

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