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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/149/2025

URMILA SUBBA
D/O- SRI KARAN KUMAR SUBBA, R/O- KHARUPETIA, TILAPOOTY, P.S.
KHARUPETIA, DIST. DARRANG, ASSAM, PIN- 784115.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF ASSAM,
ASSAM SACHIVALAYA, DISPUR, ASSAM-781006.

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF ASSAM
A BLOCK
4TH FLOOR
ASSAM SECRETARIAT (CIVIL)
DISPUR
GUWAHATI
ASSAM-781006.

3:THE DIRECTOR

DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF ASSAM
HEALTH COMPLEX
LICHUBAGAN
HENGRABARI
GUWAHATI-781006.

4:THE SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
NARAKASUR HILLTOP

BHANGAGARH
GUWAHATI
ASSAM-781032.

5:THE DISTRICT COMMISSIONER
DARRANG
OFFICE OF THE DISTRICT COMMISSIONER DARRANG
NH-15
MANGALDOI
DARRANG
DIST. DARRANG
ASSAM-784125.

6:THE UNION OF INDIA
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NDCC.II BUILDING
JAI SINGH ROAD
NEW DELHI-11000

Advocate for the Petitioner : MS. D GHOSH, MS N DEKA,MS H BETALA,MR I CHAKMA,MR. S. K. CHAKMA,MR A.K. HAJONG

Advocate for the Respondent : GA, ASSAM, SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : -07.02.2025

Heard Ms. D. Ghosh, learned counsel for the petitioner; Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 1 & 5; Mr. P. Bora, learned Standing Counsel, Health and Family Welfare Department for the respondent no. 2, 3 & 4; and Mr. D.J. Das, learned Central Government Counsel for the respondent no. 6.

2. From the projections made in the writ petition it is *prima facie* apparent that the petitioner is a victim of acid attack. In an incident occurred on 31.08.2022, the petitioner suffered acid burns on various parts of her person and she was finally referred to Gauhati Medical College & Hospital [GMC&H] where the petitioner underwent multiple surgeries during her stay as an indoor patient. It is stated that the petitioner has suffered disfiguration

of her face due to acid attack. The perpetrator of the acid attack was incidentally the husband of the petitioner. In respect of the said incident, a crime case has been registered as Kharupetia Police Station Case no. 238/2022 under Section 326A, Indian Penal Code.

3. Notice is taken of the fact that when the petitioner applied for compensation under the Assam Victim Compensation Scheme, 2012, the District Legal Services Authority [DLSA], Darrang, Mangaldoi had granted financial assistance of Rs. 3,00,000/- on 14.08.2023. Subsequent to 14.08.2023, the petitioner had undergone treatment at various medical facilities including the GMC&H. The petitioner has averred that the amount received as financial assistance from the DLSA, Darrang has almost been exhausted. The petitioner is required to undergo further medical treatment in respect of the injuries she has suffered due to the acid attack and presently, is in requirement of further financial assistance.

4. In a Circular bearing no. 24013/94/Misc./2014-CSR-III of the Ministry of Home Affairs, Government of India dated 09.11.2016 addressed to the Chief Secretaries of all the State Governments, it is mentioned that the Government of India [GoI] has also taken a decision to provide additional financial assistance of Rs. 1,00,000/- [over and above the amount provided under the Victim Compensation Scheme] to the victims of acid attacks. In the said Circular it is mentioned that the eligibility criteria for the additional compensation would remain the same and the additional financial assistance of Rs. 1,00,000/- would be provided under the Prime Minister's National Relief Fund. The procedure for receiving additional financial assistance of Rs. 1,00,000/- has also been delineated there. As per the procedure, the District Collector / Deputy Commissioner of the concerned district shall send a report to the Ministry of Home Affairs, GoI as per the enclosed format [Annexure – I] with a copy to the Prime Minister's Office and the report shall contain information such as Bank Account no., Aadhar no. and other details of the victim. As per the said Circular, on receipt of a report from the Ministry of Home Affairs, GoI, the compensation will be paid to the bank account directly within five working days.

5. Having regard to the other reliefs sought for in this writ petition, let notice be issued. The notice is made returnable on 03.03.2025.

6. As Mr. Baruah, learned Junior Government Advocate, Assam has appeared and accepted notices for the respondent nos. 1 & 5; Mr. Bora, learned Standing Counsel, Health and Family Welfare Department has appeared and accepted notices for the respondent no. 2, 3 & 4; and Mr. Das, learned Central Government Counsel has appeared and accepted notice for the respondent no. 6, formal notices need not be issued to the said respondents. Ms. Ghosh, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Mr. Baruah, Mr. Bora and Mr. Das within 2 [two] working days from today.

7. As the petitioner has already been extended financial assistance under the Victim Compensation Scheme by the DLSA, Darrang, the petitioner is admittedly a victim of acid attack. In view of the policy and procedure laid down in the Circular dated 09.11.2016 of the Ministry of Home Affairs, GoI and since as per the guidelines the jurisdictional District Commissioner has to send a report to the Ministry of Home Affairs, GoI in the prescribed format [Annexure – I] for grant of the additional financial assistance of Rs. 1,00,000/-, the District Commissioner, Darrang shall, in the meantime, send such report to the Ministry of Home Affairs, GoI after incorporating the necessary details in the report in the prescribed format within a period of 15 [fifteen] days from today.

8. Mr. Baruah, learned Junior Government Advocate, Assam shall communicate this order to the District Commissioner, Darrang [the respondent no. 5] so that the respondent no. 5 can send the report in terms of the Circular dated 09.11.2016 to the Ministry of Home Affairs, GoI within a period of 15 [fifteen] days from today.

9. Mr. Bora, learned Standing Counsel, Health & Family Welfare Department shall obtain necessary instructions in the meantime, as regards the other reliefs, sought in this writ petition.

10. The name of Mr. D.J. Das, learned Central Government Counsel shall be reflected in the respondents' side in the cause-list.

JUDGE

Comparing Assistant