



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

CRIME BRANCH CIRCULAR NO. 01 /2015

Sub: Cases of Acid attack: Investigation and medical treatment

Criminal Law (Amendment) Act, 2013 has inserted section 326A and 326B IPC, prescribing therein punishment for offences involving use of acid. Section 326A stipulates that whoever causes permanent or partial damage or deformity or grievous hurt etc. by throwing or by administering acid, shall be liable for imprisonment of either description, for a period which shall not be less than 10 years but which may extend to imprisonment for life and with fine. Similarly, throwing or attempting to throw acid with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt has been made punishable with imprisonment for a term which shall not be less than five years but may extend to seven years and also fine.

In order to regulate sale of acid, State Government vide Notification dated 3.5.2014, as published in Extraordinary Odisha Gazette No.831 dated 19.5.2014, have framed **Odisha Poisons (Possession and Sale) Rules, 2014**. Various kinds of acids have been specified in the Schedule of the Rules as "poisonous substances". The Rules provide that no person can sell or possess any acid specified in the Schedule except under a license granted by a licensing authority which means the Commissioner of Police or the District Magistrate or any other officer authorized by the Government. Any Executive Magistrate or a Police officer of and above the rank of Sub-Inspector of Police may at any time visit or inspect the premises of the license holder.

Hon'ble Supreme Court of India in **WP (Crl) No.129/2006 (Laxmi-Vrs- Union of India and Others)** has passed various orders regarding treatment, after care and rehabilitation of the victim of acid attack. Most significant of such orders pertains to payment of compensation of ₹ 3 lakhs uniformly throughout the country to the victims of acid attack. Such compensation shall be paid by the District Legal Services Authority within the ambit of Victim Compensation Scheme. The State Government vide **Notification No. 48516/C&HR dated 26.12.2013** have accordingly enhanced the amount of compensation to be paid to the victim to ₹ 3 lakhs and have further specified that ₹ 1 lakh of the compensation amount shall be paid to the victim within 15 days of the occurrence to facilitate immediate medical treatment.

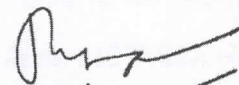
Cases of acid attack are being reported in different parts of the State off and on. During the year 2013, two cases were registered, while the number of cases went up to ten during the year 2014. As per data furnished by district SsP, five cases of acid attack have been registered during the first quarter of 2015 in various Police Stations.

In view of the sensitivity attached to such cases and the crime being mostly committed against women, the following action points are hereby ordered to be immediately implemented.

- 1) All cases of acid attack shall be treated as "**Red Flag Cases**" and copy of FIR shall be sent to CID, Crime Branch by fax or e-mail immediately upon registration. All stipulations of Red Flag Cases, as provided in Police Circular Order No.352/2014 shall be scrupulously followed.
- 2) Investigation of such cases shall be conducted by IIC of the PS and in such Police Stations where no Inspectors are posted, by the SDPO.
- 3) Prompt and expeditious action shall be taken to ensure arrest of accused on the basis of prima facie evidence.
- 4) A copy of the FIR, medical report and details of investigation as on date shall be transmitted to the Member Secretary, District Legal Services Authority on the 10th day of registration with a request to pay ₹ 1 lakh of the compensation

amount for medical expenses of the victim, in pursuance of the Government Notification stated above.

- i) As per direction of the Hon'ble Supreme Court in WP(CrI) No.129 of 2006 dated 10.4.2015, the hospital where the victim is given first-aid-treatment shall give a certificate that the individual is a victim of acid attack. This certificate can be utilized by the victim for treatment and reconstructive surgery. This certificate should be transmitted along with FIR and details of investigation to the Member-Secretary, District Legal Services Authority for payment of interim compensation.
- ii) Best possible medical facilities must be provided to the victims of acid attack in pursuance of the direction of the Hon'ble Supreme Court dated 10.4.2015 referred above. No hospital/clinic can refuse treatment, citing lack of specialized facilities. After stabilization, the victim/patient should be shifted to a specialized facility for further treatment. Any hospital/clinic refusing to treat the victim shall be held liable for legal action.
- 7) In pursuance of the Rule 11 of Odisha Poison (Possession and Sale) Rules, 2014, all IsIC/OsIC of Police Stations must inspect the premises of the license holder of acid once every month. They should specifically check the condition in which acids are kept for sale, maintenance of registers and overall compliance to the stipulations of the Rules stated above. A report regarding such inspection with omissions if any noticed, must be submitted to the District SsP/DCP concerned by 10th of every month.


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