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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 466/2016 and CM Nos. 31567/217, 36582/2018, 11582,  
32938/2019

BACHPAN BACHAO ANDOLAN ..... Petitioner

Through: Mr. H.S. Phoolka, Sr. Adv. with  
Mr. Bhuwan Ribhu, Ms. Shilpa Dewan, Ms.  
Sapna Naharwal, Ms. Shruti Gala, Ms. Shashi  
and  
Mr. Amar Lal, Advs.

versus

UNION OF INDIA AND ORS ..... Respondents

Through: Mr. Akshay Makhija, CGSC with  
Ms. Seerat Deep Singh, Adv. for R-1/UOI  
Mr. Rahul Mehra, Standing Counsel with  
Mr. Gautam Narayan, ASC-GNCTD/R-2  
Ms. Shivani Vij and Ms. Dacchita Shahi, Advs.  
Mr. Sumer Sethi and Ms. Dolly Sharma, Advs.  
for DSLSA

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

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**06.09.2019**

1. We have heard learned senior counsel appearing for the petitioner at length, who has taken this Court to the various sections of the Protection of Children from Sexual Offences Act, 2012 as well as several provisions of the Code of Criminal Procedure, 1973, especially Section 357A, to be read with Protection of Children from Sexual Offences Rules, 2012, and has submitted that the victims under the Protection of Children from Sexual Offences Act, 2012 require compensation to be paid, which District Legal Services Authority ought to pay. Moreover,

there is a need for interim compensation also, because the victims sometimes have to take treatment in hospitals. District Legal Services Authority is under legal obligation to pass the orders for interim compensation under Section 357A of CrPC, especially looking to Rule 7(1) of the Rules, 2012, enacted under the Protection of Children from Sexual Offences Act, 2012. It is also submitted by the learned senior counsel for the petitioner that in approximately 85% of the cases falling under the Protection of Children from Sexual Offences Act, 2012, compensation are not paid to the victims.

2. Counsel appearing for Respondent No.2 submits that under Section 33(8) of the Protection of Children from Sexual Offences Act, 2012, the compensation should be decided by the Special Court constituted under the Protection of Children from Sexual Offences Act, 2012 and not by the District Legal Services Authority. However, under the Victims Compensation Scheme, 2018 floated by Respondent No.2, any direction for payment of compensation to the victims under the POCSO Act by the Special Court has not been pointed out to us by the counsel for the Respondent No. 2.

3. We have heard the counsels for both sides and keeping in view the fact that a new scheme has already been floated by Respondent No.2, namely "Victim Compensation Scheme, 2018", which is yet to be brought on record. Moreover, it further appears that District Legal Services Authority have to perform their statutory duties in accordance with Section 357 and 357A of CrPC, for which, funds are required. The compensations are to be paid to the victims of the offences under various criminal laws like IPC, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 etc. We therefore direct Respondent No.2 to release part of the Victim Compensation Fund, which will not be less than ₹ 25 crores to the District Legal Services Authority, within a period

of ten days from today. This order will be communicated by counsel for Respondent No.2 to the concerned department of Respondent No.2 for compliance.

This matter is adjourned to 24<sup>th</sup> September, 2019.

**CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**SEPTEMBER 06, 2019/kr**