

26<sup>th</sup> April, 2023  
(D/L No.9)  
(SKB)

**W.P.A. 5441 of 2023**

X (Redacted)  
Versus  
The State of West Bengal and others

Mr. Kaushik Gupta,  
Mr. Arijit Bhusan Bagchi,  
... for the petitioner.

Mr. Kallol Mandal,  
Ms. Soma Chowdhury  
... for the respondent nos.2 & 4.

Mr. Debasish Ghosh,  
Mr. Debapriya Chatterjee  
... for the State.

1. The petitioner before this court is a minor victim of trafficking and rape. The petitioner was 17 years of age at the time of filing the writ petition. The petitioner claims compensation under the National Legal Services Authority's (NALSA) Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018.
2. According to learned counsel appearing for the petitioner, the petitioner is entitled to Rs.7.75 lacs on the basis of the NALSA Scheme and the petitioner is also entitled to get 50% of the total amount by reason of being below 18 years of age on the date of commission of the offence. The petitioner is, however, deprived of this benefit of 50% under the West Bengal Victim Compensation Scheme, 2017, which gives the benefit of 50% to the victims aged below 14 years. The claim of the petitioner is now Rs.7.75 lacs. Counsel has also placed a decision of the Supreme Court which held that the victim is entitled to claim the higher of two amounts which

may be available to the victim under the abovementioned two schemes.

3. Learned counsel appearing for the State places an order of the Division Bench presided over by the former Hon'ble the Chief Justice of this Court. The order is of 5<sup>th</sup> December, 2022 and records the submissions made by the learned Advocate General that sufficient funds would be provided by the State to the Judicial Department for implementing the said Scheme as well as the NALSA Scheme for the victims/survivors of sexual assault. Counsel submits that necessary steps have been taken by the Finance Department and the sanction of funds is pending approval.
4. Be that as it may, this court is of the view that the petitioner/victim before the court cannot be asked to wait until the funds are sanctioned by the State Government and reach the Judicial Department. The State shall hence pay a sum of Rs.7 lacs to the petitioner within seven days from date and file a compliance report in the form of an affidavit on the next date of hearing.
5. List this matter on 4<sup>th</sup> May, 2023.

**(Moushumi Bhattacharya, J.)**