

**Bill No. XVII of 2020**

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2020

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BILL

*further to amend the Indian Penal Code, 1860.*

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

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2020.

Short title and  
commencement.

(2) It shall come into force at once.

45 of 1860.

**2.** In the Indian Penal Code, 1860 (hereinafter referred to as the Code), in section 326A,  
5 for the words "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",  
the words "shall be punished with death or rigorous imprisonment for life, and with fine  
which shall not exceed rupees fifteen lakh".

Amendment of  
section 326A.

**3.** In the Code, in section 326B, for the words "shall be punished with imprisonment of  
10 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", the words "shall be punished with rigorous  
imprisonment of either description for a term which shall not be less than ten years but which  
may extend to fourteen years, and shall also be liable to fine which shall not exceed rupees  
five lakh".

Amendment of  
section 326B.

## STATEMENT OF OBJECTS AND REASONS

Acid attacks are becoming a growing phenomena which has a specific gender dimension in India. Laxmi's case is an example of what normally occurs in acid attack cases. The acid throwing is an extremely violent crime by which the perpetrator of the crime seeks to inflict severe physical and mental suffering on the victims. It is often motivated by deep seated jealousy or feelings of revenge against women. An acid attack has long lasting consequences on the life of the victim who faces a perpetual torture, permanent damage and other problems for rest of her life. Victims normally feel worthless, afraid and mortified and become social outcast because of their appearance.

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 Indian Penal Code and no 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 grievous hurt by use of acid and throwing or attempting to throw acid etc.

It is contended that even if the victims are willing to pursue a normal life, there is no guarantee that society itself will treat them as normal human beings given their appearance and disability after and attack. Therefore, the penalties proposed in the Indian Penal Code is insufficient and needs amendments for more rigorously punishing the perpetrators of these attacks and for monetary and economic rehabilitation of the victim of the attack.

The Bill proposes to enhance the quantum of penalty for acid attacks under sections 326A and 326B of the Indian Penal Code. It is expected that such stringent measures will curb acid attacks on women.

Hence this Bill.

MS. SAROJ PANDEY

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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326 A. Whoever causes permanent or partial damage or deformity to, or burns or Voluntarily causing grievous hurt by use of acid, etc. maims or disfigures or disables, any part of 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:

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.

326 B. Whoever throws or attempts to throw acid on any person or attempts to Voluntarily throwing or attempting to throw acid, 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.

*Explanation 1.*—For the purposes of section 326A and this section, "acid" includes 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.

*Explanation 2.*—For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.

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*(Ms. Saroj Pandey, M.P.)*