

**Court No. - 2**

**Case :-** WRIT - C No. - 1856 of 2023

**Petitioner :-** Xyz Victim In Case Crime Number 425 Of 2020 ,  
Balrampur

**Respondent :-** State Of U.P. Thru. Prin. Secy. Of Women And  
Child Welfare Deptt. Civil Sect. Lko. And Others

**Counsel for Petitioner :-** Mohd. Kumail Haider,Iqbal Ahmad

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

**Hon'ble Mrs. Sunita Agarwal,J.**

**Hon'ble Manish Kumar,J.**

Written instructions supplied today is taken on record.

Sri Satish Chandra, the District Probation Officer, Balrampur arrayed as respondent no.3 is personally present in the Court in compliance of the order dated 29.03.2023. He has supplied written instructions to demonstrate that the petitioner's claim under victim compensation scheme had been considered by the District Level Committee in its meeting held on 17.12.2020.

The recommendation of the Committee has been approved by the District Magistrate to issue a communication dated 21.12.2020 incorporating the decision of the Committee wherein the name of the petitioner finds place as one of the beneficiaries of Victim compensation scheme. However, the payment could not be transmitted in the account of the petitioner for the reason of merger of Indian Bank.

The contention in the written instructions is that the payment was though transmitted in the account of the petitioner on 07.01.2021 but it was not transmitted on account of transitional circumstances. However, no explanation has been offered as to why necessary steps have not been taken after 07.01.2021 i.e for a period of more than two years.

The respondent no.3 namely District Probation Officer, Balrampur U.P is trying to shift the responsibility on the prescribed authority Rani Lakshmi Bai Women and Child Welfare Scheme Yojana Bhawan Lucknow to assert that the entire responsibility for payment of compensation to the victims under the scheme in question is that of the prescribed authority.

We may further note that the Rani Laxmi Bai victim compensation

scheme known as Rani Laxmi Bai Women and Child Welfare Scheme is stood modified with the decision of the Apex Court in the case of *Nipun Saxena vs Union of India* reported in **(2019) 2 SCC 703** and new amended scheme has been applied in the State of U.P which has been approved by the Apex Court in the above noted decision. Neither the learned standing counsel nor the officer present in the Court is aware of the said change.

We, therefore, call upon the District Magistrate, Balrampur to make an inquiry into the matter of victim's compensation scheme prevailing as on date in the State of U.P and further to file his personal affidavit to explain as to why compensation has not been paid to the petitioner for a period of approximately three years, when the first information report was lodged on 01.09.2020 in the matter under Sections 376, 506 IPC and 3/4 POCSO Act.

Learned counsel for the petitioner prays for and is granted permission to incorporate the District Magistrate, Balrampur as respondent no.4 in the array of parties during the course of the day.

Let this matter be posted on **10.05.2023 as fresh.**

In case of any slackness on the part of the District Magistrate, Balrampur to complete the inquiry and file his affidavit, he shall remain personally present in the Court alongwith the entire original record.

**Order Date :- 18.4.2023**

Harshita