

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

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

that to further prevent the misuse of corrosive substance and provide treatment and rehabilitation of acid and burn victims and their dependents.

to further five legal support and protection to them.

It is hereby enacted as follow:

Chapter I

1. Short title, extent and commencement.- (1) This Act may be called the Acid and Burn Crime Bill, 2014.

(2) It shall be applicable in ICT (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) "Crime" means any act of omission punishable by this Act;
- (ii) "Corrosive substance" means a substance tending to destroy, causing hurt, deface, dismember any person and includes every kind of acid corrosion, sulphuric acid, poison, mercuric chloride, explosive substance or heating substance or noxious things mercuric or bi-chloride or mercury, a white crystalline which acts as poison and includes a substance having corroding affect which is deleterious to human body and otherwise.
- (iii) "Code" means Code of Criminal Procedure (Act V of 1898);
- (iv) "PPC" means Pakistan Penal Code (Act XLV of 1860);
- (v) "Acid attack" means any act or omission, caused by corrosive substance/acid to be thrown 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/injury or deformity or disfigurement to any part of the body or organ or cause death of such victim;

- (vi) "Burn attack" means any act or omission caused by fire and any other hot substances directed towards the victim, with the other hot substances directed towards the victim, with the intention that such act or omission, may result in permanent or partial damage or deformity or disfiguration to any part of the body or organ of such victim or cause death through burn;
- (vii) "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;
- (viii) "Child" shall mean all persons under the age of 18 years.
- (ix) "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;
- (x) "Medical treatment" shall include surgeries or associated procedures, nursing care, physiotherapy, psychological support, psychotherapy etc;
- (xi) "Medical facility" means any premises either Government or privately operated which dispenses medical treatment and other rehabilitation services to public;
- (xii) "Appropriate Government" means the Federal Government or Provincial Government as defined in the Constitution of Islamic Republic of Pakistan 1973;
- (xiii) "Attempt to commit" whoever does any act with such intention or knowledge and under such circumstances that if he/she by that act may cause burn, injury or death;
- (xiv) "Medical personnel" shall means 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) "Acid and Burn Crime Monitoring Board" shall mean a monitoring body set up by appropriate Government, as defined under Chapter III section 24; and hereinafter referred as "the Board";
- (xvi) "Acid and Burn Crime Monitoring Board Fund" shall have the meaning as ascribed to it under Chapter IV, section 26 of this Act;
- (xvii) "Cognizable, Non-Bailable and Non-Compoundable" shall have the same meaning ascribed to as under Code of Criminal Procedure (Act V of 1898);
- (2) Words and phrases not defined in this Act shall have the meaning ascribed thereto in the PPC and the Cr.PC;

3. Overriding effect.- (1) Without prejudice to the provisions of this Act, the provisions of Criminal Procedure Code shall apply mutatis mutandis in respect of cases under this Act. Provided that if it appears that the offender has committed a different offence under any other law he/she may if the court is competent to try that offence, award such punishment.

(1) 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 Acts.- Victims of acid attack or burn attack shall be deemed to be person with disability and are entitled to benefits and all measures prescribed under The Disabled Person (Employment and Rehabilitation) Ordinance, 1981.

5. Criminal liabilities.- (1) 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.- (1) Whoever commits or attempts to commit an offence of acid or burn attack shall :

(i) If such act has resulted in the death of any person, be punished with rigorous imprisonment for life; and;

(ii) Whoever intentionally causes hurt by Acid and Burn attack shall be punished with rigorous imprisonment for not less than 7 years.

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

(a) loss of earning;

(b) medical expenses;

(c) damages on account of disfigurement and/or disability

(2) The Government shall pay monetary relief to the victim within the period specified in the order made in terms of sub-section (1) of section 8 and in accordance with the terms thereof.

(3) Such amount which has been paid by the government or the employer or debtor 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 criminal law, 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 7 years but shall not be less than 3 years and also with fine not exceeding one 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 same punishment as provided under section 10 above;

Medical personnel-Reporting, Examination and other duties

11. Save as otherwise provided in section 174A of CrPC if an acid/burn victim is brought to a medical officer, BHU, Hospital, Private, Government or Semi-government controlled health centre, where medical services are provided shall immediately provide initial treatment to victim and shall be under legal duty to inform concerned law enforcing agencies or nearest police station and shall also maintain a record in the hospital relating to the antecedents of the said victim.

12. **Photographic evidence.**- (1) Concerned medical personnel shall be under legal duty to take "photographs" of injuries of victim which shall become part of evidence. In case of failure of which, the court may, if satisfied that reasonable grounds exist, refer the matter to the competent authority for disciplinary proceedings against such medical personnel;

(2) Where victim is female, photographs shall be taken by female medical personnel and in case a female medical personnel and in case a female medical personnel, is unavailable it may be permissible for a male medical personnel to take pictures;

(3) Such photographs as mentioned in subsection (1) above shall be kept in safe custody of such medical personnel or medical facility and shall be admissible without calling such medical personnel. Such evidence shall become part of medico-legal file and all data contained therein shall be classified;

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

(2) The court shall on contravention of the above provision order to take appropriate action against medical personnel or medical facility as the case may be.

14. Investigation.- (1) Investigation under this Act must be completed by a Police Officer in charge of investigation not below the rank of Inspector/SHO within 14 (fourteen) days of being informed or registration of FIR.

(2) Where investigation cannot be completed within the time frame mentioned in sub-section (1), the court may allow time but not exceeding 14 days, provided reasonable grounds exist for such extension.

(3) Total time for investigation of acid or burn attacks shall not exceed 60 days; where it does, such failure may be used in performance assessment of the presiding judge or the officer in charge of investigation as the case may be;

15. Negligence of Investigating Officer.- If during trial, evidence is placed before the court of deliberate malfeasance of the investigating officer in charge of investigation, the court may pass appropriate orders for initiation of legal action against such officer(s) after recording reasons for doing so.

16. Punishment for defective investigation.- (1) If the court finds during the course of investigation or at the conclusion of the trial that the investigating 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(s) with imprisonment which may extend to two years, or with fine, or with both by resorting to summary proceedings;

17. Trial Time Frame.- (1) 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 seven days.

Witnesses

18. 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) above, or any person who threatens or otherwise causes harassment to any such witness shall be guilty of an offence punishable- by way of summary procedure with imprisonment which may extend to two years, or with fine or with both;

19. **Cognizance of the Crime.-** (1) The court may on the complaint or written report filed by a police officer not below the rank of an inspector/SHO or concerned medical officer take cognizance of the offence specified in this Act.

(2) On failure of lodging of a report by the notifies officer the complainant/aggrieved party shall have the right to lodge complaint directly to the concerned court and the court shall take cognizance upon such complaint.

(3) If the court comes to the conclusion that a person has complained or requested a police officer to register a case of acid attack or burn attack, but such efforts have failed, the court can accept complaint directly from the person for trial without the report described in subsection (1) above and issue directions/orders accordingly;

20. **Appeal.-** (1) Any person, aggrieved by the order or judgment of conviction or acquittal passed by Session judge or Additional Session judge held on a trial, may appeal to High Court within a period of 30 days.

Chapter III

Establishment of Acid and Burn Crime Monitoring Board

21. **Establishment of Acid and Burn Crime Monitoring Board “-** (1) To implement the objectives of this Act, there shall be established an “Acid and Burn Crime Monitoring Board”, hereinafter referred to as “The Board”;

(2) The Federal Government as the case may be, shall establish a Board consisting of following members keeping in view that there is at least 33 percent women representation :

(i) Secretary Ministry of Interior (GoP)-

Chairperson of the Board

(ii) Representative of Bait-ul-Maal

(iii) Two Parliamentarians, at least one should be a Women;

(iv) Two medical doctors;

(v) Two Lawyers;

(vi) One retired judge;

(vii) One representative of Ministry of Industries and Production relating to acid control;

- (viii) Inspector General Police;
- (ix) One member of NCSW;
- (x) Two representatives from civil society organizations working in the relevant area;

22. Role and Responsibilities of the Board.- (1) The Board will have the following role and responsibilities:

- 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 and campaign 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 rules within 90 days of passing of this Act containing detailed mechanism of the Board operation, fund mechanism, dispensation of funds, signatories and other practicalities;
- vi. To take other necessary steps in order to carry out the objectives of this Act and above mentioned responsibilities and duties;

23. Meeting of the Board.- (1) The Board can decide the procedure of its meetings in accordance with the objectives of this Act;

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

(3) The Chairperson will preside over all the meetings of the Board. In his/her absence, any other person so delegated will preside;

(4) Attendance of one-third members of the Board will form quorum for the meeting;

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

24. Acid and Burn Crime Monitoring Board Fund.- (1) The Government will establish an independent fund namely, 'Acid and Burn Crime Monitoring Board Fund' for achieving its objectives.

(2) The funds will be collected from the following sources :

- (i) Annual grant from the Government
- (ii) Bait-ul-maal;
- (iii) Grants provided by provincial and local authorities;
Funds collected from other sources;
- (iv) Grants and aid given by international donors; and
- (v) Funds provided by any non-governmental organization, private donors or individual philanthropist;

(3) All funds as mentioned under sub-section (2) will be deposited in any scheduled bank;

(4) Funds can be maintained and utilized according to the procedure and in the form determined by the Rules made under this Act;

(5) Chairperson of the Board shall be the principal accounting officer;

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

25. Accounting and Auditing.- (1) The Board will maintain accounts properly in line with guidelines and policies contained in Government rules provided for such activities and prepare an annual report;

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

Free medical treatment and Rehabilitation

26. Free medical treatment for acid and burn victims.- (1) 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 ICT (Islamabad Capital Territory) shall be under a duty to provide free medical treatment to acid and burn victims;

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

(2) Government may declare any Government establishment as 'Rehabilitation Centre of Acid and Burn Victims' through gazette notification.

28. Legal aid for the acid and burn victim.- (1) Any victim or someone on his/her behalf can apply to the Board for legal aid;

(2) After considering application submitted under sub-section (i), or perusing some other information or considering its own assessment, **the Board** can 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

29. Where acid and burn victim is a child.- If acid and burn victim is a child, Federal Government or the Board would provide free accommodation, for two years where required, at a suitable place and ensure long term sustenance of such victim;

30. Support for acid or burn victims.- The Federal Government or the Board would undertake responsibility for providing free shelter, sustenance and basic needs till such time that the victim is financially independent.

31. Dependants of victims.- Where acid and burn victim has dependants, the Board shall undertake the responsibility of providing sustenance or basic needs for such dependants till such time any dependants becomes financially independent and able to support the family.

32. Duty Review and Assess cases.- All cases mentioned in sections 31, 32 and 33, shall be reviewed and assessed by the Board from time to time and pass appropriate orders.

33. Duty to assist victim during legal proceedings.- It shall be the duty of Federal Government or the Board to ensure that acid and burn victim is protected from intimidation and/or harassment during course of his/her legal action.

Chapter VI

Miscellaneous

34. Power to make rules and regulations.- (1) In furtherance of the objectives of this Act, the Government/the Board may make Rules and Regulations to be notified through gazettee;

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 victims, 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/-

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