

15011/66/2012 – SC/ST – W

Ministry of Home Affairs

CS Division

(SC/ST-W cell)

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NDCC – II Building, Jaisingh Road, New Delhi

26<sup>th</sup> February, 2015

To,

The Chief Secretaries / Home Secretaries of all States / Health Secretaries of all States /  
Administrators of all Union Territories

**Subject : Meeting convened by Secretary, Ministry of Home Affairs and Secretary, Ministry of Health and Family Welfare as directed by the Hon'ble Supreme Court on rehabilitation of acid attack victims on 14.03.2015 in North Block, New Delhi**


Sir / Madam,

The Hon'ble Supreme Court while adjudicating in W.P. (Crl). 129/2006; Laxmi vs. Union of India on 06.02.2015 has directed the Secretary, Ministry of Home Affairs and Secretary, Ministry of Health and Family Welfare to convene a meeting of State Chief Secretaries / their counterparts in all States /UTs to work out modalities to implement Section 357C of the Criminal Procedure Code (Cr.P.C.), which mandates provision of free treatment by public and private hospitals to the victims of criminal activities. *(The excerpt of the judgment is forwarded herewith for your perusal)*. As you may be aware, that the issue of providing free medical treatment to the acid attack victims has already been addressed through the Criminal Law (Amendment) Act, 2013 through insertion of Section 166B in the Indian Penal Code (IPC) which provides for punishment upto one year, in case the hospitals (public or private) do not provide first aid or medical treatment, free of cost, to the victims of acid attack

In the aforementioned context it is to intimate that a joint meeting has been convened to discuss with Chief Secretaries / Home Secretaries of all States / Health Secretaries of all States / Administrators of all Union Territories **on 14.03.2015 (Saturday) in Room No. 119, Conference Room, 1<sup>st</sup> Floor, North Block at 10:30 hours.** It is requested that you may kindly attend the meeting accordingly.

It is also requested that a brief writeup on the current position of the State with regard to sale of acid, steps taken to prevent acid attack, victim compensation fund (Sec. 357A of Cr.P.C.) and treatment to acid attack victims (Sec. 357C of the Cr.P.C.) may also be provided to the Ministry of Home Affairs to prepare an affidavit for submission in the Hon'ble Supreme Court.

yours faithfully

  
(Kumar Atal)  
26/02/2015  
Joint Secretary (CS)

Tel : 23438100 / email : jscs@nic.in

CC : PPS to Secretary, Ministry of Health and Family Welfare for information and necessary action



## EXCERPT OF JUDGMENT OF HON'BLE SUPREME COURT OF INDIA

**Case No. : Writ Petition (Criminal) no. 129 of 2006, Laxmi vs. Union of India**

**Date of Judgment : 6<sup>th</sup> February, 2015**

The first prayer of the petition is with regard to amending the Indian Penal Code (IPC) for dealing with acid attacks as a special offence. The necessary amendment has been made in the IPC and therefore nothing survives in this prayer.

The second prayer is for framing guidelines in respect of the need of the acid attack victims and the third prayer is for adopting measures for the proper treatment, aftercare and rehabilitation of the victims of acid attack. Finally, it is prayed that acid in all forms should be notified as a scheduled banned chemicals not available across the counter.

Insofar as the second and third prayers are concerned, we find that the issue of cost of treatment of acid attack victims has been adverted to in Section 357C of the Code of Criminal Procedure, which was inserted by an Amendment Act in 2013 with effect from 03.02.2013. How the Section will be implemented, particularly with regard to the payment of the hospitalization, medical treatment, etc. is not very clear from the Section.

We are told that some of the States have framed Model Rules for Compensation, but as pointed out in *Laxmi vs. Union of India* [(2014) 4 SCC 427] the rate of compensation is not uniform in all the States. In fact, this court has pointed out that the compensation should be enhanced at least Rs. 3,00,000/- (Rupees Three Lakhs only) as aftercare and rehabilitation cost. We have been informed that not all the States have framed adequate Rules in this regard keeping the directions issued by this court in mind.

Under the circumstances, we direct the Secretary in the Ministry of Home Affairs, Government of India and the Secretary in the Ministry of Health, Government of India to jointly convene a meeting of the Chief Secretaries / their counterparts in the States and Union Territories within a period of six weeks to work out the details with regard to treatment of acid attack victims keeping in mind not only the provisions of Section 357C of the Code of Criminal Procedure, but also the 226<sup>th</sup> Report of the Law Commission. The concerned officer should also discuss and prepare some Model Rules for compensation to be paid to the acid attack victims keeping in the mind the directions issued by this court in *Laxmi (Supra)*.

A consolidated affidavit in the form of a chart should be filed by the Secretary in the Ministry of Home Affairs within seven weeks from today (i.e. 06.02.2015). List the matters on 10<sup>th</sup> April, 2015.