

POLICIES —  
Acid Victims Rehabilitation Policy - HR Court.  
IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CWP No. 22895 of 2012

Poor Patients Relief Society

...Petitioner

Versus

State of Haryana & Ors.

...Respondents

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(Ragvinder Singh)  
Superintendent, Home-IV,  
for Secretary to Government, Haryana,  
Home Department.

Place: Chandigarh  
Date: 09.09.2015

Poor Patients Relief Society

...Petitioner

Versus

State of Haryana & Ors.

...Respondents

Status report by way of affidavit of  
Subhash Goel, Secretary to  
Government, Haryana, Home  
Department on behalf of respondent  
State of Haryana.

I, the above named deponent do hereby solemnly affirm and  
declare as under:-

1. That in compliance of the directions dated 09.01.2015 issued  
by this Hon'ble Court in order to bring the Haryana Victim  
Compensation Scheme in consonance with the directions  
passed by this Hon'ble Court in case writ petition (Crl.) No. 129  
of 2006 titled as Laxmi Vs. Union of India & Ors., the  
respondent State of Haryana has amended the scheme vide  
notification dated 28.08.2015. Under the amended Scheme,

the amount of compensation to the Acid Attack Victims has been enhanced, which has now been fixed as under:-

- |     |   |               |
|-----|---|---------------|
| "4A | Loss of life due to Acid Attack   | Rs. 5.00 lacs |
| 4B. | Acid attack involving defacement,<br>loss of limb or part of body or plastic<br>surgery       | Rs. 3.00 lacs |
| 4C. | Acid attack not involving defacement,<br>loss of limb or part of body or plastic<br>surgery." | Rs. 50,000 /- |

The aforesaid amount of compensation shall be in addition to the payment of the fine to the victim under section 326 A IPC granted by the Trial Court. However, as per clause 5 (6) of the existing Victim Compensation Scheme, the aforesaid amount of compensation is inclusive of payment of any amount under any other State Run Scheme and the amount paid under any other scheme shall be adjusted while making payment under this scheme. A copy of the scheme amended by notification dated 28.08.2015 is annexed herewith as **Annexure R-1**.

3. That apart from the above, the respondent State of Haryana (Women & Child Development Department) has also proposed to modify its 'Relief and Rehabilitation of Women Acid Victims Scheme'(for brevity R&R Scheme) for which '*in principle*' approval has been granted for the following reliefs and rehabilitation measures to the Acid Attack Victims:-

**Rehabilitation:**

- i) Monthly financial assistance of Rs. 8000/- to the acid victims, who come in the definition disability under section 2 (i) of the Persons with Disabilities (Equal Opportunities Protection of Rights of Full Participation) Act, 1995.
- ii) Victim of Acid Attack shall be given preference in allotment of fair price shops by the Food & Supply Department, Haryana.

**Financial Assistance:**

- i) A sum of Rs. One lac shall be paid to acid victim within 15 days of occurrence.
- ii) A lump sum amount of Rs. Five lacs to the legal heirs (the children of the deceased, if she has any, so as to protect the interest of the child). This shall be in addition to the expenses incurred towards the treatment of the victim.

**Medical Facility:**

- i) The Acid Attack victim of Haryana shall be entitled to receive free of cost 100% medical treatment including plastic surgery, if any, from amongst any of the Government Hospitals/Government approved Hospitals. The amount shall be reimbursed by the Women & Child Development Department.
- ii) No medical hospital or speciality, Government owned or privately owned shall deny specialised or any form of

treatment to any victim on any ground, when such victim is brought before or approaches such facility for treatment.

- iii) Where such medical facility receives such a victim for treatment it shall forthwith inform the District Board/State Board and the police of the same, but shall in no manner or on any ground refuse treatment to such victim.

To sum up, the acid attack victim shall be entitled to the following compensation and rehabilitation measures:-

- i) Rs. 5 lacs to the legal heirs in case of loss of life.
- ii) Rs. 3 lacs in case of defacement, loss of limb of part of body or plastic surgery.
- iii) Rs. 50,000/- in case not involving defacement, loss of limb of part of body or plastic surgery.
- iv) Rs. 8000/- as monthly financial assistance.
- v) Preference in allotment of fair price shops.
- vi) 100% medical treatment free of cost.

However, the aforesaid R&R Scheme has '*in principle*' approval of competent authority and is pending with Planning/Finance Department.

- 4. That the facts narrated above would show that the respondent State of Haryana has taken all necessary steps to provide adequate compensation in terms of directions issued in Laxmi's case (Supra) as well as rehabilitation measures and free medical treatment.

5. That on the same issue of plight of Acid Attack Victims and for providing compensation, rehabilitation and free medical treatment to such victims, the Hon'ble Supreme Court is still seized of the issue in Writ Petition (Civil) No. 867 of 2013-Parivartan Kendra and Anr. Vs. Union of India and Ors. The aforesaid status report has also been placed on record before the Hon'ble Supreme Court of India in the above petition.
6. That earlier, in terms of directions of this Hon'ble Court, both the schemes run by State of Haryana i.e. Victim Compensation Scheme and R&R Scheme were consolidated and proposed to be governed under R&R Scheme. However, in Laxmi's case (Supra) the Hon'ble Supreme Court directed that in case of any compensation claim made by any acid attack victim, the matter will be taken up by District Legal Services Authority, which will include the District Judge and such other co-opted persons, who the District Judge feels will be assistance. Accordingly, amendments have been carried out in the Victim Compensation Scheme strictly as per directions issued in Laxmi's case (Supra). The difficulties faced by the Legal Authorities as intimated by the Member Secretary of the Haryana State Legal Authority vide his letter dated 21.08.2014 have also been removed by the aforesaid amendment.
7. That since, the Hon'ble Supreme Court of India is seized of the issue as involved in the present case in Writ Petition (Civil) No. 867 of 2013-Parivartan Kendra and Anr. Vs. Union of India and

Ors., the State is of the view that it is not appropriate to continue with the proceedings simultaneously on the same issue in the Supreme Court of India as well as in this Hon'ble Court. Therefore, this Hon'ble Court may, if deem fit, disposed of the present petition.



Deponent  
(Subhash Goel)

Secretary to Government, Haryana,  
Home Department on behalf of  
respondent State of Haryana

Place: Chandigarh  
Date: 09.09.2015

**Verification**

Verified that the contents of para No. 1 to 7 of the above affidavit are true and correct to my knowledge, and are based on information derived from the official record. No part of it is false and nothing material has been concealed therein.



Deponent  
(Subhash Goel)

Secretary to Government, Haryana,  
Home Department on behalf of  
respondent State of Haryana.

Place: Chandigarh  
Date: 09.09.2015

Haryana Government

Home Department

Notification

The 28<sup>th</sup> August, 2015

No.S.O.146/C.A.-2/974/S.357A/2015.- In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Haryana in co-ordination with the Central Government hereby frames the following scheme further to amend the Haryana Victim Compensation Scheme, 2013, namely:-

1. This scheme shall be called the Haryana Victim Compensation (Amendment) Scheme, 2015.
2. In the Haryana Victim Compensation Scheme (hereinafter called the said scheme), in para 2,—
  - (i) in sub para (f), for sign “.” existing at the end, the sign “;” shall be substituted; and
  - (ii) after sub para (f), the following sub para shall be inserted, namely: —

“(g) “victim” means victim as defined under the Act and also includes acid attack victim.”.
3. In the said scheme, in para 5,-
  - (i) in sub para (2), for sign “.” existing at the end, the sign “:” shall be substituted; and
  - (ii) after sub para (2), the following proviso shall be inserted, namely:-



“Provided that the compensation payable under this scheme shall be in addition to the payment of the fine to the victim under section 326 A or section 376 D of the Indian Penal Code.”; and

(iii) after sub para (5), the following sub para shall be inserted namely: —

“(5A) Notwithstanding anything in this scheme, the Acid Attack Victim shall be paid an amount of Rs. 1.00 lac within 15 days of the occurrence of the incident and the balance amount of Rs. 2.00 lacs shall be paid within two months of such incident.”.

4. In the said scheme, in para 8,-

(i) in proviso, for sign “.” existing at the end, the sign “:” shall be substituted; and

(ii) after first proviso, the following proviso shall be added, namely:-

“Provided that as a one time measure, the cases occurred on or after first January, 2012 shall also be considered within six months from the date of this notification.”.

5. In the said scheme, in Schedule I, —

(i) under column 2, against serial numbers 2 and 3, the words “including loss due to acid attack” shall be omitted; and

(ii) after serial number 4 and entries thereagainst under column 1, 2 and 3, the following serial numbers and entries thereagainst shall be inserted, namely:-

1

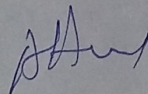
2

3

- 
- |     |   |               |
|-----|---|---------------|
| 4A  | Loss of life due to Acid Attack   | Rs. 5.00 lacs |
| 4B. | Acid attack involving defacement,<br>loss of limb or part of body or plastic<br>surgery       | Rs. 3.00 lacs |
| 4C. | Acid attack not involving defacement,<br>loss of limb or part of body or plastic<br>surgery." | Rs. 50,000 /- |

P.K. Mahapatra  
Additional Chief Secretary to Government,  
Haryana, Home Department.

True Copy



Superintendent Home-IV  
Haryana Civil Secretariat  
Chandigarh.

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