

Court No. - 29

Case :- WRIT - C No. - 10060 of 2024

Petitioner :- Smt Mamta

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Shailesh Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri Shailesh Kumar Shukla, learned counsel for the petitioner and Shri Dilip Kumar Kesarwani, learned Additional Chief Standing Counsel for the State Respondents.

2. Present petition has been filed seeking following relief:-

"Issue a writ, order or direction in the nature of mandamus directing the respondent no.2, 3 and 4 to make payment of rehabilitation and compensation amount of Rs.2,00,000/- under Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other crimes-2018 in pursuance of judgment and order dated 20.08.2022 passed by Additional Session Judge/Special Judge (POCSO Act), Sant Kabir Nagar in Special Sessions Trial No.0076 of 2016 (State of Uttar Pradesh Vs. Ravi Kumar and Others) within stipulated period. "

3. On 28.03.2024 following order was passed:-

"1. Upon hearing Shri Shailesh Kumar Shukla, learned counsel for the petitioner and Shri Mukul Tripathi, learned Standing Counsel for the State, at present it cannot be disputed that vide judgement and order dated 20.08.2022 the Additional Session Judge/Special Judge (POCSO Act), Sant Kabir Nagar, has found the occurrence to be proven. It has led to an order of conviction and punishment has been awarded to the accused persons in Session Trial No. 76 of 2015 (State of U.P. Vs. Ravi Kumar and two others).

2. Perusal of that order reveals itself that the learned court below had itself provided for compensation to the petitioner. More than 1 year and 6 months have passed. Yet, the compensation of Rs. 2,00,000/- has not been paid.

3. Also, considering similar petitions being filed time and again, let a copy of this order be communicated to the U.P. State Legal Services Authority by the Registrar (Compliance). The said Legal Service Authority shall call for reports from all District Legal Services Authorities with respect to the implementation of the compensation scheme, within a period of two weeks. The report may clearly indicate the number of pending claims category wise and the reason for the delay in processing the claim. Wherever the delay may be noted, those may be cured within a further period of two weeks.

4. Put up as fresh on 02.05.2024.

5. *The U.P. State Legal Services Authority may place its report on record through the Registrar (Compliance)."*

4. Pursuant to aforesaid order, Registrar (Compliance) has sent a communication to the Member Secretary on 02.04.2024. In reply thereto a detailed report has been submitted on 29.04.2024, wherein, it is disclosed that 1129 applications are pending before all the District Legal Service Authorities of State of Uttar Pradesh and it appears that total approx 968 applications are delayed in disposal. Various reasons for delay in disposal of pending applications of Victim Compensation at the District Level have also been specified.

5. This does not reflect happy situation as out of 1129 applications, approximately 968 applications are delayed in disposal, which reflects that the District Legal Service Authorities are not functioning properly, therefore, expeditious disposal of such applications is required.

6. In such view of the matter, we express our serious displeasure on the functioning of the Legal Service Authorities as paragraphs 3, 4 and 5 of the report reflects that action has been taken on the application of the petitioner after the above quoted order was passed by this Court.

7. In such situation this Court finds that sensitization of the District Legal Service Authorities is needed, so that the applications may be disposed of expeditiously and amount is also disbursed to them without any further delay.

8. Therefore, the U.P. State Legal Services Authority is directed to submit a report after receiving fresh report from all the District Legal Service Authorities by the next date of listing.

9. It is expected from all the District Legal Service Authority to take the matter seriously and they shall make all efforts to dispose of the pending applications expeditiously.

10. In so far as the claim of the present petitioner is concerned, learned Additional Chief Standing Counsel submits that he may be granted further time to seek fresh instructions in the matter.

11. On his request, put up this case as fresh on 15.07.2024.

12. The Registrar (Compliance) is directed to send a copy of this

order to the U.P. State Legal Service Authority within a week.

Order Date :- 2.5.2024

Nitendra