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

+ **BAIL APPLN. 1230/2024**

PREETI

.....Petitioner

Through: **Ms. Ritika Singh and Mr. Raj
Narayan Singh, Advocates**

versus

STATE & ANR.

.....Respondents

Through: **Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil) for GNCTD
with Karn Bhardwaj and Mr. Rishabh
Srivastava, Advocates**

**Mr. Laksh Khanna, APP with
Ms. Smriti Maheshwari & Ms. Diksha
Suri, Advocates for the State with
W/SI Khushboo, W/SI Ritu,
P.S. Nangloi.**

**Mr. Sarfaraz Khan, Mr. Mirza Amir
Baig and Mr. Abdul Wahid,
Advocates for DSLSA with
Mr. Rajeev Bansal, Member
Secretary and Mr. Abhinav Pandey,
Secretary (Litigation), DSLSA**

**Ms. Sowjanya Shankaran, Advocate
(Amicus Curiae) for R-2/victim.**

**Mr. Kartikeye Dang and Ms. Nimisha
Manon, Advocates for R-2.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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28.11.2024

1. The present proceedings arise in the context of bail application filed by the petitioner-accused pertaining to FIR bearing No. 568/2022, registered at Police Station Nangloi, Delhi, for offences punishable under Sections 376/307/34 of the Indian Penal Code, 1860 ('IPC') and Sections 4/17 of the



Protection of Children from Sexual Offences Act ('POCSO Act').

2. Although the bail application filed by the petitioner-accused came to be disposed of by the learned Single Judge vide order dated 06.11.2024, however, the matter has been placed before the Division Bench in light of the nature of allegation of rape accompanied by forcible ingestion of toilet cleaner to the victim. The latter had resulted in child victim's undergoing multiple surgeries including *tracheostomy* and advise of special diet, however, the child victim's family is unable to meet the recurring expense. The reference order also notes that the compensation awarded to the child victim so far being inadequate, the response of Govt. of NCT of Delhi (GNCTD) was sought.

3. Notably, Vitriolage is one of the most vicious forms of violence faced by the country as on date. In a world where courage confronts cruelty, it is imperative to devise a scheme to ensure amelioration to the heart wrenching ordeals of victims who have endured not only physical and psychological injuries but also unimaginable pain, sufferings, and horror. Acid Attack by itself has been recognised as an offence under Section 124 Bharatiya Nyaya Sanhita 2023. Section 396 Bharatiya Nagarik Suraksha Sanhita 2023 outlines the responsibilities of the State and Central Governments to establish Victim Compensation Scheme and also provide funds for it. As such, the compensatory needs of the victims have been duly recognised and redressed under the Delhi Victim Compensation Scheme, 2018.

4. A draft scheme furnished by learned Standing Counsel (Civil), GNCTD was circulated amongst all the stakeholders i.e. Registrar General, High Court of Delhi; Mr. Kartikeye Dang, learned counsel for the child



victim; Mr.Laksh Khanna, learned APP for the State and Ms. Sowjhanya Shankaran, learned Amicus Curiae.

5. Today, Mr.Tripathi, has handed over a copy of '*Avlamban Fund Scheme, 2024*' (hereinafter the Scheme) formulated by GNCTD with a permanent corpus fund of Rs.10 crores, as has been volunteered to be sanctioned by the GNCTD for meeting out the rehabilitative and other ancillary expenses of victims of acid attack which shall be operated by the Principal District & Sessions Judge (HQ). The Scheme has been formulated by incorporating suggestions given by all the stakeholders. The Scheme is extracted hereunder:

“AVLAMBAN FUND SCHEME, 2024

1. SHORT TITLE, COMMENCEMENT AND APPLICABILITY

- (a) *This Scheme shall be called the AVLAMBAN Fund Scheme, 2024.*
- (b) *It shall come into force with effect from the date appointed by the Chief Justice of the Delhi High Court.*
- (c) *It shall apply to victims of acid attack who are residents of the National Capital Territory of Delhi or victims against whom the offence has been committed in the National Capital Territory of Delhi, irrespective of the address of the victim.*

2. DEFINITIONS

- (a) *'Acid Attack' means the act of throwing acid or causing it or using it in any form including administering acid to a person with an intent to cause grievous harm or with the knowledge that such use may lead to permanent or partial disability or deformity or disfiguration of any part/parts of the body.*
- (b) *'Acid' means any substance that has acid or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement, or both or, temporary or permanent disability.*
- (c) *'Medical Treatment' means medical, surgical or rehabilitative treatment including any corrective/reconstructive surgeries, psychological counseling or diet or other regimens.*



- (d) *Rehabilitation* means medical and psychological care as well as legal and social services including further education, vocational training or employment opportunities with an intent to enable the victims to join the mainstream of the society as well as maintain optimal physical, sensory, intellectual, psychological environmental and social function levels.
- (e) *Competent Authority* means the Chief Justice of the High Court of Delhi.
- (f) *Hospital* means all Hospitals in the National Capital Territory of Delhi which are catering to victims of acid attacks or burn injuries.
- (g) *Eligible Person* means the person defined under Clause 5 of the Scheme.
- (h) *Fund* means the Avlamban Fund.
- (i) *Concerned Court* means the Court before which an application for grant of compensation is moved by or on behalf of the victim or where the matter related to the offence is pending.
- (j) *Principal District and Sessions Judge* means the Principal District and Sessions Judge(Headquarter).
- (k) *Registrar General* means the Registrar General of the High Court of Delhi.
- (l) *Scheme* means the Avlamban Fund Scheme, 2024.

3. AVLAMBAN FUND

- a) There shall be a Fund, namely, the Avlamban Fund, from which amount of compensation, as decided by the Concerned Court shall be paid to the victim of acid attack under this scheme.
- b) The Avlamban Fund shall comprise the following:-
 - (i) One time grant by the Delhi Government of Rs 10 crores which shall form the corpus of the fund.
 - (ii) the fine and costs ordered to be deposited by the Delhi High Court or any District Court, as the case may be, in the Avlamban Fund.
- c) The Avlamban Fund shall be operated by the Principal District and Sessions Judge(HQ).

4. NODAL OFFICERS

- (a) In every Hospital, the Medical Superintendent shall nominate a senior doctor, of a level not less than that of the Chief Medical Officer, as the Nodal Officer for that particular hospital, for administration of this Scheme.
- (b) The Principal District and Session Judge (Headquarter) may designate a senior Judicial Officer of Delhi Higher Judicial



Service Rank to be the Nodal Officer for supervision of the Avlamban Fund.

5. ELIGIBLE PERSON

- (a) Any person shall be treated as an Eligible Person under this scheme if:-
- (i) The said person has suffered an acid attack in any manner in the National Capital Territory of Delhi or is the resident of the National Capital Territory of Delhi and has received treatment for the same in any Hospital.

6. FINANCIAL ASSISTANCE

- a) Financial assistance may be provided to any Acid Attack Victim under the Scheme for the purpose of:-
- (i) Procurement of tissue expanders/ implants required in plastic/rehabilitative surgery of burn injuries arising out of acid attack or any other aftercare treatment, diet, medicines/oointments related to such injuries over and above the compensation provided under Delhi Victim Compensation Scheme 2018 or any other scheme of the Government of NCT of Delhi or the Government of India or any other Government Authority or Body.
- (ii) Other rehabilitative measures (including educational or vocational training) required by the victim of burn injuries arising out of acid attack, as the Court may decide.
- b) The maximum amount which can be reimbursed for the purposes specified in sub clause (1) shall be as per the monetary ceiling provided in Schedule I.

7. PROCEDURE FOR FINANCIAL ASSISTANCE

- a) Delhi State Legal Services Authority under its project 'Sampark' receives copy of FIR of all offences against women including rape, sexual assault as well as acid attack as these victims are entitled to free legal aid and assistance under the Legal Services Authority Act. Immediately on receipt of FIR of acid attack, the Legal Aid Counsel appointed for visiting the victim to provide the victim with immediate legal aid and assistance shall be responsible for apprising her/him about the Avlamban Fund Scheme and its benefits. The Investigating Officer, being the first contact person with the victim and her/his family shall also be responsible for informing them about this scheme and its provisions.
- b) The Victim who is desirous of securing assistance under the Scheme shall make an application herself/ himself or through the



Legal Aid Counsel/ Privately Engaged Counsel to the concerned court, for assistance in Form-A appended to this Scheme.

- c) The application shall be accompanied with requisite documents, self declaration and medical record of the Victim along with duly filled in Form-A and the estimate amount which may be incurred for procurement of the implants, diet, medicines etc. or aftercare treatment of the Victim. The above-mentioned documents shall be verified and forwarded by the Nodal Officer of the Hospital to the Concerned Court.*
- d) The Concerned Court shall get the identity, address proof and bank account details of the victim verified through the IO concerned within 48 hours and thereafter shall recommend the final amount of compensation payable to the victim as per the documents forwarded by the Nodal Officer of the Hospital.*
- e) Thereafter, Concerned Court shall forward the order for award of specified amount of compensation to the Principal District and Sessions Judge(HQ) who shall then get the recommended amount released from the Avlamban Fund by direct transfer into the bank account of the Victim, subject to the monetary ceiling prescribed under the Scheme.*

8. PROCEDURE FOR OTHER REHABILITATIVE MEASURES

- a) On a written request of the victim in Form A or otherwise, the Court may approve such other rehabilitative measures, including short/long term measures for education, vocational training, legal and social assistance for the victim as the Court may deem appropriate, depending upon the interests and needs of the victim.*
- b) The Court may direct that such rehabilitative measures be taken in the manner it may deem appropriate; the Court may also utilize the services of any Government authority/ body or NGO for this purpose.*
- c) The expenses incurred for undertaking such rehabilitative measures shall be defrayed from the Fund on due recommendation of the Concerned Court and the Court may also sanction advance in deserving cases.*

9. ACCOUNTS AND AUDIT

- a) The Nodal Officer of the Principal District and Sessions Judge (HQ) shall get the accounts relating to the Scheme maintained as per the Rules being followed for the said purpose in the District Courts.*



- b) The accounts relating to the Scheme shall be audited as per the Rules being followed for the said purpose in the District Courts.
- c) The Principal District and Sessions Judge(HQ) shall provide a half yearly report to the Registrar General Delhi High Court regarding utilization of funds under this scheme.

10. POWER TO ISSUE DIRECTIONS

The Competent Authority may, from time to time, issue such directions as it may consider necessary for the proper implementation of the Scheme or for the purpose of removing any difficulty which may arise in the administration thereof.

Schedule I

[See Clause 6]

Maximum Reimbursable Amount

- (a) Procurement of Tissue expanders/ implants required in plastic/rehabilitative surgery in case of acid attack or any other treatment/surgery related to burn injuries arising out of acid attack- Rs. 5,00,000/-
- (b) Other rehabilitative measures (including education and vocational training) in case of serious burn injuries arising out of acid attack - Rs. 1,00,000/-.

Photograph to
be attested by
the Treating
Doctor

FORM A

(For Assistance under the Avlamban Fund Scheme)

1. Name (In block capitals)
2. Father's/Husband's Name
3. Age
4. Nationality
5. Address
6. Occupation/job
7. Bank Account Details
8. Details of the Assistance sought

Date:

Signature of Patient

CERTIFICATE OF TREATING DOCTOR

FORWARDED BY NODAL OFFICER OF THE HOSPITAL



FORM B

I _____ s/w/d/o _____ aged about _____ years do hereby declare that I have applied for financial assistance under the Avlamban Fund Scheme to bear the expenses of _____
I undertake that I shall procure the said rehabilitative article/ device from the sanctioned fund and utilize the same for my personal use only.

SIGNATURE OF THE VICTIM
FORWARDED BY NODAL OFFICER OF THE HOSPITAL ”

6. The Scheme shall come into effect from the date of passing of the order. Further, in light of the mandate of the Scheme, it is directed that the Principal District & Sessions Judge (HQ) shall open a separate account for implementation of the Scheme whereafter the Registrar General of this Court shall transfer the funds lying in the AASRA Fund to the newly opened account under the ‘Avlamban Fund Scheme, 2024’. Additionally, the fine and costs imposed under the orders of this Court or any other Court and directed to be deposited under the Scheme shall also add to the corpus of the fund.
7. With the direction to consider the case of the present victim under the Scheme, the petition is disposed of with liberty to the parties to seek clarification/directions, if need so arises.
8. Copy of this order be sent to the all the stakeholders for implementation of the Scheme forthwith.
9. Order be uploaded on the website of this Court.

CHIEF JUSTICE

MANOJ KUMAR OHRI, J.

NOVEMBER 28, 2024/na