

Citation No. - 2024:AHC:12501-DB

**Reserved**  
**A.F.R.**

**Court No. - 10**

**Case :-** WRIT - C No. - 15864 of 2018

**Petitioner :-** Kamlesh Devi And Another

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Ranjeet Singh

**Counsel for Respondent :-** C.S.C.

**Hon'ble Salil Kumar Rai,J.**

**Hon'ble Surendra Singh-I,J.**

**Per : Hon'ble Surendra Singh-I, J.**

Heard Sri Ranjeet Singh, learned counsel for the petitioners and Sri S.N. Shukla, representing the State-respondents.

2. The petitioners have filed the writ petition praying for the following reliefs :-

*(i) issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to enhance the amount of compensation upto Rs.26 lakh to the petitioners.*

*(ii) issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to provide suitable job/employment to the petitioner no.1 according to her educational qualification.*

*(iii) issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to provide compensation to the petitioner no.2.*

3. The facts of the case shorn of unnecessary details is that petitioner no.1 is the mother of petitioner no. 2. They are residents of village- Gorai, Police Station- Iglas, District- Aligarh. On 31.12.2015, the petitioners sustained serious acid attack injuries, in respect of which a first information report was lodged by Brijesh Kumar, husband of petitioner no.1 and father of petitioner no. 2 on the same day at Police Station- Iglas, District- Aligarh as Case Crime No. 820 of 2015 u/s 452 and 326-A I.P.C. Soon after the incident, the petitioners were admitted in J.N. Medical College, Aligarh

Muslim University, Aligarh, where primary medical treatment was given to the petitioners. Thereafter, the petitioners went for medical treatment at a private hospital, namely, Perfect Life Hospital, Mathura, where the plastic surgery, etc., of petitioner no. 1, Smt. Kamlesh Devi, was done. She was also treated in Sawai Maan Singh Hospital, Jaipur. In the aforesaid acid attack, petitioner no. 1, Smt. Kamlesh Devi, sustained 30% chemical burn injuries causing serious injuries on face, throat, right eye and right ear.

4. After investigation, the Investigating Officer submitted charge-sheet u/s 452 and 326-A I.P.C. against the accused, Kumarpal and Sundar. Vide order dated 13.07.2018 passed in S.T. No. 437 of 2018, State Vs. Kumarpal & Another, the trial court convicted and sentenced the accused u/s 452, 326-A I.P.C.

5. Brijesh Kumar, husband of petitioner no.1 submitted an application on 06.09.2016 before the respondent no. 3, Secretary, District Legal Service Authority, Aligarh (hereinafter referred to as "DLSA, Aligarh") for compensation for the petitioners. He also moved an application dated 03.09.2016 through registered post on 16.09.2016 to the respondent no. 2, District Magistrate, Aligarh to provide financial assistance for medical treatment of petitioners. The petitioners had also approached the National Commission for Women, New Delhi for payment of compensation which was referred vide letter dated 03.08.2016 by the Commission to the DLSA, Aligarh but DLSA, Aligarh did not give any compensation to the petitioners. The qualification of petitioner no. 1 is Intermediate and she has also obtained a Diploma in Computer Application. In this regard, a certificate has been issued to her by the Manager of the institute, namely, Brilliant Computer Education, New Delhi. The petitioners belong to very poor family residing in rural area of District- Aligarh and have some agricultural land as the only means of income for their livelihood. In the medical treatment of the petitioners, husband of petitioner no.1 had to sell the agricultural land through registered sale deed dated 22.04.2017. The petitioners had earlier filed a WRIT- C No. 23884 of 2017 (Smt. Kamlesh Devi and another Vs. State of U.P. and others) which was disposed of by a Division Bench of this

Court on 26.05.2017. In compliance of the direction passed in the aforesaid writ petition, on 03.07.2017 the petitioners submitted a representation before the respondent no. 1 by registered post annexing the certified copy of the order dated 26.05.2017 and other relevant papers with a prayer to provide compensation and employment according to the qualification of petitioner no. 1.

6. Averments have been made in the writ petition that the petitioner no. 1 is entitled to compensation of Rs.5,00,000/- under Uttar Pradesh Rani Laxmi Bai Mahila Evam Bal Samman Kosh Niyamawali, 2015 (hereinafter referred to as the “U.P. Niyamawali, 2015”) amended vide government notification dated 30.09.2015 for the acid attack injuries suffered by her.

7. The petitioners have also claimed that as per the judgement of the Hon’ble Apex Court in **Parivartan Kendra Vs. Union of India and Others** passed in Writ Petition (Civil) No. 867 of 2013, they are entitled to be compensated for the expenses of Rs.26,00,000/- incurred by them in their medical treatment of acid attack injuries. The petitioners have filed photocopies of first information report, report of the acid burn injuries received by her, charge-sheet filed after investigation, judgement of the trial court convicting the accused, representations submitted by the petitioners to Secretary, DLSA, Aligarh and District Magistrate, Aligarh and to the National Commission for Women, New Delhi, testimonials regarding qualification of petitioner no. 1, reminder issued by the petitioners to Home Secretary, U.P. Government at Lucknow for compliance of order dated 26.05.2017 passed in WRIT- C No. 23884 of 2017 (Smt. Kamlesh Devi and another Vs. State of U.P. and others). The petitioners have relied on following judgements of the Apex Court in support of their petition :-

(i) Writ Petition (Civil) No. 867 of 2013, **Parivartan Kendra Vs. Union of India and Others**

(ii) Writ Petition (Crl.) No. 129 of 2006, **Laxmi Vs. Union of India**

8. In the counter affidavit dated 05.07.2018, the respondent nos. 2 and 3 have made averment that petitioners have sustained simple injuries of

chemical burns. The Committee constituted under Uttar Pradesh Rani Laxmi Bai Mahila Evam Bal Samman Kosh in its report dated 18.10.2017 has recommended grant of Rs.3,00,000/- as compensation to the petitioners. Report regarding aforesaid amount has been accepted by the Secretary/Prescribed Authority under the Uttar Pradesh Rani Laxmi Bai Mahila Evam Bal Samman Kosh. It has also been averred that the petitioners' application for compensation submitted to DLSA, Aligarh, has been rejected by the Chairman, DLSA, Aligarh vide order dated 21.01.2017 on the ground that the trial court has not made recommendation for payment of compensation to the petitioners. The petitioners were provided medical treatment at J.N. Medical College, Aligarh. The respondents have complied with the order dated 21.11.2017 passed in Contempt Application (Civil) No. 4522 of 2017. The petition was dismissed accordingly. The petitioners have claimed compensation for Rs.26,00,000/- but have not submitted bill vouchers, receipts in support of the aforesaid money spent by them. It has also been submitted that on the direction of the Hon'ble High Court, District Magistrate, Aligarh constituted a 5 member Medical Board which in its report dated 18.10.2017 submitted that petitioner no. 1, Kamlesh Devi is entitled for financial aid of Rs.3,00,000/-.

9. The respondent no. 2 has made averment in the counter affidavit dated 22.11.2022 that in compliance of Court's order dated 14.11.2018 passed in the writ petition, on the direction of the District Magistrate, a 5 member Medical Board was constituted by the C.M.O., Aligarh. The medical board after medically examining the injuries of the petitioners and the bill vouchers submitted by them has in its report dated 19.11.2022 submitted that petitioner no. 1, Smt. Kamlesh Devi sustained acid burn injuries due to which she has become 70% disabled. The petitioner no. 2, Rishi Kumar was found victim of 3% acid burn injury. The petitioners have submitted unverified bill/voucher/receipts of Rs.5,20,437/-. In the counter affidavit, it has been submitted that since the petitioner no. 1 received 70% acid burn injuries, thus under the U.P. Niyamawali, 2015, the maximum admissible amount of Rs.3,00,000/- has been paid to her.

10. After perusal of the averments made in the counter affidavit dated 22.11.2022 and hearing learned counsel for both the parties, the Court on 13.03.2023 passed the following order :-

*“Heard learned counsel for petitioner and Sri Piyush Shukla, learned Standing Counsel for the State-respondent.*

*The petitioners, acid attack victims, are claiming compensation to the tune of about Rs. 26,00,000/- i.e. the amount which has been spent on their treatment. The petitioners have appended details to show the aforesaid medical expenses.*

*On the matter being taken up on 14.11.2018, the Court has proceeded to pass the following order:-*

*"Although pleadings have been exchanged in this matter, counter affidavit filed by the State is not adequate.*

*The petitioners are acid attack victims and are claiming compensation to the tune of Rs.26 lacs that is the amount which has been spent on their treatment. The petitioners have appended details to show the aforesaid expenses.*

*It would be in the interest of justice, if the District Magistrate takes the assistance of the Chief Medical Officer or some specialised doctors to look into the medical papers of the petitioners and to assess as to what are the actual expenses which have been incurred by them on their treatment. The petitioners may be examined also for this purpose. All this may be done within a period of one month from today. After proper examination of the issue and the inquiry into the matter, a fresh affidavit may be filed by the State.*

*List after a month.*

*A copy of the order may be given to Shri Nimai Das, learned Standing Counsel to be sent to the District Magistrate, Aligarh for compliance."*

*In response to the aforesaid order, the District Magistrate, Aligarh-second respondent proceeded with the matter and thereafter District Probation Officer, Aligarh wrote a letter dated 17.11.2022 to the Chief Medical Officer, Aligarh stating therein that the re-medical examination of Smt. Kamlesh Devi, wife of Brijesh Kumar, resident of village Gorai, Police Station Iglas, District Aligarh-first petitioner be conducted by the specialized acid burn doctors and also verified her document of bill-vouchers. Consequently, the Chief Medical Officer, Aligarh has constituted a five member committee for re-medical examination of petitioners on 17.11.2022. In response thereof, on 19.11.2022 the first petitioner and her son namely Rishi Kumar-second petitioner appeared before the Medical Board and their re-medical examination was conducted by the Specialist doctors-members of the committee. In the said medical examination, the bills, which have been incurred towards the medical expenses, the same has also been furnished to the committee for verifying the said documents. The committee has verified the documents*

and submitted its report dated 19.11.2022 which is appended as Annexure No.4 along with supplementary affidavit filed by the second respondent dated 22.11.2022. In the said report, the Medical Board has acknowledged that the petitioner has actually incurred medical expenses of Rs. 5,20,437/- but in view of the Government Order 255/60-3-2015-13 (11)/14 dated 6.2.2015 first petitioner was accorded Rs. 3,00,000/- as compensation on account of disability (10 to 30 %) due to acid attack.

Learned counsel for petitioners, in this backdrop, has vehemently contended that so far as the actual expenses, which have been incurred towards the medical expenses, the respondent has acknowledged Rs. 5,20,437/- but in most arbitrary manner, in the light of the aforesaid Government Order, only an amount of Rs. 3,00,000/- has been paid, whereas actually the first petitioner has got disability of the acid attack of 70%. In this backdrop, he has placed reliance on the scheme known as "Uttar Pradesh Rani Laxmibai Mahila Samman Kosh Niyamawali, 2015" issued by the State Government dated 6.2.2015, which is also brought on record as Annexure No.SA-1 to the supplementary affidavit dated 29.1.2020 filed by the petitioners. He submits that under the Scheme in the Head of Facilities to crime tortured ladies, the petitioners' case is fully covered vide para 2 and the petitioners are entitled for treatment expenses by the State Government under the aforesaid Scheme. In support of his submissions, learned counsel for the petitioners has also placed reliance on the judgment passed by the Division Bench of this Court in Public Interest Litigation (PIL) 18294 of 2016 (Muhim Vs. State of U.P. and others), wherein certain directions were issued vide order dated 4.5.2016. Reliance has also been placed on the order dated 7.10.2016 passed in Writ-C No. 44094 of 2016 (Momin Vs. State of U.P. and others).

Considering the facts and circumstances of the case, we are of the considered opinion that in spite of the directions of this Court and the Scheme being available as well as the report of the five specialist doctors to the District Magistrate endorsed by the Chief Medical Officer, Aligarh verifying that the petitioners have actually incurred Rs.5,20,437/-, the actual medical expenses have not been disbursed to the petitioners till date.

Let the first respondent-Secretary (Home), Govt. of U.P., Lucknow file his personal affidavit in the matter so that justice may be ensured in favour of the petitioners, who are acid victims.

On the request of Sri Piyush Shukla, learned Standing Counsel, the matter is adjourned for the day.

List this matter on 29.3.2023 in top ten of the cases.”

11. Thereafter, counter affidavit dated 28.03.2023 was submitted on behalf of respondent no. 2 in which it was stated that in compliance of Court's order dated 13.03.2023, the petitioner no.1/victim was re-examined by a team of medical officers which in its report dated 21.03.2023 submitted that the petitioner/victim, Smt. Kamlesh Devi sustained 30% acid burn

injury on lower half of mouth and chin, front of neck, front of left chest with axilla, left side front of abdomen, left arm and 2/3 forearm, back of left shoulder, back of right elbow, front of right thigh upto knee and upper portion of left thigh front area. Due to acid burn injuries, the victim's face is 3 to 4 % burned, 0.5% neck has burnt and her face has been deformed. Her disability is 70% (physical 30% and visual 40%). In the counter affidavit, it has also been averred that on the basis of the report of the medical board and District Probation Officer, Aligarh, the Secretary/Designated Authority, Uttar Pradesh Rani Laxmi Bai Mahila Evam Bal Samman Kosh, Lucknow, recommended for payment of Rs.2,00,000/- and the amount will be paid by the aforesaid Secretary. The issue of payment is now pending with the aforesaid Secretary/Designated Authority and no proceeding is pending at the level of Home Department. It has also been averred that the State Government order dated 23.05.2014 provides for 100% free medical treatment facility to the acid attack victims in government hospitals in the State of Uttar Pradesh but the petitioners have not availed the free medical treatment facility. After perusal of the averments made in the counter affidavit dated 28.03.2023 and hearing the respondents, the Court on 27.04.2023 passed the following order :-

*“.....In this backdrop, learned counsel for the petitioners placed reliance upon paragraph 4 of the writ petition indicating therein that the petitioners were admitted in J.N.Medical College, Aligarh Muslim University, Aligarh where the primary treatment was given to the petitioners. It is also pressed once the condition of the first petitioner became critical, she was shifted to the private hospital. In this backdrop, he has placed reliance upon the compliance affidavit filed on behalf of the second respondent wherein it was indicated in compliance of the order dated 14.11.2018, the District Magistrate, Aligarh proceeded with the matter and thereafter the District Probation Officer, Aligarh wrote a letter dated 17.11.2022 to the Chief Medical Officer, Aligarh stating therein that the re-medical of Smt. Kamlesh Devi wife of Sri Brijesh Kumar, resident of Gorai Police Station Iglas, District Aligarh is to be conducted by the Specialist Acid burn doctors and also verify her documents and bill vouchers. Accordingly, the Chief Medical Officer, Aligarh constituted a five members committee for re-medical of petitioners on 17.11.2022. In pursuance of which, the petitioners appeared before the Medical Board and their re-medical was conducted by the specialist doctors, members of committee. It is also averred in paragraph 9 of the said affidavit that the voucher bills so submitted by the petitioners, were also reverified. It has also been averred that all*

*documents related to bill vouchers were examined thoroughly and after calculation, the expenses of treatment comes to the tune of Rs. 5,20,437/-. Thereafter, considering all aspect of the matter, the committee has submitted its report on 19.11.2022 and the same has been approved by the District Magistrate, Aligarh on 19.11.2022. A copy of the said report dated 19.11.2022 of five member committee along with approval of District Magistrate and Chief Medical Officer, Aligarh is brought on record as Annexure No. 4 to the compliance affidavit dated 22.11.2022.*

*In view of the aforesaid once bill vouchers so submitted by the petitioner were examined thoroughly and duly verified by the five members committee and the respondent authorities have calculated that the petitioner has actually incurred expenses of Rs. 5,20,437/- towards medical treatment, we are of the considered opinion that the State cannot raise an objection that the petitioner has undergone treatment under the private hospital, therefore, she is not entitled for reimbursement of medical expenses. Surprisingly, respondent's counter-affidavit is also silent whether any efforts were made by the respondents for actual assessment of expenses which incurred towards treatment of minor and further any compensation has ever been approved for him who is also an acid victim and sustained injuries.*

*Considering the facts and circumstances, we deem it appropriate before issuing a mandamus for release of the amount in question, let the Principal Secretary Home, Government of U.P. at Lucknow revisit in the matter and file a personal affidavit on or before the next date of listing explaining therein under what circumstances the actual expenses incurred towards the treatment of the first petitioner has not been paid till date and secondly why the respondents had kept mum towards the trauma faced by the minor and why the compensation has not been released in his favour.*

*List this matter again on 15.5.2023 in the top 10 of the cases.*

*Let a copy of this order be supplied to Sri Piyush Shukla, learned Standing Counsel free of cost for necessary compliance.”*

12. In compliance of Court's order dated 27.04.2023, respondent no. 2 had filed counter affidavit dated 13.05.2023 in which it has been submitted that the petitioners have not complied with the procedure provided under Rule 12-ख of U.P. Niyamavali, 2015, for undergoing treatment in private hospital. Their case was not referred by the C.M.O./C.M.S. of the Medical College/District Hospital. Therefore, they are not entitled for payment of the medical expenses incurred by them. It has also been submitted that under the aforesaid U.P. Niyamavali, 2015, an amount of Rs.3,00,000/- has been transferred to the account of petitioner no. 1 on 21.03.2023 and on 21.03.2023, recommendation has been made to the concerned Secretary of

Government of U.P. for payment of Rs.2,00,000/- under the provisions of U.P. Niyamavali, 2015. After perusal of the averments made in the aforesaid counter affidavit, the Court on 15.09.2023 passed the following order :-

*“1. It has been stated in paragraph 11 of the personal affidavit of the Principal Secretary Home, Uttar Pradesh, Lucknow that the petitioner no. 1 has been paid a total sum of Rs. 5,00,000/- under the relevant scheme in lieu of the medical expenses incurred on her treatment because of the acid attack on her. It has been stated that Rs. 5,00,000/- referred above includes Rs. 3,00,000/- paid on 13th November, 2017 which is admitted by the petitioner no. 1 in the writ petition and also additional Rs. 2,00,000/- was paid to the petitioner no. 1 on 21st March, 2023. The payment of additional Rs. 2,00,000/- has been denied by the counsel for the petitioners on the basis of instructions received by him. No records have been annexed with the personal affidavit of the Principal Secretary indicating payment of the additional Rs. 2,00,000/- to the petitioner no. 1.*

*2. The Principal Secretary Home, Uttar Pradesh, Lucknow shall file a fresh affidavit showing the payment of additional Rs. 2,00,000/- as referred in paragraph 11 of the previous affidavit within two weeks from today.*

*3. List again on 10th October, 2023.”*

13. In compliance of the aforesaid order, respondent no. 1 filed counter affidavit dated 08.10.2023. In the counter affidavit, it has been submitted that in compliance of the order dated 15.09.2023 passed by the Hon'ble High Court in the present case, the prescribed authority of Uttar Pradesh Rani Laxmi Bai Mahila Evam Bal Samman Kosh Yojana, Lucknow, sent a communication letter dated 05.10.2023 to Special Secretary (Home), Lucknow for payment of Rs.2,00,000/- to petitioner no.1, Smt. Kamlesh Devi through R.T.G.S. in her bank account. The petitioners have already been paid Rs.3,00,000/- and Rs.2,00,000/-, total Rs.5,00,000/- on 13.11.2017 and 04.10.2023. This Hon'ble Court's order has been complied with.

14. In case of **Laxmi Vs. Union of India, (2014) 4 SCC 457**, the Hon'ble Apex Court as given several directions to the States/Union Territories to regulate sale of acid and other corrosive substances so that it may not be purchased by unauthorized persons for illegal purposes. It has also directed the State for full medical treatment, short-term as well as long term, for specialised plastic surgery, connective surgeries, providing specialised

psychological treatment to the acid attack victims to help them to come out of the horror and trauma of the acid attack and for their rehabilitation.

15. In **Laxmi Vs. Union of India, (2016) 3 SCC 669**, the Apex Court inter alia held, thus :

*13. Insofar as the proper treatment, aftercare and rehabilitation of the victims of acid attack is concerned, the meeting convened on 14.03.2015 notes unanimously that full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims. It is noted that there may perhaps be some reluctance on the part of some private hospitals to provide free medical treatment and, therefore, the concerned officers in the State Governments should take up the matter with the private hospitals so that they are also required to provide free medical treatment to the victims of acid attack.*

*14. The decisions taken in the meeting read as follows:*

*The States/UTs will take a serious note of the directions of the Supreme Court with regard to treatment and payment of compensation to acid attack victims and to implement these directions through the issue of requisite orders/notifications.*

*The private hospitals will also be brought on board for compliance and the States/UTs will use necessary means in this regard. No hospital/clinic should refuse treatment citing lack of specialized facilities.*

*First-aid must be administered to the victim and after stabilization, the victim/patient could be shifted to a specialized facility for further treatment, wherever required.*

*Action may be taken against hospital/clinic for refusal to treat victims of acid attacks and other crimes in contravention of the provisions of Section 357C of the Code of Criminal Procedure, 1973.*

*17. We, therefore, issue a direction that the State Governments/Union Territories should seriously discuss and take up the matter with all the private hospitals in their respective State/Union Territory to the effect that the private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries.*

*18. We also issue a direction that the hospital, where the victim of an acid attack is first treated, should give a certificate that the individual is a victim of an acid attack. This certificate may be utilized by the victim for treatment and reconstructive surgeries or any other scheme that the victim may be entitled to with the State Government or the Union Territory, as the case may be.*

16. In **Parivartan Kendra (supra)**, the Apex Court had held about the amount of compensation to be paid to the acid attack victim as thus :-

*“12. ....It is pertinent to mention here that the mandate given by this Court in Laxmi case nowhere restricts the Court from giving more compensation to the victim of acid attack, especially when the victim has suffered serious injuries on her body which is required to be taken into consideration by this Court. In peculiar facts, this Court can grant even more compensation to the victim than Rs.3,00,000/-.”*

17. In the instant case, the Hon’ble Apex Court directed the government to award a compensation of Rs.10,00,000/- to the main victim (Chanchal) who has suffered 28% burn on her body and Rs.3,00,000/- as compensation to the main victim’s sister, Sonam, who has suffered lesser extent of acid burn injury than her elder sister.

18. 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 Vs 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 and the amount was enhanced to Rs.10,00,000/- in case of death and Rs.5,00,000/- in other cases where the acid attack injury is 30% or more.

19. 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. The

compensation to the victim is paid upon an assessment of injuries by a duly constituted Medical Board.

20. A Division Bench of Allahabad High Court in **PUBLIC INTEREST LITIGATION (PIL) No. 18294 of 2016, Muhim Vs. State of U.P. and 3 Others**, vide order dated 04.05.2016, issued following directions :-

(i) 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;

(ii) 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

(iii) 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.

21. The Court also directed 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 subserve the proper treatment of acid attack victims.

22. The trial court in Sessions Trial Case No. 437 of 2018, State Vs. Kumarpal and Another u/s 452, 326-A I.P.C. in its judgement and order dated 13.07.2018 while convicting the accused, had sentenced him to rigorous imprisonment for 10 years and a fine of Rs.10,000/- to be paid to the victim as compensation. The trial court did not direct the Legal Services Authority to pay any compensation to the victim. The Chairman of District Legal Services Authority, Aligarh vide order dated 21.01.2017 rejected the application of the petitioner/victim for compensation scheme of 2014 on the

ground that the trial court has not recommended payment of any compensation to the victim.

23. From the above discussion, it is clear that the petitioners have been provided a maximum amount of compensation of Rs.5,00,000/- under Niyamavali, 2015 for after care and rehabilitation. The petitioner no.1 further claims payment of compensation of Rs.5,26,000/- which she has incurred in her treatment in Perfect Life Hospital, Mathura and medical expenses incurred in Sawai Maan Singh Hospital, Jaipur. The respondents have objected to the payment of aforesaid amount on the ground that the petitioner has not complied the provisions of Rule 12-ख of the U.P. Niyamavali, 2015 regarding referral by a medical officer of government hospital to a private hospital for treatment. Apart from this, the respondents have objected to that petitioner no. 2 being male child and getting injury by less than 10% in the acid attack, is not entitled for compensation under the Niyamavali, 2015.

24. From the perusal of the record, it transpires that in compliance of this Court's order dated 14.11.2018, the petitioners had submitted the bill vouchers of Rs.5,26,000/- regarding medical expenses incurred by them to the District Magistrate/Chief Medical Officer for verification and payment but the Chief Medical Officer did not get the bill vouchers verified and did not take steps for payment thereof to the petitioners.

25. It has been well established from the decisions of the Apex Court in the case of **Chameli Singh Vs. State of U.P., AIR 1996 SC 1051** and **Consumer Education and Research Centre Vs. Union of India, (1995) 3 SCC 42** that medical grant is a fundamental right under the sweep of Article 21 which relates to Right to Life and Personal Liberty of all persons living in India.

26. Since, the petitioner no. 1 had submitted her bill vouchers regarding medical expenses incurred in her treatment at private hospital to the C.M.O./ D.M., it was their responsibility to get it verified and make payment thereof. They kept the bill vouchers with them for a long duration and returned it back to her on the ground that no payment can be made as the bill vouchers

were not verified and the petitioners have not complied with Rule 12-ख of the U.P. Niyamavali, 2015.

27. Under these facts and circumstances of the case and in the light of the law propounded by the Apex Court in the aforesaid cases, the respondent nos. 1 and 2 are duty-bound to make payment of the amount of bill vouchers of Rs.5,26,000/- to the petitioners which they have incurred on their medical treatment of acid attack burn injuries in the private hospital.

28. The respondent nos. 1 and 2 are directed to pay the amount of Rs.5,26,000/- to the petitioners in three instalments of Rs.2,00,000/-, Rs.2,00,000/- and Rs.1,26,000/-. The first instalment shall be paid within a period of three months and the second and third instalments shall be paid within a period of two-two months respectively.

29. With the aforesaid observations/directions, the writ petition is **allowed** accordingly.

**Order Date :-** 25.01.2024

KS