

**Bill No. XV of 2009**

THE INDIAN PENAL CODE ( AMENDMENT) BILL, 2009

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BILL

*further to amend the Indian Penal Code 1860.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called The Indian Penal Code ( Amendment) Act, 2009.

Short title  
and commen-  
cement.

(2) It shall come into force with immediate effect.

5 2. After section 326 of the Indian Penal Code 1860, (hereinafter referred to as the code) the following section shall be inserted, namely:—

Insertion of  
new section  
326A.

10 "326A. Whoever, except in case provided for by Section 335, voluntarily causes injuries to the body of a person by means of an acid, shall be punished with imprisonment for a term of ten years or for imprisonment for life and with fine of fifty thousand rupees which may extend to two lakh rupees."

Voluntarily  
Causing  
injuries by  
acid.

Insertion of  
new Chapter  
XIII A.

3. After Chapter XIII of the Code, the following Chapter shall be inserted, namely:—

### CHAPTER XIII A

#### OFFENCES RELATING TO MANUFACTURING, DISTRIBUTION AND SALE OF ACID

Punishment  
for  
manufacturing,  
distributing or  
selling acids  
without  
licence.

"267A. Whoever manufactures, distributes or sells any acid without a licence shall be punished with imprisonment of either description for a term which may extend to three years or with fine of one lakh rupees or with both." 5

Punishment  
for selling  
acid to  
unauthorized  
person.

"267B. Whoever sells any acid to any unauthorized person shall be punished with imprisonment of either description for a term which may extend to three years or with fine of one lakh rupees or with both." 10

Punishment  
for  
unauthorized  
possession of  
any acid.

"267C. Whoever found in unauthorized possession of any acid in specified quality, as may be notified shall be punished with imprisonment of either description for a term which may extend to three years or with fine of one lakh rupees or with both."

*Explanation.*— For the purposes of this Chapter the Central or the State Government within their respective jurisdiction shall issue licences for manufacturing, distribution, sale and possession of specified acids. 15

## STATEMENT OF OBJECTS AND REASONS

Each year a number of women are killed, maimed, blinded or scared for life in acid attacks across the country. But so far this heinous crime has not attracted attention of the Government or the National Crime Records Bureau. Although the acid attack is a crime which can be committed against any person but the crime has a specific gender dimension in our country. In most of the reported cases, the acid attack have been committed on women particularly young women by husbands, lovers, employers, jealous colleagues and even landlords. The acid attack leaves a strong scar on the body of the person which does not go even after the repeated plastic surgeries and the victim carries this stigma of the attack throughout the life. Linked with this acid attack is the relaxed law on the sale of concentrated acid. Today, anybody can walk down and buy litres of highly concentrated acid over the counter just by paying a paltry amount. Many countries have specific law on the offences by acid and law relating to distribution and sale of acids. Unfortunately, in India, the sale of acid is carelessly allowed as a deadly weapon. The offences relating to acid attack are generally tried under Section 326 of the IPC which deals with grievous hurt. It has been opined by many organizations including the Law Commission that the provisions relating to grievous hurt are not broad enough to cover the kind of injuries inflicted through acid attack and the Section 326 gives a wide discretion to the courts as far as the punishment is concerned. The Law Commission, in view of increasing instances of acid attacks especially on women, has suggested sentencing up to life term for the offence. The Law Commission while recommending the life imprisonment for offence relating to acid attack has also highlighted the need for regulating the distribution and sale of the acid and has recommended that it should be banned except for commercial and scientific purposes. It is, therefore, necessary that a separate provision for punishment related to acid attack and manufacturing, distribution, sale and possession of acid should be incorporated in the Indian Penal Code.

Hence, this Bill.

O.T. LEPCHA

RAJYA SABHA

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BILL

further to amend the Indian Penal Code, 1860.

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*(Shri O.T. Lepcha, M.P.)*