

A

Bill

*to make provisions to specifically criminalize acid and burn related violence by providing fair and speedy trial of such heinous offences and for matters connected therewith and incidental thereto*

**WHEREAS** further to prevent the misuse of corrosive substance and provide treatment to and for rehabilitation of acid and burn victims and their dependents and to further provide legal support and protection to them.

It is hereby enacted as follow:-

## Chapter I

### INTRODUCTION

1. **Short title, extent and commencement.**-(1) This Act may be called the Acid and Burn Crime Act, 2018.

(2) It shall apply to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**-(1) In this Act, unless the subject or context otherwise requires,-

- (i) "acid attack" means any act, caused by corrosive substance or throwing of acid or administered in any form on the victim with the intention that such person is likely to cause to the other person permanent or partial damage or injury or deformity or disfigurement to any part of the body or organ or cause death of such victim;
- (ii) "acid and burn victim" means a person who has been subjected to an acid attack or burn attack who has either survived as a result thereof or is dead;
- (iii) "attempt to commit" whoever does any act with the intention or knowledge and under such circumstances that the act may cause burn, injury or death;
- (iv) "burn attack" means any act of injury caused by fire or any other hot substances directed towards the victim with the intention that such act may result in complete or partial damage or deformity or disfiguration to any part of the body or organ of such victim or cause death through burn;

- (v) "Board" means the Board constituted under section 19; and
- (vi) "child" shall mean a person under the age of eighteen years;
- (vii) "crime" means any act of commission or omission punishable by this Act;
- (viii) "corrosive substance" means a substance tending to destroy, causing hurt, deface, dismember any body part of a person and includes every kind of acid corrosive substance, sulphuric acid, poison, mercuric chloride, explosive substance or heating substance or mercuric or bi-chloride or mercury, a white crystalline which acts as poison and includes a substance having corroding effect which is deleterious to human body.
- (ix) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (x) "Fund" means the Fund created under section 22.
- (xi) "Government" means the Federal Government;
- (xii) "medical treatment" shall include surgeries or associated procedures, nursing care, physiotherapy, psychological support, psychotherapy etc;
- (xiii) "medical facility" means any premises either Government or privately operated which dispenses medical treatment and other rehabilitation services to public;
- (xiv) "medical personnel" shall mean every concerned medical staff, officer, doctor, surgeon, psychologist or hospital representative before whom acid attack or burn attack victim has been brought for treatment;
- (xv) "PPC" means the Pakistan Penal Code, 1860 (Act XLV of 1860);
- (xvi) "rehabilitation" shall mean bringing or restoring a victim to a normal or optimal state of health, constructive activity, etc. by medical treatment and physical or psychological therapy and also to prepare such victim for useful employment or successful integration into society by counseling, training, etc;

(2) Words and phrases used but not defined in this Act shall have the meaning ascribed thereto in the PPC and the Code.

**3. Overriding effect.**-(1) Without prejudice to the provisions of this Act, the provisions of the Code shall apply *mutatis mutandis* in respect of cases under this Act:

Provided that if it appears that the accused has committed a different offence under any other law he may, if the court is competent to try that offence, be awarded such punishment as may be prescribed.

(2) The Provisions of this Act shall have an overriding effect and shall be in addition to and not in derogation to any other law for the time being in force.

**4. Application of certain laws.**- Victims of acid attack or burn attack shall be deemed to be person with disability and entitled to benefits and all measures prescribed under The Disabled Person (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981).

**5. Criminal liabilities.**- All offences committed under this Act shall be cognizable, non-compoundable and non-bailable.

## Chapter II

### Investigation, Trial and Appeal

**6. Offence of acid attack or burn attack.**- Whoever commits or attempts to commit an offence of acid or burn attack shall-

- (i) if such act has resulted in death of any person, be punished with punishment of death; and
- (ii) whoever intentionally causes hurt by acid and burn attack shall be punished with rigorous imprisonment for not more than seven years.

**7. Interim relief.**-(1) The court may, at any stage of the trial and on an application by the victim, direct the Government to give interim monetary relief to the victim to meet the expenses incurred and losses suffered by him. Such relief may include, but is not limited to,-

- (a) loss of earning;
- (b) medical expenses; and
- (c) damages on account of disfigurement or disability.

(2) The Government shall give monetary relief to the victim within the period specified in the order made in terms of sub-section (1) and in accordance with the terms thereof.

(3) Such amount which has been paid by the Government or the employer, as the case may be, shall be adjusted towards monetary relief payable by the convict as ordered in the final judgment or shall be recovered as arrears of land revenue.

**8. Realization of fines etc.-** The amount of fine imposed by court will be realized according to normal procedure provided under the Code and part of such recovered funds will be paid to the victim as compensation.

**9. Attempt to commit.-** Whoever attempts to commit an offence of acid attack or burn attack shall be punished with imprisonment of either description which may extend to seven years and also with fine not exceeding five hundred thousand rupees.

**10. Aiding, abetting, collusion.-** Whoever aids, abets or colludes in the commission of acid or burn attack either singly or jointly which may include preparation of act or of execution shall be guilty of committing the said offence and shall be liable to rigorous imprisonment up to seven years.

**11. Medical personnel-reporting, examination and other duties.-** Save as otherwise provided in section 174A of the Code if an acid or burn victim is brought to a medical officer, basic health unit, hospital, private, Government or semi-government controlled health centre, where medical services are provided shall immediately provide initial treatment to the victim and shall inform the nearest police station or concerned law enforcing agencies and shall also maintain a record in the hospital relating to the antecedents of the said victim, which may include photographic evidence.

**12. Government-run facilities to provide medical treatment and rehabilitation.-**  
(1) Government-run medical facility shall be under legal obligation to examine the victim or ensure medical examination by competent person or provide him with medical treatment and rehabilitation to treat the acid or burn victims free of cost.

(2) The court shall order that appropriate action be taken against the person in charge of the facility, if there is a contravention of the above provision.

**13. Investigation.-** Investigation under this Act must be completed by a police officer-in-charge of investigation not below the rank of inspector or SHO within thirty days of the registration of the FIR.

**14. Punishment for defective investigation.-** If the court finds during the course of investigation or at the conclusion of the trial that the investigation officer or other concerned officers have failed to carry out the investigation with due diligence or have failed to pursue the case properly and are in breach of their duties, the court shall punish such officer with imprisonment which may extend to two years, or with fine, or with both by resorting to summary proceedings.

**15. Trial time frame.-** Notwithstanding anything contained in any other law for the time being in force, the accused shall be prosecuted and the trial shall be conducted on day to day basis and shall be concluded within sixty days.

**16. Protection of witnesses.-**(1)The court, trying an offence under this Act, may, on application by a witness in any proceedings before it or by the public prosecutor in relation to

such witness or on its own motion, give such directions as it may deem fit, for the protection of witness or witnesses, as the case may be.

(2) Any person who fails to comply with any direction issued under sub-section (1), or any person who threatens or otherwise causes harassment to any such witness shall be guilty of an offence punishable with imprisonment which may extend to two years, or with fine of not more than one hundred thousand rupees or with both.

**17. Cognizance of the crime.-** On failure of lodging of a report by the notified officer the complainant or aggrieved party shall have the right to lodge complaint directly to the concerned court and the court shall take cognizance upon such complaint.

**18. Appeal.-** Any person, aggrieved by the order or judgment of conviction or acquittal passed by Sessions Judge or Additional Sessions Judge may appeal to High Court within a period of thirty days.

### Chapter III

#### Establishment of Acid and Burn Crime Monitoring Board

**19. Constitution of Board.-** (1) To implement the objectives of this Act, an Acid and Burn Crime Monitoring Board shall be constituted for a period of five years within thirty days of the commencement of this Act.

(2) The Board shall consist of following members keeping in view that there is at least thirty three percent women representation, namely: -

- (i) Secretary Ministry of Interior (GoP);
- (ii) representative of Bait-ul-Maal;
- (iii) two parliamentarians, at least one should be a woman;
- (iv) one medical doctor in burn field;
- (v) one lawyer;
- (vi) one retired Judge;
- (vii) one representative of the Ministry to which business of acid control stands allocated;
- (viii) Inspector General Police;
- (ix) one member of the National Commission on the Status of Women; and
- (x) two representatives from civil society organizations working in the relevant area.

(3) The Government shall nominate any of the members as chairperson of the Board.

**20. Role and responsibilities of the Board.-** (1) The Board will have the following role and responsibilities, namely: -

- (i) to ensure and monitor effective implementation of this Act;
- (ii) to formulate policies of treatment, rehabilitation and to provide legal aid to the acid and burn victims and take necessary steps to implement and monitor these policies.
- (iii) to organize necessary educational programs, campaigns and activities for the purpose of creating public awareness about adverse effects of the misuse of acid and its dangerous impact;
- (iv) to undertake research and propose mechanisms to curb crimes related to acid and burn attacks;
- (v) to formulate regulations within ninety days of commencement of this Act containing detailed mechanism of the Board operation, fund mechanism, dispensation of funds, signatories and other practicalities; and
- (vi) to take other necessary steps in order to carry out the objectives of this Act and above mentioned responsibilities and duties.

**21. Meeting of the Board.-**(1)The Board may decide the procedure of its meetings in accordance with the objectives of this Act as may be prescribed by regulations.

(2) All meetings of the Board shall be held at a place and time determined by its Chairperson. Notwithstanding any other consideration, there shall be at least one meeting in every three months.

(3) The quorum of a meeting shall be one-third of the total members of the Board.

## **Chapter IV**

### **Federal Acid and Burn Crime Monitoring Boards' Fund, Rehabilitation of Acid and Burn Victims, Free medical treatment and rehabilitation, free legal aid, and related provisions**

**22. Acid and Burn Crime Monitoring Fund.-** (1) The Government shall allocate a grant to the Board.

(2) The funds shall be collected from the following sources, namely: -

- (i) annual grant from the Government;
- (ii) Bait-ul-maal;
- (iii) grants and aid given by international donors; and
- (iv) funds provided by any non-governmental organization, private donors or individual philanthropists.

(3) Funds may be maintained and utilized according to the procedure and in the form determined by the rules made under this Act.

(4) Chairperson of the Board shall be the principal accounting officer.

(5) Detailed procedure with respect to maintenance of fund account, process of procuring funds as stated in sub-section (2) and operation of funds shall be provided in the rules.

**23. Accounting and auditing.-** (1) The Board shall maintain accounts properly in line with guidelines and polices contained in Government rules provided for such activities and prepare an annual report.

(2) Auditor General of Pakistan shall audit the accounts of the Board yearly and shall submit a copy of this audit report to the Government and to the Board.

**24. Free medical treatment for acid and burn victims.-** It shall be the responsibility of the Government to provide free medical treatment and rehabilitation to acid and burn victims. All basic health units and Governmental hospitals in Islamabad Capital Territory (ICT) shall be under duty to provide free medical treatment to acid and burn victims.

**25. Rehabilitation centre for acid and burn victim.-** (1) Government shall establish one or more than one rehabilitation centre for acid and burn victims.

(2) Governmental may declare any Government establishment as rehabilitation centre of acid and burn victims through gazette notification.

**26. Legal aid for the acid and burn victim.-** (1) Any victim or someone on his behalf may apply to the Board for legal aid.

(2) After considering application submitted under sub-section (1), or perusing some other information or considering its own assessment, the Board may decide to provide legal aid to any acid and burn victim, either by appointing a lawyer, or by engaging a lawyer of the victim's choice on reasonable legal fee.

## Chapter V

### Provisions related to women, children and dependants of victim etc

**27. Where acid and burn victim is a child.-** If acid and burn victim is a child, the Board shall provide free accommodation, for two years where required, at a suitable place and ensure long term sustenance of such victim.

**28. Support for acid or burn victim.-** The Board shall undertake responsibility for providing free shelter, sustenance and basic needs till such time that the victim is financially independent.

**29. Dependents of victims.-** Where acid and burn victims has dependants, the Board shall take the responsibility of providing sustenance or basic needs for such dependents till such time any dependants become financially independent and able to support the family.

**30. Duty review and assess cases.-** All cases mentioned in sections 29, 30 and 31 shall be reviewed and assessed by the Board from time to time and pass appropriate orders.

**31. Duty to assist victim during legal proceedings.-** It shall be the duty of the Board to ensure that acid and burn victim is protected from intimidation and harassment during course of his legal action.

## Chapter VI

### Miscellaneous

**32. Power to make rules.-** In furtherance of the objectives of this Act, the Government may by notification in official Gazette make rules.

**33. Power to make regulation.-** The Board may, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder.

### STATEMENT OF OBJECTS AND REASONS

Acid throwing & burn crimes are increasing year by year. Hundreds of women and children fall victim to this horrendous crime, with no possibility to seek justice and support.

Due to the socioeconomic circumstances pertaining to victim, the fear and stigma they are facing as well as the highly complex nature of acid & burn injuries, a specific and comprehensive legislation is needed. This will result in perpetrators facing effective deterrent, victims accessing and obtaining justice, availing free relevant medical and psycho-social rehabilitation services.



It is imperative to redress a crime, which constitutes one of the most heinous violations of human rights. We need to ensure the protection and dignified life of Pakistani citizens within the spirit of the international Conventions signed and ratified by the Pakistani state. These include UDHR, CEDAW, CRC, ICCPR.

These efforts to address this crime in an effective manner is fully in accordance with the principles of the Constitution of the Islamic Republic of Pakistan 1973.

**Sd/-**  
**Ms. Marvi Memon**  
**Member, National Assembly**