

Law on Acid Attacks in India

Why in news?

The recent attack on a girl with an acid-like substance in Delhi's Dwarka by three assailants has once again brought back to focus the heinous crime of acid attacks and the easy availability of corrosive substances.

How prevalent are acid attacks in India?

- According to data compiled by the National Crime Records Bureau (NCRB),
- **Number of cases** - 105 cases in 2020 and 102 in 2021.
- **States with high cases - West Bengal and UP**
- They generally account for nearly 50% of all cases in the country year on year.
- **Chargesheeting rate of acid attacks - 89%** (in 2021)
- **Conviction rate of acid attacks - 20%** (in 2021)

✖ What is the law on acid attacks?

- Until 2013, acid attacks were not treated as separate crimes.
- Due to the amendments carried out in the IPC, acid attacks were put under a separate **Section (326A) of the IPC**.
- It made punishable with a minimum imprisonment of 10 years which is extendable to life along with fine.
- Denial of treatment to victims can lead to imprisonment of up to 1 year and dereliction of duty by a police officer is punishable by imprisonment of up to 2 years.

What is the law on the regulation of acid sales?

- **2013 Supreme Court Order** - Based on the order, the Ministry of Home Affairs issued an advisory to all states on how to regulate acid sales.
- It 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.
- **MHA's directions and Model rules**
- **Logbook** - 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 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.
- **Eligibility to procure 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.

- **Declaration of stocks** - Sellers are required to declare all stocks of acid with the concerned Sub-Divisional Magistrate (SDM) within 15 days.
- The rules ask educational institutions, research labs, hospitals, government departments and the departments of Public Sector Undertakings that keep and store acid, to maintain a register of usage of acid and file the same with the concerned SDM.
- **Penalties** - 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.
- In 2021, another advisory was issued 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.

What about victim compensation and care?

- **Compensation** - Based on Supreme Court directions, 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.
 - Rs 1 lakh - To be paid to the victim within 15 days of the occurrence of such an incident (for immediate medical attention and expenses)
 - Rs. 2 lakhs - To be paid as fast as possible and positively within 2 months thereafter
- **Care** - States are supposed to ensure that treatment provided to acid attack victims in any hospital, public or private, is free of cost.
- 1-2 beds at the Apex State Tertiary Hospital could be earmarked for the treatment of acid attack victims.
- Private hospitals which have availed the facility of concessional land for setting up the hospital could also be persuaded to earmark 1-2 beds.
- MHA suggested states should also extend social integration programs to the victims for which NGOs could be funded.

What lies ahead?

- The regulations on acid sales largely help in tracking the accused but not so much in prevention.
- The key to solving this problem will always remain in society.
- More awareness must be created.
- Parents must teach their children the importance of boundaries and consent.

References

1. [The Indian Express | What is the law on acid attacks in India?](#)