim".

05. Today affidavit of Secretary, Government of Haryana, Home Department has been placed on record wherein it has been stated that the State of Haryana has amended the Scheme and acid attack victim has been included in the definition of "Victim". We are told that State of Punjab and Union Territory of Chandigarh have also framed such schemes and the same are being implemented in letter and spirit.

06. Learned counsel for the petitioners has submitted that there may be some old victims still getting treatment and some provision for such patients needs to be made. Needless to say that for such patients it shall be open to approach concerned District Legal Services Authority for getting treatment in a Government Hospital.

07. In view of the above, we are of the opinion that no further directions are necessary in the matter.

08. Disposed of.

[SATISH KUMAR MITTAL]
JUDGE

September 14, 2015
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[MAHAVIR S. CHAUHAN]
JUDGE

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCP 2830 of 2016(O&M)
Date of Decision : February 04, 2019

H.C.Arora

.....Petitioner

VERSUS

Sarvesh Kaushal and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Petitioners in person.

Mr. Kanish Ganeriwala, Asstt. Advocate General, Punjab.

Mr. Ashish Yadav, Addl. Advocate General, Haryana.

NIRMALJIT KAUR, J. (Oral)

The present contempt petition is filed for non-compliance of the order dated 14.9.2015 which was disposed of in view of the statement of the respondents i.e. Secretary to Government of State of Haryana as well as of the State of Punjab. As per the affidavits filed by the State of Haryana and the State of Punjab, the various funds was available for the benefit of victim and schemes have been floated. As per the statements made on behalf of the State of Punjab and UT, they have also implemented such schemes in letter and spirit.

Reply has also been filed as per respective states. As per the said replies, the schemes are very much in order and they are being implemented.

In view of the same, the contempt petition is dismissed.

Rule issued against the respondents is discharged.

In case the petitioner is still aggrieved of any particular scheme in any manner, he is at liberty to challenge the same in accordance with law.

February 04, 2019

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(NIRMALJIT KAUR)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No



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