



DELHI STATE LEGAL SERVICES AUTHORITY

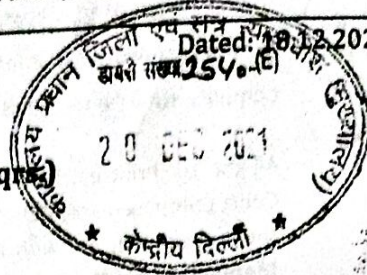
(Constituted Under the 'Legal Services Authorities Act, 1987', an Act of Parliament)

Under the Administrative Control of High Court of Delhi

Central Office, Patiala House Courts Complex, New Delhi - 110001
Ph. : 23384781, Fax : 23387267, Email : dslsa-phc@nic.in



Ref. DSLSA/LAW/Judl. Direc/2021/9898



To

Ld. Principal District & Sessions Judge (HQ)
Tis Hazari Courts,
Delhi.

Sub: **Consideration of compensation in all pending cases in view of the mandate of directions passed by Hon'ble Supreme Court of India in 'Nipun Saxena V. Union of India'**

Respected Sir,

A matter is subjudice before the Hon'ble High Court, wherein it has been observed by the Hon'ble Mr. Justice Manoj Ohri that despite assurance given by the stake holders, yet there are cases under POCSO act where interim compensation/compensation has not been paid to the victims till date. Accordingly, the undersigned would like to stress upon the importance of consideration of question of payment of interim compensation/compensation in each and every case. The mandate for payment of compensation by special courts is laid down under section 33(8) of POCSO act, Rule 9 of POCSO rules 2020 and the directions passed by the Hon'ble SC in *Nipun Saxena v Union of India*. As the Courts in Delhi are governed by DVC Scheme 2018 which is retrospective in operation, therefore it is incumbent upon the Courts to consider the question of compensation in every case.

Further, in W.P.(CRL.) 3244/2019, *Mother Minor Victim 1 & 2 v. State & Ors.* it was held by the Hon'ble High Court of Delhi that the duty to award interim compensation in appropriate cases under POCSO is conferred on the Special Courts and it is not open for them to delegate this power to the concerned legal service authority. In *Ankush Shivaji Gaikwad vs State Of Maharashtra*, it was observed by the Hon'ble Supreme Court that there exists a mandatory duty on the Courts to apply its mind to the question of payment of compensation in every criminal case, i.e. by recording reasons for awarding/refusing compensation."

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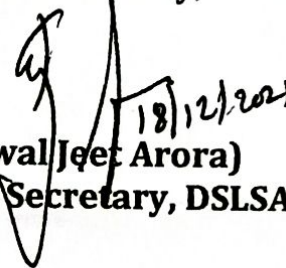
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Therefore, in view of the above, it requested to your goodselves to circulate this letter to all the Ld. Judges presiding over the Special POCSO Courts and the other Courts as well, and issue a direction that to ensure that the question of payment of **interim compensation/compensation** is considered in all the pending cases.

It is further requested that the Ld. Judges be also directed to sift their Court data and draw a list of cases where the question of payment of compensation has not been considered till date and share the copy with the undersigned by **24.12.2021**.

Thanking you,

Yours faithfully,


(Kanwaljeet Arora)
Member Secretary, DSLSA

sh - joepesastell
to take necessary
action at the

22/12/21

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs): DELHI

Dated, Delhi the **20 DEC 2021**

No. ~~70670~~ - 770 - I / Genl./Misc. /2021


Forwarded a copy of the letter 2540/E, dated 20.12.2021 received from Sh. Kanwal Jeet Arora, Ld. Member Secretary, DSLSA, Central Office, Patiala House Courts Complex, New Delhi-110001, for circulation and to send the necessary compliance to :-

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22/12/21
ITG
1.

All the Ld. Principal District & Sessions Judges, Delhi/New Delhi and Rouse Avenue Court Complex (except Central-District) with the request to circulate the same amongst the Judicial Officers with request to **send the compliance report directly to the Ld. Member Secretary, DSLSA Central Office, Patiala House Courts Complex, New Delhi-110001 on or before 24/12/2021.**

2. All the Ld. Judicial Officers posted in Central-District, Tis Hazari Courts Delhi with request to send the compliance report to this office on or before 23/12/2021 for onward transmission to **Ld. Member Secretary, DSLSA Central Office, Patiala House Courts Complex, New Delhi- 110001.**
3. The Chairman, Website Committee, Tis Hazari Courts, Delhi With the request to upload the same on the Website of Delhi District Courts as per rule.
4. Dealing official for uploading the same on Centralized Website through LAYERS as per rules.
5. P.S. to Ld. Principal District & Sessions Judges (HQs), Delhi for information.

#/7


20/12/21
(RAKESH PANDIT)

Officer In-Charge, General Branch, Central
Additional District & Sessions Judge,
Tis Hazari Courts Delhi

Encl. As above

Mr. Sharan Kumar & Mr. P. Kumar
to upload the same on the
website. Mf 22/12/21