

NOTES ON VARIOUS LEGAL RIGHTS/ENTITLEMENTS OF VICTIMS OF ACID ATTACK.

(1) Compensation under the scheme captioned “Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018”, notified by National Legal Services Authority (NLSA), New Delhi.

H I G H L I G H T S

(i). This policy envisages the payment of compensation to the acid attack victims, in case of disfigurement of face, ranging between Rs. 7 Lakh to 8 Lakh ;

(ii) In case of injury more than 50% (between Rs. 5 Lakh to 6 Lakh);

(iii) In case of injury less than 50% (between Rs. 3 Lakh to 5 Lakh);

(iv) In case of injury less than 20% (between Rs. 3 Lakh to 4 Lakh).

(2) The unique feature of the aforesaid scheme is that it contains a provision that if a woman victim of acid attack is covered under one or more category of the Schedule (attached with the Scheme), she shall be entitled to be considered for combined value of the compensation. Thus, in case of death of acid attack victim, her dependent would be entitled to compensation of Rs. 5 Lakhs to 10 Lakhs.

(3) However, this scheme covers only the women victims of acid attack. The Hon’ble Supreme Court of India is however, seized of a PIL, (filed by Chandrahass) which seeks notification of similar scheme for male acid attack victims also.

(4) The aforesaid scheme comes into effect w.e.f. the date, it was approved by the Supreme Court (i.e. 11.5.2018).

(5) It covers the cases of acid attack victims, where the acid attack incident occurred during the previous 3 years. However, specific cases,

which warrant such consideration, this period of 3 years can also be extended.

(6) Para 18 of this scheme provides that in case this scheme is silent on any issue pertaining to victim compensation, in that event, the provisions of victim compensation scheme of the concerned State would be applicable. Thus, in view of Para 18 (supra), the acid attack victims would be entitled to free medical treatment in case the State Government policy for compensation of victims envisages such treatment. Such victims would also be entitled to monthly pension @ Rs.8,000/- per month, as envisaged in various Notifications issued by Punjab and Haryana Governments.

2. Schemes of Punjab and Haryana Governments

H I G H L I G H T S

- (i) The schemes notified by the Punjab and Haryana Governments envisage payment of some compensation. However, those provisions for compensation would be irrelevant in view of the fact that the acid attack victims, irrespective of the State where they are living, would be entitled to compensation at the rates notified by NLSA Scheme (which are higher than those prescribed in Schemes of Punjab and Haryana). However, in the State of Punjab, notification dated 5.3.2014 issued by the Department of Home Affairs and Justice, envisages 100% reimbursement of medical expenses of treatment of acid attack victim, including plastic surgery.
- (ii) Similar provisions are made in the Haryana Government notification published on 8.5.2018.

Monthly Pension to Acid Attack Victims-

- (i) Punjab Government notification dated 20.6 .2017 issued by the Department of Social Security and Development of Women & Children (Disability Branch), envisages the payment of monthly pension at the rate of Rs. 8,000/- per month to such female acid attack victim , who due to acid attack, has been rendered disabled within the definition of disability under the Rights of Persons with Disability Act, 2016, as amended from time to time. However, this notification appears to be discriminatory against the male acid attack victims.
- (iii) A Civil Writ Petition No. 3669 of 2019 (Malkit Singh Vs. State of Punjab and others), seeking the grant of such monthly pension to the aforesaid petitioner (male acid attack victim) is pending before the Hon'ble High Court of Punjab and Haryana at Chandigarh for adjudication. Next date of hearing in this case is 26.4.2019.
- (iv) Haryana Government notification dated 8.5.2018 issued by the Women and Child Development Department, envisages the payment of monthly pension at the rate of Rs. 8,000/- per month to "all acid attack victims, girls, women and boys, up to 18 years, residing in Haryana". The aforesaid scheme is also defective, as neither male nor female acid attack victims of age of 18 years and above, are entitled to the aforesaid monthly pension, and to that extent, this scheme of Haryana Government is also discriminatory qua male and female victims of the age of 18 years and above. The scheme requires amendment to that extent.
- (v) In view of the provisions of Para 18 (1) of NLSA Scheme, this monthly pension at the rate of Rs. 8,000/- per month, payable by the Punjab and Haryana Governments shall be in addition to the financial victim compensation, otherwise available under the said scheme.

- (vi) The aforesaid notification of Punjab and Haryana Governments have been in compliance of the directions issued by the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 22885 of 2014 (Poor Patients Relief Society Vs. State of Punjab and others) of various dates.

ASSISTANCE FROM PRIME MINISTER RELIEF FUND:

Rs. One lakh is admissible to acid attack victims from from PM Relief Fund (Ranjana Devi v. Union of India, (2017-4)-PLR-431 (Rakesh Kumar Jain, J.)

RESERVATION IN JOBS/ALLOTMENT OF FAIR PRICE SHOPS:

- (i) Under notification dated 8.5.2018 issue by Haryana Government, the severe acid attack victim should be treated in disabled category as certified from the Medical Board of the concerned district. That apart, victim of acid attack shall be given preference in allotment of fair price shops by the Food and Supply Department, Haryana.
- (ii) Central Government has also issued a notification providing for additional one percent reservation for acid attack victims, in addition to 3% reservation already provided under the Rights of Persons with Disability Act, 2016

(HARI CHAND ARORA)

ADVOCATE

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