

Bill No. XLVI of 2009

THE ACID (CONTROL) BILL, 2009

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to provide for control of sale and distribution of acids in order to prevent the acid attacks on human being particularly women and girls and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Acid (Control) Act, 2009.

Short title,
extent and
commen-
cement.

(2) It extends to the Union Territories only.

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

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

Definitions.

(a) "acid" means any acidic solution sale and distribution of which is declared by the Central Government to be governed by or under the provisions of this Act.

(b) "dealer" means a person carrying on either personally or through any other person the business of selling any acid whether wholesale or retail.

(c) "Controller" means the Controller of Acids appointed by the Central Government under section 4.

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

Central Govt. to publish list of acids to which this Act apply.

3. (1) The Central Government shall, by notification in the Official Gazette, publish a list of acids to which the provisions of this Act shall apply.

(2) The Central Government may, at any point of time, may amend the list published under sub-section (1) above.

Appointment of Controller of Acids.

4. (1) The Central Government shall, by notification in the Official Gazette, appoint a **Controller of Acids to control and regulate the sale and distribution of acids in such manner as may be prescribed.**

(2) **Without prejudice to the generality of the provisions contained in sub-section (1), the Controller shall be empowered to,—**

(a) **ban the retail sale of acid to specified persons;**

(b) **prescribe compulsory licences for dealers authorised to sell acid in retail;**

(c) **ensure that the dealers, who sell acids, shall record the sale transactions in such manner as may be prescribed.**

(3) **The Controller shall be assisted by such number of officers, inspectors and employees as may be prescribed.**

(4) **The salaries, allowances and terms and conditions of appointments of the officers and employees shall be such as may be prescribed.**

Authorised dealers to sell acid.

5. Subject to provisions of section 6, no person other than the authorised dealers shall sell or possess any acid.

Exemptions on use of acids.

6. The Controller may, by notification, exempt any bonafide industrial or academic user from the provisions of this Act.

Penalties.

7. (1) Whoever contravenes any of the provisions of this Act or fails to comply with any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years, or with fine, which may extend to fifty thousand rupees or with both.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of acids in respect of which the offence was committed shall be forfeited to the Government and the establishment from which the stock was released shall be sealed.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

Offences by corporations.

8. Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Procedure for appeal.

9. In all trials for offences under this Act or the rules made thereunder, the magistrate shall follow the procedure prescribed in the Code of Criminal Procedure, 1973, for the trial of summary cases in which an appeal lies.

Presumption of possession.

10. In trials under this Act, it may be presumed unless and until the contrary is proved, that the accused has committed an offence under this Act or the rules made thereunder in respect of any acid preparations for the possession of which he fails to account satisfactorily.

Power of search and seizure.

11. Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being

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committed, and take possession of any stock of acid in respect of which the offence has been or is being committed and the provisions of the Code of Criminal Procedure, 1973, shall, so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under that Code.

12. Any officer exercising powers under this Act or under the rules made thereunder who—

Vexatious search and seizure.

(a) without reasonable ground for believing that it is necessary so to do, searches or causes to be searched any house, building or enclosed place or any vehicle, vessel or aircraft;

(b) vexatiously or unnecessarily seizes any acidic preparation;

(c) vexatiously or unnecessarily details, searches or arrests any person; or

(d) commits, as such officer, any other act to the injury of any person, without having reason, believe that such act is required for the execution of his duty;

shall for every such offence be punishable with fine which may extend to twenty thousand rupees.

(2) Any person willfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall be punishable with fine which may extend to twenty thousand rupees, or with imprisonment for a term which may extend to one year, or with both.

13. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating any of the matters dealt with in this Act.

Saving of other laws.

14. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

During the past few years there is sudden spurt in the incidents relating to acid attacks particularly, on women in the country. Every year many women are killed, maimed, blinded or scared for life by the acid attacks. The main and simple reason for this increase in such incidents is that there is no law in the country to regulate the sale of acids. As of now, anybody can walk down to the nearby store and can purchase any amount of acid over the counter for less than twenty rupees. In many countries, including Bangladesh there is an Acid Control Act which regulates the sale of acid and also the way it is produced, stored and transported. Unfortunately, in our country the acid is carelessly allowed to become a deadly weapon. Once this weapon is used on any women, the victim goes through a trauma throughout her life as even after many cosmetic surgeries and corrections the scar does not leave. Besides, there is permanent scar on the mind of the women reminding her of the gruesome incident throughout her life. There is a constant demand that a separate law should be in place to punish offenders of acid attacks but at the same time there is also a proposal that the focus of the remedial action should be on controlling the sale of acids, rather than punishing the perpetrators. It is, therefore, high time that a law on controlling the retail sale of acids should be framed and the violators should be severely punished. However, the bonafied users for industrial, research and academic purposes should be exempted from the purview of such law which shall be applicable to Union Territories only in view of the jurisdiction of the respective Governments on the subject.

The Bill seeks to achieve the above objectives.

Hence this Bill.

KALRAJ MISHRA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for appointment of controller of Acids, Officers, Inspector and Employees by the Central Government to control and regulate the sale and distribution of Acids. It is estimated that an amount of rupees one hundred crore would be involved from the Consolidated Fund of India annually. It is also estimated that a non-recurring expenditure of rupees fifty crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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(Shri Kalraj Mishra, M.P.)