

15011/66/2012 – SC/ST – W
GOVERNMENT OF INDIA
Ministry of Home Affairs
(CENTRE-STATES DIVISION)

New Delhi, the 20th April, 2015

To

- 1) Chief Secretaries of all State Governments including GNCTD
- 2) Administrators of DD, DNH, A&N, Lakshadweep

Sub.: Advisory on expediting cases of acid attack on women

Sir/Madam,

As you are aware, the issue of acid attack on women has been taken on a priority basis by the Government of India and several steps have been taken to prevent the incidents of acid attacks and provide treatment and compensation to the victims. The Criminal Law (Amendment) Act 2013 has incorporated the specific provisions on acid attack as an offence and also provided punitive measures to deal with non-compliance on cases of non-registration of crime and non-treatment to victims of several offences. A brief on the provisions related to acid attack are given in Annexure. The Hon'ble Supreme Court has also issued a series of directions under W.P.(Criminal) 129 of 2006; Laxmi minor vs. Union of India to take proactive measures on regulation of sale of acids; providing free treatment to the acid attack victims and disbursing compensation to the tune of atleast Rs. 3,00,000 (three lakh) to the acid attack victim. In accordance with the Hon'ble Supreme Court's direction, the Ministry of Home Affairs had issued an advisory "**Measures to be taken to prevent acid attacks on people and for treatment and rehabilitation of survivors**" on 30th August, 2013 to all States/UTs with the objective of regulating sale of acids and minimize the easy availability of acids. The advisory is available in Ministry of Home Affairs website http://www.mha.nic.in/sites/upload_files/mha/files/AdvisoryAfterSupremeCourtOrderInLaxmiCase_Short.pdf. The States/UTs are requested to apprise the Ministry of Home Affairs on steps taken these in this regard.

The issue of apprehending the culprits and fast tracking of justice also needs to be seriously considered. The whole objective of providing stringent punishment provisions (**Sec. 326A and 326B**) in the Criminal Law (Amendment) Act 2013 is to increase the deterrent value against the perpetrators of the crimes. Hence, it is requested that the States/UTs must take proactive measures to expedite investigation, trial of the acid attack cases and bring them under a definite time frame.

In the event of crime already been committed; the primary response of the administration should be focused on providing timely full and free treatment to the victims to the acid attack victim and the States must ensure that the victim be provided the same. In this connection it is pertinent to point out that a joint meeting was convened by the Union Home Secretary and Union Health Secretary with all States/UTs was convened on 14th March, 2015 to discuss on the directions of Hon'ble Supreme Court on treatment and compensation of the acid attack victims. In the meeting the following major decisions were taken and conveyed to the representatives of States/UTs.

- No acid attack victim will be denied treatment by any hospital, public or private under any pretext and any erring hospital/clinic violating the legislative provisions should be dealt with sternly **(Sec. 166B of IPC and Sec. 357C of Cr. P.C.)**
- The administrative machinery of the States/UTs will ensure treatment of acid attack victims
- Full and free treatment to be provided to the acid attack victims (Sec. 357C of Cr.P.C.)
- Minimum compensation of Rs. Three lakh must be provided to acid attack victim under Victim Compensation Scheme **(Sec. 357A of Cr.P.C.)**

The minutes of the meeting has been circulated to all the States/UTs for appropriate action. It is also relevant to mention that, in case of acid attack victims, treatment and compensation are to be treated separately. While treatment of victim should be the primary consideration, the disbursal of the compensation should also be expedited within the time frame as stipulated by the Hon'ble Supreme Court of India.

Lastly, it would not be out of place to mention that a comprehensive approach in tackling these types of crimes would go a long way in solving this menace. Hence, it is again reiterated that the States/UTs must take proactive measures to expedite investigation, trial, treatment and compensation and bring them under a definite time frame. This will not only have a deterrent effect but also provide solace to the victims and their family.

Yours faithfully,


(Kumar Ajay) 20/04/2015

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The President of India on 2nd April, 2013 has consented to the Criminal Law (Amendment) Act 2013, which have come to force since 3rd Feb, 2013, on crimes against women. Specific provisions in the act has been inserted to deal with cases of crimes against women including acid attack. The relevant provisions on acid attack cases are enumerated below :

SPECIFIC PROVISIONS FOR ACID ATTACK

- **Section 326A of IPC** provides for minimum 10 years imprisonment for the offence of causing hurt by acid attack, extendable to life, and with fine. The fine shall be just and reasonable to meet the medical expenses of treatment. Any fine levied under this section shall be given to the person on whom acid has been thrown or administered, which will be in addition to any compensation paid to the victim by the State Government under the Victim Compensation Scheme.
- **Section 326B of IPC** provides a minimum punishment of five years, extendable to seven years and fine for attempt to through or administers acid.

PROVISIONS FOR PUNISHMENT ON DENIAL OF REGISTRATION ON CRIMES AGAINST WOMEN

- **"166A. Public Servant knowingly disobeying direction of law :** Whoever, being a public servant,—
 - (a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or
 - (b) Knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or
 - (c) fails to record any information given to him under sub-section (l) of the Section 154 of the Code of Criminal Procedure 1973 (2 of 1974), in relation to cognizable offence punishable under Section 326A, Section 326B, Section 354, Section 354B, Section 370, Section 370A, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E or Section 509

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine

- **Section 166B of the Indian Penal Code : Punishment for non-treatment of Victim :** Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of Section 357C of the Code of Criminal Procedure, 1973, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

PROVISIONS ON TREATMENT OF VICTIMS OF CRIME

- **Section 357A of the Criminal Procedure Code : Victim Compensation Scheme :** Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. The Section also lays down detailed procedure for ascertaining compensation to be paid to the victims and disbursal method to be adopted.
- **Section 357B of the Criminal Procedure Code : Compensation to be in addition to fine under section 326A or section 376D of the Indian Penal Code :** The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code
- **Section 357C of the Criminal Procedure Code : Treatment to Victims :** 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.