

HIGH COURT OF MADHYA PRADESH,
BENCH AT INDORE
W.P NO.22615/2018

*Rupalee D/o Basant Nirapure & one another vs. State of
M.P*

04.09.2020: (INDORE):

Ms.Shanno Khan, learned counsel for the petitioner.

Shri Pushyamitra Bhargava, learned A.A.G for the respondent/State.

Heard on IA No.1675/2020, an application for release of Rs.75,000/- for eye surgery of the petitioner in Vinayak National Hospital, Indore.

According to the petitioner due to Corona pandemic she is unable to travel to Hydrabad for treatment in L.V.P Eye Institute, therefore, she is taking treatment from Vinayak Netralaya, Indore. Now Dr.Sachin Arya has advised for eye surgery and gave an estimated treatment cost of Rs.75,000/-, hence the petitioner has filed this application for release of the aforesaid amount.

Shri Pushyamitra Bhargava, learned AAG submits that in view of the order dated 10.04.2015 passed by the Apex Court in the case of **Laxmi vs. Union of India and others** in **W.P.No.(Cri.) No.129/2006** a direction has already been issued to the private hospitals to give free treatment to the acid attack victims, therefore, a direction may be issued to the Vinayak Netralaya, Indore to operate the petitioner and if the hospital refuses to give treatment/ perform operation

without advance payment the petitioner can make a complaint to the District Legal Services Authority who is competent to take up the matter with the hospital. In similar circumstances in W.P.No.1066/2019 dated 28.01.2019 this Court has already directed the Bombay Hospital, Indore to extend free treatment to the acid attack victim. The relevant paragraph of the order is reproduced below:

She has drawn the attention of this court to the order dated 10.4.2015 passed by the Supreme Court in the matter of Laxmi Vs. Union of India and others in WP (Cri.) No.129/2006 and has submitted that the petitioner should be referred to the Bombay Hospital (private hospital) so that she can get proper treatment. The Supreme Court vide order dated 10.4.2015 in the case of Laxmi (supra) has held as under:-

“We have gone through the chart annexed along with the affidavit filed by the Ministry of Home Affairs and we find that despite the directions given by this Court in Laxmi Vs. Union of India [(2014) 4 SCC 427], the minimum compensation of Rs.3,00,000/- (Rupees three lakhs only) per acid attack victim has not been fixed in some of the States/Union Territories. In our opinion, it will be appropriate if the Member Secretary of the State Legal Services Authority takes up the issue with the State Government so that the orders passed by this Court are complied with and a minimum of Rs.3,00,000/- (Rupees three lakhs only) is made available to each victim of acid attack.

From the figures given above, we find that the amount will not be burdensome so far as the State Governments/Union Territories are concerned and, therefore, we do not see any reason why the directions given by this Court should not be accepted by the State Governments/Union Territories since they do not involve any serious financial implication.

We also direct the Member Secretary of the State Legal Services Authority to obtain a copy of the Victim Compensation Scheme from the concerned State/Union Territory and to give it wide and adequate publicity in the State/Union Territory so that each acid attack victim in the States/Union Territories can take the benefit of the Victim Compensation Scheme.

Insofar as the proper treatment, aftercare and rehabilitation of the victims of acid attack is concerned,

the meeting convened on 14.03.2015 notes unanimously that full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims. It is noted that there may perhaps be some reluctance on the part of some private hospitals to provide free medical treatment and, therefore, the concerned officers in the State Governments should take up the matter with the private hospitals so that they are also required to provide free medical treatment to the victims of acid attack.

The decisions taken in the meeting read as follows:

- The States/UTs will take a serious note of the directions of the Supreme Court with regard to treatment and payment of compensation to acid attack victims and to implement these directions through the issue of requisite orders/notifications.
- The private hospitals will also be brought on board for compliance and the States/UTs will use necessary means in this regard.
- No hospital/clinic should refuse treatment citing lack of specialized facilities.
- First-aid must be administered to the victim and after stabilization, the victim/patient could be shifted to a specialized facility for further treatment, wherever required.
- Action may be taken against hospital/clinic for refusal to treat victims of acid attacks and other crimes in contravention of the provisions of Section 357C of the Code of Criminal Procedure, 1973.

We expect the authorities to comply with these decisions.

Although it is not made clear in the meeting held on 14.03.2015, what we understand by free medical treatment is not only provision of physical treatment to the victim of acid attack but also availability of medicines, bed and food in the concerned hospital.

We, therefore, issue a direction that the State Governments/Union Territories should seriously discuss and take up the matter with all the private hospitals in their respective State/Union Territory to the effect that the private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries.

We also issue a direction that the hospital, where the victim of an acid attack is first treated, should give a certificate that the individual is a victim of an

acid attack. This certificate may be utilized by the victim for treatment and reconstructive surgeries or any other scheme that the victim may be entitled to with the State Government or the Union Territory, as the case may be.

In the event of any specific complaint against any private hospital or government hospital, the acid attack victim will, of course, be at liberty to take further action.”

Having regard to the aforesaid judgment of the Supreme Court and the submission of counsel for the petitioner that the petitioner is not being treated properly in the M.Y. Hospital, the respondent No.3 is directed to shift the petitioner in the Bombay Hospital, Indore which in terms of the aforesaid judgment will extend the free treatment to the victim.

In the light of the direction issued by the Apex Court in the case of **Laxmi vs. Union of India (supra)**, Vinayak Netralaya, Indore is directed to admit the petitioner and perform the eye operation forthwith. The issue of payment/or reimbursement of the bill of the hospital shall be decided by this Court after submission of proper bills and documents by the petitioner/or the hospital.

C.c as per rules.

(VIVEK RUSIA)
JUDGE