

Law on acid attacks in India

December 16, 2022

In news— According to data compiled by the National Crime Records Bureau (NCRB), West Bengal and UP consistently record the highest number of such cases generally accounting for nearly 50% of all cases in the country year on year.

Law on acid attacks-

- **Until 2013, acid attacks were not treated as separate crimes.** However, following amendments carried out in the IPC, acid attacks were put under a separate **section (326A) of the IPC and made punishable with a minimum imprisonment of 10 years** which is extendable to life along with fine.
- The law also has **provisions for punishment for denial of treatment to victims or police officers refusing to register an FIR or record any piece of evidence.**
- **Denial of treatment (by both public and private hospitals) can lead to imprisonment of up to one year** and dereliction of duty by a police officer is punishable by imprisonment of up to two years.
- In 2013, the Supreme Court took cognizance of acid attacks and passed an order on the regulation of sales of corrosive substances. Based on the order, the MHA issued an advisory to all states on how to regulate acid sales and framed the **Model Poisons Possession and Sale Rules, 2013 under The Poisons Act, 1919.** It asked states to frame their own rules based on model rules, as the matter fell under the purview of states.
- According to the MHA's directions and the model rules, **over-the-counter sale of acid was not allowed unless the seller maintains a logbook/register recording the sale of acid.** This logbook was to also contain the details of the person to whom acid is sold, the quantity sold, the address of the person and also **specify the reason for procuring acid.**

- The sale is also to be made only when the buyer produces a photo ID containing his address issued by the government. The buyer must also prove he/she is above 18 years of age.
- Sellers are also required to declare all stocks of acid with the concerned Sub-Divisional Magistrate (SDM) within 15 days and in case of undeclared stock of acid. **The SDM can confiscate the stock and suitably impose a fine of up to Rs 50,000 for a breach of any of the directions.**
- The rules ask educational institutions, research laboratories, hospitals, government departments and the departments of Public Sector Undertakings, which are required to keep and store acid, to maintain a register of usage of acid and file the same with the concerned SDM.
- In August 2021, MHA issued another advisory to all States/ UTs to review and ensure that the **retail sale of acids and chemicals is strictly regulated in terms of the Poison Rules** so that these are not used in crime.

Victim compensation and care-

- Based on Supreme Court directions, the MHA asked states to make sure acid attack victims are paid **compensation of at least Rs. 3 lakhs by the concerned State Government/Union Territory** as the aftercare and rehabilitation cost. Out of this, a sum of Rs 1 lakh is to be paid to the victim within 15 days of the occurrence of such an incident to facilitate immediate medical attention and expenses in this regard. The balance sum of Rs. 2 lakhs is to be paid “as expeditiously as may be possible and positively within two months thereafter”.
- States are supposed to ensure that **treatment** provided to acid attack victims in any hospital, public or private, is **free of cost**. The cost incurred on treatment is not

to be included in the Rs 1 lakh compensation given to the victim.

- Apart from this, MHA suggested states should also extend social integration programs to the victims for which NGOs could be funded to exclusively look after their rehabilitative requirements.