

AS INTRODUCED IN LOK SABHA

Bill No. 27 of 2021

THE PREVENTION OF ACID ATTACKS AND REHABILITATION OF
ACID ATTACK VICTIMS BILL, 2021

By

SHRI BHARTRUHARI MAHTAB, M.P.

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BILL

*to provide for prevention of acid attacks and rehabilitation of
women victims of acid attacks and for matters connected
therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India
as follows:—

CHAPTER I
PRELIMINARY

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1. (1) This Act may be called the Prevention of Acid Attacks and Rehabilitation
of Acid Attack Victims Act, 2021.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “acid” means any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability; 5

(b) “appropriate Government”,—

(i) in relation to a Union territory, means the Central Government; and

(ii) in relation to a State, means the Government of the State.

(c) “acid attack victim” means a woman on whom acid has been poured or sprinkled with the intention of causing bodily injury or disfigurement and who, as a consequence of such act, has suffered any bodily injury or disfigurement effected by chemical action of the acid; and 10

(d) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

REGULATION OF SALE, SUPPLY AND USE OF ACID

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Regulation of production, etc. of acid.

3. (1) No person engaged in producing, importing, storing, selling or otherwise delivering or transporting acid of any intensity shall carry on such business or trade without obtaining a license from the Competent Authority to be designated for the purpose by the appropriate Government for carrying on such business or trade. 20

(2) Every person covered under sub-section (1) shall maintain proper records of the quantity of acid in his possession and its concentration and chemical composition in such form and manner as may be prescribed.

(3) No person shall sell or otherwise deliver to a person an acid of higher concentration than what is prescribed for the use intended by such person. 25

Classification of acid concentration for different purposes.

4. (1) The Central Government shall specify by rules the kinds and degrees of concentration of acid for different purposes.

(2) The use of acid of greater concentration for any purpose shall be prohibited.

Sale of acid.

5. No person shall sell or otherwise deliver acid to a person without keeping a record of his identity, the quantity of acid and the purpose for which the acid is to be used. 30

CHAPTER III

REHABILITATION OF ACID ATTACK VICTIMS

Acid attack victims to be treated as persons with disability in certain cases.

6. Where an acid attack has caused substantial bodily harm or disfigurement to the victim to such an extent as may be prescribed, such victim shall be deemed to be a person with disability for the purposes of availing benefits under various schemes meant for persons with disability, including employment under the Central Government, autonomous bodies, and the Central Public Sector Undertakings. 35

Compensation to acid attack victims.

7. For the purpose of this Act, the minimum compensation payable to a victim of acid attack for offences committed under section 326A or section 326B of the Indian Penal Code, 1860 shall be ten lakh rupees and three lakh rupees, respectively, or such higher amount as may be prescribed. 40

45 of 1860.

8. Where an acid attack victim has suffered such bodily harm or disfigurement in an acid attack as is likely to impair her chances of obtaining gainful employment or carrying on any gainful occupation, the Central Government shall pay to such victim a monthly allowance to which shall not be less than four times the amount of old age pension payable at the place where the victim ordinarily resides.
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- Allowance to acid attack victims.

CHAPTER IV
OFFENCES AND PENALTY

9. Whoever contravenes the provisions of section 3 or section 5 shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to five lakh rupees or with both.
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- Offences and penalty.

CHAPTER V
AMENDMENT OF THE INDIAN PENAL CODE, 1860

10. In section 326B of the Indian Penal Code, 1860 for the words "seven years", the words "ten years" shall be substituted.
- 45 of 1860.
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- Amendment of section 326B.

CHAPTER VI
AMENDMENT OF THE CODE OF CRIMINAL PROCEDURE, 1973

11. In section 357C of the Code of Criminal Procedure, 1973, the following *Explanation* shall be added at the end, namely,—
- 2 of 1974.
- Amendment of section 357C.

20 "Explanation— For the purposes of this section, the expression "medical treatment" shall include any reconstructive procedure and surgery."

12. In the First Schedule to the Code of Criminal Procedure, 1973 under the heading "I.-OFFENCES UNDER THE INDIAN PENAL CODE", in the entry relating to section 326B, in column 3, for the words and number "which may extend to 7 years", the words and number "which may extend to 10 years" shall be substituted.
- 2 of 1974.
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- Amendment of First Schedule.

CHAPTER VII
MISCELLANEOUS

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.
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- Power to remove difficulties.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
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- Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

National polemics has directed people's attention time and again to the question whether India is safe enough for women to live. Despite an avowed superior position culturally assigned to women and a plethora of laws for the protection of women, the fate of women by and large remains unaltered. As a study corroborates, four in ten women face some kind of violence or harassment before the age of nineteen years. What is even more perturbing is that there are certain forms of violence against women which emanate from the medieval mindset of subjugation of women and continue till this day. One manifestation of this mindset is incidents of acid attacks on women.

Though acid attack is a crime which can be committed against any man or woman, it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him. It is not surprising that the incidence of acid attacks is deeper in States with patriarchal leanings.

Until 2013, there was no clear mechanism to ascertain the number of cases involving acid attacks since the Indian Penal Code did not recognise it as a separate offence. The offence of acid attack was tried under various sections of the aforesaid code and only estimates of figures of such attacks were available. The Criminal Law (Amendment) Act, 2013 inserted new sections 326A and 326B in the Indian Penal Code and made specific offences of hurt by use of acid.

Though cases of acid attacks on women have been witnessed for decades, the need to address the legislative framework underlying the offence of acid attack was emphasised by the Supreme Court in *Laxmi vs. Union of India*. In this case, the court issued directions *inter alia* regarding compensation to acid attack victims, effective regulation of sale of acid and free treatment of victims. Some of these guidelines have been incorporated in law. Still there is little clarity on issues such as penal provisions against dealers making unregulated sales of acid, adequacy of the amount of compensation to victims, their status as persons with disabilities, etc.

In order to prevent acid attacks, facilitate rehabilitation of acid attack victims and to prevent unregulated sale of acid, the Bill proposes to make the following provisions:—

(i) to provide for classification of acid on the basis of its intensity and concentration and to prevent sale of acid of higher concentration for day-to-day purposes;

(ii) to provide that acid shall not be sold without verifying identity of the buyer and the purpose of its use;

(iii) to provide that proper records of stock, sales, etc. of acid shall maintained by dealers;

(iv) to make unregulated sale of acid an offence punishable with six months imprisonment and fine;

(v) to provide that acid attack victims shall be treated as persons with disabilities for the purposes of availing benefits under various schemes of the Governments, including employment under the Central Government and bodies thereunder;

(vi) to increase the maximum quantum of punishment i.e. imprisonment upto ten years for acid attack under section 326B of the Indian Penal Code, 1860;

(vii) to stipulate the minimum amount of compensation for acid attack victims as ten lakh in cases of grievous hurt and three lakh in other cases or such higher amount as may be specified;

(viii) to provide monthly allowance to certain victims of acid attacks; and

(ix) to provide that any reconstructive cosmetic surgeries shall be treated as medical treatment in case of acid attack victims.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 13, 2020

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for certain entitlements to acid attack victims under the ongoing schemes including employment under the Central Government. Clause 7 provides for payment of compensation to the acid attack victims. Clause 8 provides for payment monthly allowance to certain victims of acid attacks whose chances of securing gainful employment or occupation have been adversely affected as a result of acid attack.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact amount of expenditure involved as it would depend upon the number of eligible victims of acid attacks. However, it is estimated that a recurring expenditure of rupees two crore is likely to be involved per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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326A. Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

Voluntarily causing grievous hurt by use of acid, etc.

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

326B. Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Voluntarily throwing or attempting to throw acid.

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EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE, 1973

(2 OF 1974)

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357C. All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code, and shall immediately inform the police of such incident.

Treatment of victims.

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THE FIRST SCHEDULE

CLASSIFICATION OF OFFENCES

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1. OFFENCES UNDER THE INDIAN PENAL CODE

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Section	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court trial
1	2	3	4	5	6
326B	Voluntarily throwing or attempting to throw acid.	Imprisonment for 5 years but which may extend to 7 years and with fine.	Cognizable	Non-bailable	Court of Session
*	*	*	*	*	*

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(Shri Bhartruhari Mahtab, M.P.)