



गृह मंत्रालय
MINISTRY OF
HOME AFFAIRS



Project Report
on
Malham : A study on acid attack victims

(Project No. 04/MM:07)

Prepared by
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'Promoting Good Practices and Standards'



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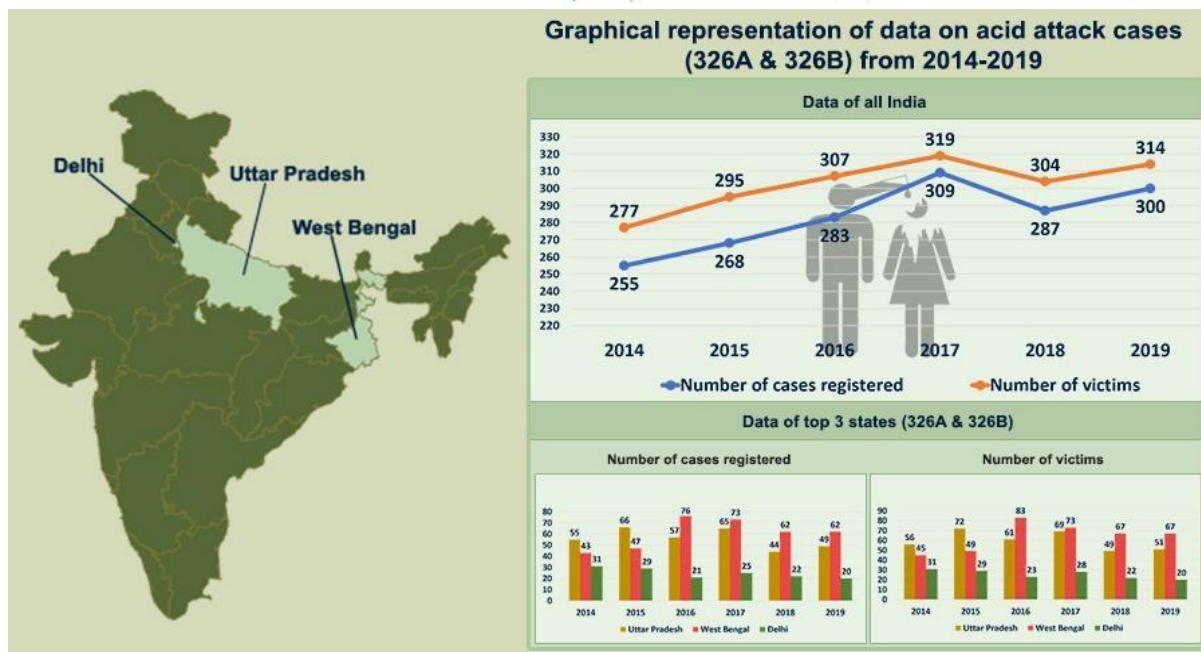
1.0 Background and history

Acid attacks are indeed a worldwide phenomenon and go many years back in history. The UK has, per capita, the highest rates of recorded acid attacks in the world. Nevertheless, the problem seems to be concentrated in the South Asian countries such as India, Pakistan, Bangladesh and Nepal.



Acid attacks in India

There is no separate statistics for acid violence cases in India till early 2013 because the Indian criminal Law did not recognize it as a separate offence. With the amendment in Indian Penal Code in February 2013 (presently Bharatiya Nyaya Sanhita, 2023), incidents of acid attack are now being recorded as a separate offence under section 124(1) and 124(2) of BNS, earlier section 326A and 326B resp. The first data available after the amendment relate to the year 2014 when 255 cases were reported from all over India. The incidents of acid attacks reported from all over India, in 2015 and 2016 are 268 and 283 respectively. The highest number of acid attacks incidents have been reported from the states of Uttar Pradesh, West Bengal and Union territory of Delhi. It is also likely that the incidence of attacks is higher than those reported.



Legal Framework

As pointed out earlier, there was no specific section of law dealing with acid attacks in India before 2013. Lately, the Indian Penal Code (presently Bharatiya Nyaya Sanhita) has been amended to add **sections 326A and 326B (presently sections 124(1) and 124(2) resp.)** which criminalize acid throwing and attempt at acid throwing respectively. The offences are cognizable, non-bailable, and triable by a Court of Session.

The Supreme Court also, has issued various guidelines to provide relief to acid attack victims. The Courts in various cases such as *Laxmi v Union of India*, *Parivartan Kendra & Anr vs U.O.I & Ors* and *Nipun Saxena vs Union of India* Ministry of Home, etc laid down a **stringent regulatory mechanism for sale of acid** to curb acid attacks, the court asked **private hospitals to bear the entire treatment cost** of acid attack survivors, including plastic and corrective surgeries and asked government authorities to take action against them if they fail to comply with its order.

The court had also enhanced compensation payable by state governments to acid attack victims to **Rs. 3 lakh** from the earlier Rs. 50,000, which has now been enhanced to **Rs. 5 Lakh**. It had also directed states to implement stringent norms for retail sale of acid, treating it as poison under the Poisons Act, 1919, within three months. It also had **banned sale of acid to minors** and said it could be **sold only to those with identity cards** issued by the government and who could specify the purpose for the purchase in writing. It had also asked the Centre and states to make acid attack offences non-bailable.

The above directions have been incorporated in the form of **sections 396(1)-(6), 396(7) and 397 of BNSS, earlier sections 357A, 357B and 357C of CrPC**. The ministry of Home Affairs on 20th April 2015 also issued an advisory to all the states and UT to ensure compliance of the directions of the Hon'ble Supreme Court. **Sections 199 and 200 of BNS, earlier Sections 166A and 166B IPC** have made disobeying of direction of law and non-treatment of victim punishable.

The Rights of Persons with Disability Act, 2016, recognizes disability from a sociological perspective rather than a medical one. It recognizes 'acid attack victims' as persons with a specified disability. An acid attack victim means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance. RPWD Act 2016, allows 4% reservation for persons with disabilities in government jobs.



2.0 Overview

2.1 Aim of Project Malham

- To understand the phenomenon, as well to tackle the menace better. We may like to understand the roles which gender, socio-economic status of the attacker as well as the victim, the cultural milieu, availability of the acid and the current legal framework, play in the phenomenon.
- To understand to what extent the Government agencies are implementing the directions of the Honourable Supreme Court as well as the provisions of law, and to identify the hurdles and bottlenecks in the implementation.
- Also to make efforts to identify each victim and see to it that she/he has been provided with all the assistance that the victim was entitled for. Also, with the help of various government and non-government agencies, the project will try to ensure that each individual victim is provided with some vocational or educational skill to enable her to provide for herself and live a life of dignity.
- To understand the phenomenon better, propose interventions, come up with a holistic SOP for investigation, prosecution and rehabilitation.
- Try to impress upon the need to enact policies to assist individual victims by providing opportunities with some vocational or educational skill to enable him/her to provide for him/herself and live a life of dignity.

3.0 Critical Assumptions and Constraints

In order to carry out the above objectives, data were solicited from different States and Union territories of the country through BPR&D in a format which is annexed as **Annexure A**. Responses were not received from Maharashtra, Bihar, Nagaland, Sikkim, West Bengal, A&N Islands, Daman and Diu, Dadra and Nagar Haveli, Ladakh, Lakshadweep and Puducherry. Data received from some of the states and UTs did not contain the responses to some of the fields in the format. The data relied upon, therefore, has been majorly divided into two. One comprises of responses in 1024 cases (1244 victims) all over India and the other of responses 706 or less cases. There are a few cases where the multiple victims were affected. In order to supplement the information received and to get a more holistic view, interviews of victims were conducted via telephone. The questionnaire for the phone interview is annexed as **Annexure B**. The initial methodology anticipated conduct of personal interviews, however, it wasn't possible due to Covid restrictions.

For the purpose of this document, the observations and analysis based on responses in 706 cases or less are marked with an asterisk and those based on the telephonic interviews with a hash. The rest of the observations are based on all the 1024 cases.

The data was analyzed to study the following:

General

- I. Gender dispersion
- II. Religious dispersion*
- III. Age wise distribution
- IV. The educational qualification of the victim[#]
- V. The socio-economic status of the victim[#]
- VI. Demographic distribution[#]



- VII. The nature/existence of relationship between the accused and the victim.
- VIII. Reason of attack

Status of the deliverables to the victim

- I. Payment of treatment expenses by the state[#]
- II. Investigation into the source of acid
- III. Action against acid seller
- IV. Payment of victim compensation[#]
- V. Gender disparity in compensation paid*

Interaction with the stakeholders of the state

- I. Interaction with the police[#]
- II. Interaction with the medical staff[#]

4.0 Situational Assessment and Problem Statement

1. As per the data, about **36 percent** of the victims are males, however, the study could not obtain the gender profile of the perpetrators.
2. Only about **21 percent** victims had been paid victim compensation. There is a stark difference however, between the percentages of male victims compensated as compared to female victims. Out of every 100 male victims, only 5 victims have been paid victim compensation, whereas for every 100 female victims 33 of them have been paid the compensation.
3. In most cases, no investigation into how accused procured acid is not carried out and action was taken against the acid seller in **less than 3%** of the cases.
4. Out of the 105 victims interviewed, 71 victims bore the cost of their own treatment.
5. With respect to the cases studied under this project, most victims did not report any counseling or rehabilitation by the state, the study also did not come across any victim who was beneficiary of the disability quota.
6. The project could not ascertain if any FIRs were registered u/s 199 BNS and 200 BNS, earlier sections 166A and 166B for disobedience related to directions in acid attack cases.
7. The quality of interaction with the medical staff was rated by the survivors to be better as compared to the interaction with the police.
8. The responses related to the sources of acid show that acid had been sourced locally.
9. The *Chhanv* foundation is an NGO working with the acid attack survivors and also runs “Sheroes Hangout” in Lucknow and Agra district of Uttar Pradesh, among other things. They carried out a campaign called “Shoot Acid” whereby volunteers were sent to local shops in Agra and Lucknow cities of Uttar Pradesh, to procure acid. They found that the acid could be procured from the open market and the guidelines issued by the Supreme Court as well as the Home department of the State of Uttar Pradesh were not being implemented.
10. Sheroes Hangout café in Lucknow was established in March 2016. The project is based on a model of a café running commercially for public. The girls who survived acid attacks are benefitted in terms of their recovery from the trauma of acid burn.



The café offers the girls with job opportunity to work at the café. It also helps the girls to pursue the career of their interest.

11. Sheroes Hangout café is a state project run by Chhanv Foundation and initiated in collaboration with the Ministry of Women and Child Development, Government of U.P. The Café is a one-stop centre for assistance for the survivors of acid attacks. The other aspects covered for the beneficiaries are medical recovery, family counseling, professional training and skill-based orientation to work in urban occupations.
12. At present Sheroes Hangout café in Lucknow has benefitted 25 acid attack survivors in employment at the café and medical recovery. The café has provided a platform to many other co-working organizations to conduct events of social reforms. The acid attack survivors have participated in major public platforms and forums across nation to spread the awareness against gender violence through our Stop Acid Attack survivors.
13. RTI activist Shri Durga Prasad Shukla, had sought information from various districts of Uttar Pradesh, about the implementation of the guidelines on sale of acid, under the Right to Information Act. However, the responses from various districts clearly show not just the sad state of implementation of the guidelines, but also abject apathy towards their implementation. **Annexure C** Mail from Shri Durga Prasad Shukla.

5.0 Implementation Strategy

5.1 Implementation Strategy

1. To have a proper SOP for investigation into acid attack cases, and to ensure proper investigation of cases. It would have to be ensured that investigation is done into the source of acid and action against the seller is taken. A SOP is attached. **Annexure D**
2. The victim compensation provided under the victim compensation scheme is generally low and is delayed. It is recommended that victim compensation in such cases be expedited and monitored through CCTNS.
3. The state shall ensure immediate and free treatment of acid attack survivors. The free treatment cost should not just include the surgeries required for survival, but also further restorative surgeries. Awareness about first aid treatment to be provided to acid attack victims is low, hence, short video tutorials can be prepared by the health department and propagated through social media.
4. Amendment in the Poisons Act to make selling of poison (acid) to unauthorized persons a cognizable offence. Till then, strict surveillance on acid sellers/Buyers must be carried out in the following manner to restrict the unauthorized sale of acid:
 - Special drives of decoy at the acid selling shops should be organized by local administration and police and when someone is found illegally selling the acid by ignoring the guidelines, a suitable action must be taken against him.
 - Each shop selling acid in wholesale or retail should keep a CCTV camera on selling-counter with 90 days of backup facility in a way that the face of buyer



is clearly visible.

- Each State should maintain an online portal of wholesale as well as retail sellers of acid. Each wholesale or retail shop owner selling acid should register on such online portal with the details of sell & purchase as per guidelines.
 - Any person wanting to buy acid from either a wholesaler or retailer should show his/her government identity card and mobile number, which shall be recorded in a register maintained by the Acid seller.
5. The victim or his/her attendant is generally not aware of his /her legal rights. It is recommended that the police provide them a brief description of all the legal rights, in the form of a pamphlet. The pamphlet shall contain the details of the amount of compensation prescribed for different injuries, list out responsibilities of the medical staff and the police personnel with their contact numbers, the right to free treatment, etc. A constable rank officer posted at the concerned police station can be made a liaison officer for each case.
 6. It is recommended that the states provide for a mechanism to ensure that the victims are provided with opportunities for vocational training and small loans, in order to enable them to be gainfully employed.
 7. The government departments may be required to necessarily communicate their vacancies to the identified victims and provide them opportunity to be employed under the disability quota.
 8. It is also recommended that the state home department personnel are trained and sensitized to the menace and must ensure the implementation of the Supreme Court guideline on sale of acid.
 9. The home department can be made a nodal, coordinating department for implementation of all the guidelines laid down by the Supreme Court, including the health department related guidelines. Stakeholders like Police, prosecution, Health services may be imparted training in first aid to be provided to the acid attack survivor. Further programs/seminars/workshops for effective implementations of the Supreme Court Guidelines for acid attack cases should be conducted regularly.
 10. A separate desk for acid attacks may be created with an existing helpline of the state. Existing mechanism and facilities of one-stop crisis centre at district level can be utilized for acid attack survivors to serve as a place where all medical, psychological, professional assistance can be provided at one place. Psychiatric counseling can be provided online and offline.
 11. Sensitization of the community specially the youth can be carried out by the Ministry of Information and broadcasting. Documentaries can be made to depict the consequences of acid attacks, existing acid crime legislation and guidelines, on the life of acid attack survivors and on the hardships faced by the survivors as well as their family members. These can be included in the school/college curriculum.

5.2 Deliverables and Stakeholders:

State level Monitoring committee chaired by Hon'ble Chief Secretary should be constituted for Quarterly Periodical Review on following parameters along with members of different



stakeholder departments for effective coordination & implementation of the Supreme Court guidelines. :-

Sr no.	Accountable Department /Officers	Parameters to look after
1.	Home Department DG & IGP	1. Quality of Investigations 2. Charge sheet filed 3. Charge sheet may be approved by one rank above officer before filing in a court. 4. Pending cases review 5. Restrict the unauthorized sale of acid by ensuring compliance of guidelines by the Supreme Court.
2.	Health & Family welfare Dept.	1. To provide for free medical treatment and immediate relief to acid attack survivors by Government and Private Hospitals. 2. To sensitize the community through video tutorials on the consequences of acid attacks and first aid to be provided to the acid attack survivor. 3. Ensure that the doctors and medical staff is adequately equipped and trained to deal with acid attack cases.
3.	Welfare Departments such as Social welfare department, Women & children Department, Labour Employment & Skill Development Department, Department for Physically disabled, etc	1. Imparting vocational skill training to acid attack survivors 2. Provide them with means of livelihood & rehabilitation.
4.	Legal Department	To monitor the implementation of Victim Compensation schemes in co-ordination with State legal service Authority & District Legal service Authority
5.	Directorate of prosecution	To review pending cases in courts and their speedy disposals.



Data Tables

Gender dispersion

S.No.	Name Of the State / UT	Victim Nos.				Victim %		
		M	F	Oth@	Total	M	F	Oth@
1	Andhra Pradesh	21	32	0	53	39.62	60.38	0
2	Arunachal Pradesh	2	0	0	2	100	0	0
3	Assam	19	19	1	39	48.72	48.72	2.56
4	Bihar	0	0	0	0	0	0	0
5	Chhattisgarh	9	4	0	13	69.23	30.77	0
6	Gujarat	15	33	1	49	30.61	67.35	2.04
7	Goa	1	1	0	2	50	50	0
8	Haryana	19	32	4	55	34.55	58.18	7.27
9	Himachal Pradesh	1	4	0	5	20	80	0
10	Jharkhand	17	6	0	23	73.91	26.09	0
11	Karnataka	14	25	0	39	35.9	64.1	0
12	Kerala	38	40	4	82	46.34	48.78	4.88
13	Madhya Pradesh	36	58	0	94	38.3	61.7	0
14	Maharashtra	0	0	0	0	0	0	0
15	Manipur	0	1	0	1	0	100	0
16	Meghalaya	1	3	0	4	25	75	0
17	Mizoram	0	2	0	2	0	100	0
18	Nagaland	0	0	0	0	0	0	0
19	Orissa	33	34	0	67	49.25	50.75	0
20	Punjab	47	29	0	76	61.84	38.16	0
21	Rajasthan	19	30	0	49	38.78	61.22	0
22	Sikkim	0	0	0	0	0	0	0
23	Tamil Nadu	5	28	1	34	14.71	82.35	2.94
24	Telangana	3	15	0	18	16.67	83.33	0
25	Tripura	12	10	0	22	54.55	45.45	0
26	Uttarakhand	23	16	0	39	58.97	41.03	0
27	Uttar Pradesh	68	292	11	371	18.33	78.71	2.96
28	West Bengal	0	0	0	0	0	0	0
31	Andaman & Nicobar Islands	0	0	0	0	0	0	0
32	Chandigarh	3	1	0	4	75	25	0
33	Daman & Diu, Dadra and Nager Haveli	0	0	0	0	0	0	0
34	NCT of Delhi	36	53	1	90	40	58.89	1.11
35	Jammu & Kashmir	6	5	0	11	54.55	45.45	0



S.No.	Name Of the State / UT	Victim Nos.				Victim %		
		M	F	Oth@	Total	M	F	Oth@
36	Ladakh	0	0	0	0	0	0	0
37	Lakshadweep Islands	0	0	0	0	0	0	0
38	Puducherry	0	0	0	0	0	0	0
All over India		448	773	23	1244	36.01	62.14	1.85

Religious dispersion*

State	Hindu	Muslim	Sikh	Christian	Buddhist	Jain	Not known	Total No. Of Cases
Andhra Pradesh	36	9	-	-	-	-	1	46
Arunachal Pradesh	-	1	-	-	-	-	-	1
Assam	10	18	-	-	-	-	-	28
Chhattisgarh	10	-	-	2	-	-	-	12
Goa	2	-	-	-	-	-	-	2
Haryana	49	3	2	-	-	-	1	55
Himachal Pradesh	3	2	-	-	-	-	-	5
Jammu & Kashmir	1	9	-	-	-	-	-	10
Jharkhand	13	-	-	-	-	-	1	14
Karnataka	29	9	-	-	-	-	-	38
Kerala	10	-	-	1	-	-	-	11
Manipur	1	-	-	-	-	-	-	1
Meghalaya	1	1	-	2	-	-	-	4
Mizoram	-	-	-	-	1	-	-	1
NCT of Delhi	13	4	1	-	-	-	1	20
Orissa	56	-	-	-	-	-	-	56
Punjab	32	2	29	1	-	-	15	79
Tamil Nadu	26	3	-	2	-	-	-	31
Telangana	12	5	-	1	-	-	-	18
Tripura	15	1	-	1	-	-	-	17
Uttar Pradesh	154	81	-	1	-	1	5	242
Uttarakhand	10	6	-	-	-	-	-	16
Grand Total	483	154	32	11	1	1	24	706



Age wise distribution

AGE WISE DISTRIBUTION DATA							AGE WISE DISTRIBUTION DATA %			
S. No.	Name Of the State/UT	upto 18	19 to 35	36 to 60	60+	Total	(0 to 18) %	(19 to 35) %	(36 to 60) %	(60+) %
1	Andhra Pradesh	1	28	22	2	53	1.89	52.83	41.51	3.77
2	Arunachal Pradesh	0	2	0	0	2	0	100	0	0
3	Assam	11	25	3	0	39	28.21	64.1	7.69	0
4	Bihar	0	0	0	0	0	0	0	0	0
5	Chhattisgarh	6	4	3	0	13	46.15	30.77	23.08	0
6	Gujarat	7	30	11	1	49	14.29	61.22	22.45	2.04
7	Goa	1	1	0	0	2	50	50	0	0
8	Haryana	8	33	14	0	55	14.55	60	25.45	0
9	Himachal Pradesh	1	4	0	0	5	20	80	0	0
10	Jharkhand	2	17	4	0	23	8.7	73.91	17.39	0
11	Karnataka	2	24	11	2	39	5.13	61.54	28.21	5.13
12	Kerala	7	38	31	6	82	8.54	46.34	37.8	7.32
13	Madhya Pradesh	15	53	24	2	94	15.96	56.38	25.53	2.13
14	Maharashtra	0	0	0	0	0	0	0	0	0
15	Manipur	0	1	0	0	1	0	100	0	0
16	Meghalaya	1	2	1	0	4	25	50	25	0
17	Mizoram	0	0	2	0	2	0	0	100	0
18	Nagaland	0	0	0	0	0	0	0	0	0
19	Orissa	4	34	21	8	67	5.97	50.75	31.34	11.94
20	Punjab	10	52	14	0	76	13.16	68.42	18.42	0
21	Rajasthan	11	25	13	0	49	22.45	51.02	26.53	0
22	Sikkim	0	0	0	0	0	0	0	0	0
23	Tamil Nadu	4	20	9	1	34	11.76	58.82	26.47	2.94
24	Telangana	4	12	2	0	18	22.22	66.67	11.11	0
25	Tripura	1	12	9	0	22	4.55	54.55	40.91	0
26	Uttarakhand	3	33	3	0	39	7.69	84.62	7.69	0
27	Uttar Pradesh	63	217	87	4	371	16.98	58.49	23.45	1.08
28	West Bengal	0	0	0	0	0	0	0	0	0
29	Andaman & Nicobar Islands	0	0	0	0	0	0	0	0	0
30	Chandigarh	0	4	0	0	4	0	100	0	0
31	Daman & Diu, Dadra and Nagar Haveli	0	0	0	0	0	0	0	0	0
32	NCT of Delhi	21	55	13	1	90	23.33	61.11	14.44	1.11



AGE WISE DISTRIBUTION DATA							AGE WISE DISTRIBUTION DATA %			
S. No.	Name Of the State/UT	0 to 18	19 to 35	36 to 60	60+	Total	(0 to 18) %	(19 to 35) %	(36 to 60) %	(60+) %
33	Jammu & Kashmir	2	6	2	1	11	18.18	54.55	18.18	9.09
34	Ladakh	0	0	0	0	0	0	0	0	0
35	Lakshadweep Islands	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0
All Over India		185	732	299	28	1244	14.87	58.84	24.04	2.25

Educational qualification of the victim[#]

EDUCATIONAL BACKGROUND	
No education or Pre- Primary	26
Primary (1st to 5th) & Upper Primary (6th to 8th)	26
Secondary (9th to 10th) & Higher Secondary (11th to 12th)	40
Graduation/ Diploma/ Post Graduation/ PG Diploma & Above	13
Total	105

Socio-economic status of the victim[#]

INCOME STATUS	
Low Income (Less than 2 lakh per year)	76
Middle Income (2 to 5 lakhs per year)	8
High Income (Above 5 lakhs per year)	0
Not Known	21
Total	105

STATUS OF EMPLOYMENT	
Unemployed	58
Employed / Self-Employed	45
Not Known	2
Other (Occupation/ Profession)	0
Total	105

Demographic distribution[#]

DEMOGRAPHIC DISTRIBUTION	
Urban	21
Rural	67
Town	13
Not Known	4
Total	105



The existence and nature of relationship between the accused and the victim

Victim - Accused Relationship			
S.No.	Relationship of Victim with the Accused	No. of Cases	Percentage
1	Person from Paternal or Maternal Family (Father, Mother, Brother, Sister, Son, Daughter, Cousin)	69	10%
2	Person from the family where victim is married (Husband, wife, In-Laws)	174	25.3%
3	Colleague, Neighbour, Friend, Lover, Partner, Tenant Servant	190	27.6%
4	Absconding -Person only met once/ saw once/only talked once/ known but with no interaction/ from same Village or city or town	234	34%
5	Completely Unknown Person / Accused Not Known	22	3.2%
Total		689	100%

Reason of attack

S. No.	Reasons of Attacks	No. of Cases	Percentage
1	Refusal of love, marriage and sex, Affair	38	13.01%
2	Property and Money Dispute	20	6.85%
3	Dowry	6	2.05%
4	Family Disputes	18	6.16%
5	Marital Disputes (non -compatibility, arguments, extra marital affairs etc.)	32	10.96%
6	Rape, Sexual Harassment, Molestation, Murder	8	2.74%
7	Enmity/eve teasing	150	51.37%
8	Others	20	6.85%
Total		292	100.00%

Payment of treatment expenses by the state[#]

DID THE VICTIM GET IMMEDIATE MEDICAL ATTENTION?	
Yes	97
No	8
Total	105

DID THE VICTIM RECEIVE ALL THE MEDICAL ASSISTANCE FREE OF COST?	
Yes	34
No	71
Total	105



Investigation into the Source of Acid

State-wise Sources of Acids in comparison with Number of Cases								
S. No.	Name Of the State / UT	Total Cases	Source A		Source B		Source C	
			Cases	%	Cases	%	Cases	%
1	Andhra Pradesh	46	13	28.26	5	10.87	28	60.87
2	Arunachal Pradesh	1	1	100	0	0	0	0
3	Assam	33	0	0	3	9.09	30	90.91
4	Bihar	0	0	0	0	0	0	0
5	Chhattisgarh	12	0	0	1	8.33	8	66.67
6	Gujarat	41	14	34.15	2	4.88	25	60.98
7	Goa	2	0	0	0	0	2	100
8	Haryana	55	8	14.55	0	0	47	85.45
9	Himachal Pradesh	5	3	60	2	40	0	0
10	Jharkhand	13	2	15.38	2	15.38	9	69.23
11	Karnataka	38	30	78.95	7	18.42	1	2.63
12	Kerala	76	37	48.68	4	5.26	57	75
13	Madhya Pradesh	79	18	22.78	2	2.53	59	74.68
14	Maharashtra	0	0	0	0	0	0	0
15	Manipur	1	1	100	1	100	0	0
16	Meghalaya	4	2	50	2	50	0	0
17	Mizoram	1	0	0	0	0	0	0
18	Nagaland	0	0	0	0	0	0	0
19	Orissa	56	4	7.14	5	8.93	47	83.93
20	Punjab	68	15	22.06	1	1.47	52	76.47
21	Rajasthan	39	9	23.08	4	10.26	26	66.67
22	Sikkim	0	0	0	0	0	0	0
23	Tamil Nadu	31	5	16.13	6	19.35	0	0
24	Telangana	18	9	50	0	0	9	50
25	Tripura	17	3	17.65	0	0	14	82.35
26	Uttarakhand	16	2	12.5	0	0	14	87.5
27	Uttar Pradesh	277	52	18.77	7	2.53	218	78.7
28	West Bengal	0	0	0	0	0	0	0
29	Andaman & Nicobar Islands	0	0	0	0	0	0	0
30	Chandigarh	4	4	100	0	0	0	0
31	Daman & Diu, Dadra and Nager Haveli	0	0	0	0	0	0	0
32	NCT of Delhi	81	6	7.41	0	0	75	92.59
33	Jammu & Kashmir	10	2	20	0	0	8	80
34	Ladakh	0	0	0	0	0	0	0
State-wise Sources of Acids in comparison with Number of Cases								



S. No.	Name Of the State / UT	Total Cases	Source A		Source B		Source C	
			Cases	%	Cases	%	Cases	%
35	Lakshadweep Islands	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
All over India		1024	240	23.44	54	5.27	729	71.19

Source A	Shops, Local Vendors, retailers, street hawker, traders, factories (Rubber, Chemical, etc.), Fertilizer Shops, Agricultural Stores, Petrol Pumps, Milk Store, Bathroom Cleaning Acid
Source B	Stolen From Labs, Extracted from battery, gold and silver polishing, Medicinal Acid
Source C	Other Sources (Kept in the house of the accused or victim, neighbour's house, from friends etc. rubber manufacturing, acid used in silver work, cleaning acid)

Action against acid seller

S. No.	Name Of the State / UT	Total Cases	Action against acid seller	Action %
1	Andhra Pradesh	46	1	2.17
2	Arunachal Pradesh	1	0	0
3	Assam	33	6	18.18
4	Bihar	0	0	0
5	Chhattisgarh	12	1	8.33
6	Gujarat	41	3	7.32
7	Goa	2	0	0
8	Haryana	55	1	1.82
9	Himachal Pradesh	5	1	20
10	Jharkhand	13	0	0
11	Karnataka	38	0	0
12	Kerala	76	1	1.32
13	Madhya Pradesh	79	2	2.53
14	Maharashtra	0	0	0
15	Manipur	1	0	0
16	Meghalaya	4	1	25
17	Mizoram	1	0	0
18	Nagaland	0	0	0
19	Orissa	56	3	5.36
20	Punjab	68	2	2.94
21	Rajasthan	39	1	2.56
22	Sikkim	0	0	0
23	Tamil Nadu	31	0	0



S. No.	Name Of the State / UT	Total Cases	Action against acid seller	Action %
24	Telangana	18	0	0
25	Tripura	17	0	0
26	Uttarakhand	16	1	6.25
27	Uttar Pradesh	277	3	1.08
28	West Bengal	0	0	0
29	Andaman & Nicobar Islands	0	0	0
30	Chandigarh	4	0	0
31	Daman & Diu, Dadra and Nager Haveli	0	0	0
32	NCT of Delhi	81	0	0
33	Jammu & Kashmir	10	1	10
34	Ladakh	0	0	0
35	Lakshadweep Islands	0	0	0
36	Puducherry	0	0	0
All over India		1024	28	2.73

Gender disparity in compensation paid*

S.No.	State	Male Data			Female Data		
		Male	Compensation Paid	Paid %	Female	Compensation Paid	Paid %
1	Andhra Pradesh	16	0	0	28	5	19.23
2	Arunachal Pradesh	2	0	0	0	0	0
3	Assam	12	0	0	13	2	15.38
4	Chhattisgarh	8	1	12.5	3	1	33.33
5	Goa	1	0	0	1	1	100
6	Haryana	19	0	0	33	0	0
7	Himachal Pradesh	1	0	0	4	2	50
8	Jammu & Kashmir	5	0	0	5	0	0
9	Jharkhand	16	1	14.29	5	1	20
10	Karnataka	13	1	7.69	24	4	16.67
11	Kerala	4	0	0	6	2	33.33
12	Manipur	0	0	0	1	1	100
13	Meghalaya	1	1	100	3	2	66.67
14	Mizoram	0	0	0	2	1	100
15	NCT of Delhi	11	1	12.5	13	4	36.36
16	Orissa	27	3	12.5	29	10	35.71
S.No.	State	Male Data			Female Data		



		Male	Compensation Paid	Paid %	Female	Compensation Paid	Paid %
17	Punjab	45	2	4.65	30	7	23.33
18	Tamil Nadu	3	0	0	27	10	38.46
19	Telangana	3	0	0	15	3	20
20	Tripura	11	0	0	7	0	0
21	UP	38	2	5.26	194	84	46.41
22	Uttarakhand	9	0	0	8	3	42.86
Grand Total		245	12	5.41	451	143	33.26

Interaction with the stakeholders of the state[#]

Behaviour of the medical staff during treatment	
0	1
1	3
2	5
3	11
4	42
5	20
Not Known	23
Total	105

Behaviour of police personnel	
0	4
1	13
2	16
3	41
4	3
5	2
Not Known	26
Total	105



Annexures

Annexure A – Format of collection of Data from State/UT

F.No-41/10/2019-NPM/BPR&D
Ministry of Home Affairs
Bureau of Police Research & Development
(National Police Mission)

New Delhi, September 26, 2019

Memorandum

**Sub: 'Project Malhem: A Support System for Acid Attack Victims'-
Status updates from States/UTs".**

In the context of Safety and Security of Women and Children, Micro Mission-7 of National Police Mission is working to find solutions to the issues at hand. As part of our continuing endeavor to augment skill at grass root levels, the Micro Mission has recently undertaken a project, styled '**Project Malhem- A Support System for Acid Attack Victims**'.

2. A need is felt to collect data from states on the subject and accordingly a format has been designed, attached as Annexure-'A'.
3. The project is required to be completed in a mission mode. There is an urgency of action and we would request that the inputs sought may please be sent to us by October 20, 2019.


(Neeraj Sinha)
Director (NPM)

**The Directors General of Police/Inspectors General of Police
All States/UTs**

**Annexure-'A'****Information regarding 326A cases since the year 2014**

1.

Sl. No.	Case crime no./ Police Station/Date of FIR	Age of the victim	Sex of the victim	Religion of the victim	Accused arrested or not/ date of arrest/ Date of bail, if bail granted	Wherefrom was the acid obtained	Whether the victim had reported any eve teasing or any enmity with the accused.	How did the victim know the accused?
1	2	3	4	5	6	7	8	9

Final report Ended in Charge sheet or otherwise / Date	Is the case being tried by a special court	Date of cognizance by the court.	Has the victim been paid any compensation, if yes the amount and under what scheme	Whether the cost of treatment of the victim was born by the state or the victim herself	Action taken against the acid seller, if any.	Mobile number through which the victim can be contacted.	Whether the state has provided victim with any kind of means of livelihood
10	11	12	13	14	15	16	17

2. Standard Operating procedure for investigation in cases of acid attacks in all the states and UTs
(Please attach)

3. Details of victim compensation scheme in the state/UT under which victims are compensated.
(Please attach)



Annexure B – Questionnaire for phone interview

1. Name of the victim/survivor:
2. Age of the victim/survivor:
3. Sex of the victim/survivor:
4. Marital status of the victim/survivor:
5. Working status of the victim:
 - Not working
 - Working with salary <5000
 - Working with salary between 5000 to 10000
 - Working with salary between 10000 to 25000
 - Working with salary above 25000
6. Geographical area where the victim resides:
 - Urban
 - Rural
 - Town
7. Educational qualification of the victim/survivor:
 - Matriculation
 - Twelfth pass
 - Graduate
 - Post Graduate
8. Economic status of the victim's/survivor's family:
 - Low
 - Medium
 - High
9. Date of the incident, FIR number, Police station:
10. Was the accused known to the victim, if yes how:
11. Did the victim get immediate medical attention?
12. Which hospital was she/he taken to at first, did they treat the victim?
 - Govt. Hospital
 - Private hospital
 - Specialist Hospital
13. Was the victim shifted to another hospital, if yes after how much time and why?
14. Did she/he receive all the medical assistance free of cost: Yes/No
15. Was the accused arrested: Yes/No



16. How did the accused person procure acid?
17. Status of the trial
18. Are the accused on bail, if yes, when did they get bail
19. What is the percentage of burn (from the Medico Legal report)
20. What is the amount the victim has received as victim compensation, when and under which scheme?
21. Did the victim receive any counselling/job/vocational training as arranged by the state or by any NGOs. If yes, please give details.
22. Suggestions on what could have been done better
23. Is there any vocation, they think they can take up to make themselves financially independent? If yes, please specify.



Annexure C – Mail from Shri Durga Prasad Shukla

1- On 06.02.2015, landmark judgment of Laxmi v. UoI came, where the SC in regard with banning the sale of acids directed—

The Centre and States/Union Territories shall work towards making the offences under the Poison Act, 1919 cognizable and non-bailable.”

7. “In the States/Union Territories, where rules to regulate sale of acid and other corrosive substances are not operational, until such rules are framed and made operational, the Chief Secretaries of the concerned States/Administrators of the Union Territories shall ensure the compliance of the following directions with immediate effect:

(i) “Over the counter, sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold”.

(ii). “All sellers shall sell acid only after the buyer has shown:

a) a photo ID issued by the Government which also has the address of the person.

b) specifies the reason/purpose for procuring acid.”

(iii). “All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.”

(iv). “No acid shall be sold to any person who is below 18 years of age.”

(v). “In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to Rs. 50,000/- “

(vi). “The concerned SDM may impose fine up to Rs. 50,000/- on any person who commits breach of any of the above directions.”

2- 11.05.2016 :-Direction was issued to all the District Magistrates as well as senior police officials within the state of U.P. in regard to the implementation of guidelines issued by the Hon’ble Apex Court in Laxmi Vs UoI pertaining to the ban on sale of acid.

3- 13.06.2016 :- Direction was issued to all the District Magistrates as well as senior police officials within the state of U.P. in regard to the implementation of guidelines issued by the Hon’ble Apex Court in Laxmi Vs UoI pertaining to the ban on sale .

4- 07.04.2017 Direction was again issued too observe strict compliance on the regulation of sale of acid and it was also observed that no proper compliance was being carried out by the authorities concerned in various districts as such it was directed to all the District Magistrates concerned to provide proper data on the website, fax as well as email of the Home Department by 7th day of every month.

2017-18 :-

RTIs regarding data on sale of acid were filed in different districts. The replies received were somewhat unsatisfactory where most of the replies were either deferred to other offices despite District Magistrate being the authority, while other replies tersely stated absence of any data on open sale of acid. Further, there is nothing to suggest that any step has been taken to curb the illegal sale of acids over the counter

DISTRICTS	REPLIES
Faizabad	Reply was given that till that date there were no registered sellers.



Amroha, Sant Kabir Nagar	To all such above questions no appropriate answers were provided and it was stated that these things are not related to the concerned and there are no registered sellers.
Bahraich, Bulandshehar, Chitrakoot	Answers were given that they have not received any document from the home department of the UP, there is no cognizance taken with respect to the illegal sale and various directions have been issued time to time to control the illegal sale but nothing was specifically mentioned as asked. To other questions, reply was that there is no such information available.
Banda	Answer was given that information regarding illegal sale of acid was being collected from the police stations, as soon as it will reach to the authorities, information will be provided. But no information was provided. First Appeal was also provided, but no substantial information was given.
Ghaziabad, Baliya, Moradabad	Reply was that such informations are not available.

21.1.1. INSUBSTANTIAL REPLIES

DISTRICTS	REPLIES
Faizabad	Reply was given that till that date there were no registered sellers.
Amroha, Sant Kabir Nagar	To all such above questions no appropriate answers were provided and it was stated that these things are not related to the concerned and there are no registered sellers.
Bahraich, Bulandshehar, Chitrakoot	Answers were given that they have not received any document from the home department of the UP, there is no cognizance taken with respect to the illegal sale and various directions have been issued time to time to control the illegal sale but nothing was specifically mentioned as asked. To other questions, reply was that there is no such information available.
Banda	Answer was given that information regarding illegal sale of acid was being collected from the police stations, as soon as it will reach to the authorities, information will be provided. But no information was provided. First Appeal was also provided, but no substantial information was given.
Ghaziabad, Baliya, Moradabad	Reply was that such informations are not available.



21.1.2. FIRST APPEAL HEARING

In some of the districts like Agra, Barabanki , basti, gautambudhnagar, Shahjahanpur, Saharanpur, unnao, urai-jalaun, we were not satisfied with the orders, therefore the matter went for first appeal hearing.

21.1.3. TRANSFERRED RTIs

In most of the districts RTI was transferred to the concerned authorities whose data is as follows-

<u>DISTRICTS</u>	<u>TRANSFERRED TO</u>
Auraiya, Hameerpur	DM transferred to deputy DM
Bhadohi	DM transferred to collectorate
Dibai	Deputy DM transferred to Tehsildaar/ RTI officer
Fatehpur	RTI officer transferred to office to DM and Deputy DM
Firozabad	DM transferred to District Excise Officer
Hardoi	DM transferred to Police Superintendent
Kanpur	RTI Officer transferred to commercial tax department
Lalitpur, Etah	DM transferred to food and drug department and RTI Officer transferred to food and drug officer respectively.
Mahoba	DM transferred to Business tax department
Mathura	RTI officer transferred to RTI officer of Police Department
Mau	Jurisdictional officer of Mau transferred to police superintendent
Sitapur	City Officer, DM Office transferred to officer-in-charge of arms
Rampur	From DM office to Police Superintendent, deputy DM and city magistrate.
Koshambi	RTI officer transferred to concerned department
Bareilly	RTI officer transferred to upper collector
Siddharthnagar	District officer said not related to them rather to the office of administrative officer and collectorate
Ghaziabad	RTI Officer transferred to district supply officer.

Reply was given to the aforesaid information sought by the offices of only four districts responded with information in compliance of directions issued by Hon'ble Apex Court i.e. Aligarh, Chitrakoot, Sonbhadra and Saharanpur



reply submitted by the districts namely Eta, Sultanpur, Balia, Gautambuddhnagar, Muradabad, Hapur, Fatehpur, Bulandshahar, Faizabad, Dibrui, Muzzafarnagar, Bahraich, Lalitpur, Kheri, Auraiya, Kanpur Dehat, Urai, Mau, Shamli, Meerut and Sant Kabir Nagar. reveal that no proper compliance is being carried out by the district authorities in regard to the mandatory directions issued vide G.O. No. 1160/cha-Pu-9-16-31(90)/2010 dated 10.05.2016, G.O. No. 1160(1)/cha-Pu-9-16-31(90)/2010 dated 11.05.2016, G.O. No. 1160(2)/cha-Pu-9-16-31(90)/2010 dated 13.06.2016, G.O. No. 1160(5)/cha-Pu-9-16-31(90)/2010 dated 05.07.2016 and G.O.No. 809/chha-Pu-9-16-31(90)/2010 dated 07.04.2017

That it is relevant to point out that no information was given by the district authorities of Agra as such a complaint was filed before the U.P. Information Commission and vide order dated 20.05.2019 it has been observed that the directions issued by the Hon'ble Apex Court in regard to the regulation of sale of acid within the district are not being followed. The true copy of the order dated 20.05.2019 passed by State Information Commissioner in Complaint No. 11/2693/A/17

That it is relevant to point out that the State Information Commissioner on due finding of fact in regard to the non compliance of order/directions issued by Hon'ble Apex Court has himself forwarded the copy of the order dated 20.05.2019 to the UP HOME DEPARTMENT for proper compliance of the orders of Hon'ble Apex Court.

16.05.2018 :- No information was provided by the district authorities of Lucknow as such on the complaint made before the State Information Commission a fine of Rs 25000/- was imposed upon the Information Officer, District Magistrate, Lucknow.
Present situation

- 1. Acid is still being sold in the open market without following above guidelines**

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Durga Prasad Shukla

Reach-out & Welfare Department of Chhanv Foundation



Annexure D - SOP for investigation into acid attack cases

Standard Operating Procedure (SOP) for Investigation and Prosecution in cases registered under Section 124(1) of BNS, earlier section 326A IPC

Scope

There was no specific section of law dealing with acid attacks in India before 2013. Lately, the Indian Penal Code (presently Bharatiya Nyaya Sanhita) has been amended to add sections 326A and 326B (presently section 124(1) and 124(2) resp.) which criminalize acid throwing and attempt at acid throwing respectively. The scope of this SOP is not only to provide a checklist to the police officers investigating cases related to acid attacks but also to sensitize them to a socio-cultural context to this kind of crime. Therefore, this SOP incorporates the various steps which may not be mandatory according to the law per se for prosecution purposes, but if followed will go a long way in preventing the crime as also in abating the problems faced by the victims.

Checklist or SOP

1. Registration of FIR

The SHO should inform the concerned jurisdictional SDM who shall undertake an enquiry into the source of the acid and shall proceed with action envisaged under the Poisons Act. The Supreme Court laid down a stringent regulatory mechanism for sale of acid to curb acid attacks on women and has directed states to implement stringent norms for retail sale of acid, treating it as poison under the Poisons Act, 1919, within three months. It also had banned sale of acid to minors and said it could be sold only to those with identity cards issued by the government and who could specify the purpose for the purchase in writing. If the victim has sustained life threatening injuries which could result in death, section 109 BNS, earlier section 307 IPC should be added and dying declaration must be recorded.

2. Treatment of the victim.

The Supreme court has ordered that private hospitals to bear the entire treatment cost of acid attack survivors, including plastic and corrective surgeries and asked government authorities to take action against them if they fail to comply with its order. Sections 199 and 200 BNS, earlier Sections 166A and 166B IPC have made disobeying of direction of law and non-treatment of victim punishable. Section 397 BNSS, earlier Sec 357C CrPC also covers victims of section 124(1) BNS, earlier section 326A IPC.

3. Investigation:

i) Identification of the accused.



- a) From the CCTV footages, if any
- b) Examination of eye witnesses
- c) Examination of the victim, if possible
- d) Identification of the vehicle used in the crime, registration number etc.
- e) Statement of the victim u/s 180 BNSS, earlier section 161 as well as section 183 BNSS, earlier section 164 CrPC

ii) Collection of material evidence from the SOC.

- a) Stains of acid on floor, mud, soil etc. where attack has taken place.
- b) (b) Swabs of acid from the body of the victim to be collected at the time of medical examination/post-mortem.
- c) Container from which acid was thrown at crime scene or around the crime scene.
- d) Fingerprints on the container from which acid was thrown.
- e) Pieces of glass bottle, bulb, plastic bottle/jar, etc.
- f) Stains of acid found on the clothes, body, vehicle of the accused.
- g) Sign of burnt injury on the body of the victim.
- h) Burnt or partially burnt clothes of the victim/accused

iii) Investigation by the IO

- a) Investigating Officer should collect information of incident in detail from the witnesses and the victim.
- b) Apprehend the accused as soon as possible and collect the clothes he was wearing at the time of committing the act.
- c) If the container still contains some acid or the traces of acid, collect that acid in a separate glass bottle.
- d) Collect soil, mud where stains of acid are visible.
- e) If cases where the acid stains are on the floor made of bricks, concrete or coal tar, the floor surrounding it be removed with the help of hammer and chisel. The control sample is taken from some distance away.
- f) Take photograph of crime scene along with the photograph of victim showing the burnt parts.
- g) Victim should be taken to a nearby hospital for medical examination and treatment and for collection of clothes/hair having acid stain.
- h) Doctor in the hospital should take swab from burnt part of body and collect washings in a bottle.



- i) Check the hands of the accused/ suspect if they contain any acid burns.
- j) Look for any tyre marks, foot, shoes, etc., at the scene of acid attack and lift /photograph.
- k) Ascertain the exact place and direction from where acid was thrown.
- l) Call an expert from Forensic Science Laboratory to assist in the collection of evidences
- m) Record the statement of victim.
- n) Collect CCTV footage, if available.
- o) Mobile phone of victim to track the attacker and check e mail record for linking purpose.
- p) Find out the source from where acid was purchased. IO should then check whether the dealer had a valid license for selling acid and identification proof of the buyer submitted to shopkeeper.
- q) Conduct of test identification parade wherever possible.

iv) Investigation into the procurement of acid

The Supreme Court laid down a stringent regulatory mechanism for sale of acid to curb acid attacks. It had also directed states to implement stringent norms for retail sale of acid, treating it as poison under the Poisons Act, 1919, within three months. It also had banned sale of acid to minors and said it could be sold only to those with identity cards issued by the government and who could specify the purpose for the purchase in writing. Most states have complied with the Supreme Court directions, therefore investigation into the sale of acid must be carried out. The person who violates the regulations regarding the acid sale must be penalized as per the law. Also, the investigation must take into account the role of the seller and charge him as abettor/conspirator in case such intent or knowledge is found.

v) Other relevant circumstantial evidence.

Collection of relevant evidence related to stalking, threatening such as call detail records and other evidence from the mobile phone of the accused.

4. Admissibility of Electronic evidence:

Collection of relevant evidence related to stalking, threatening, call detail records and evidence from the mobile phone of the accused. All such evidence shall comply with the section 63 of BSA, earlier section 65 B of Indian Evidence Act.

5. Medical Report



Photograph of the wound/burns.

6. Victim compensation

The Supreme Court had enhanced compensation payable by state governments to acid attack victims to Rs. 3 lakh. The Prime Minister National Relief Fund provides for an immediate assistance of Rs. 1 lakh within 15 days of the incident, where the DM is responsible for sending a request to that effect. The above directions have been incorporated in the form of sections 396(1)-(6) BNSS, earlier section 357A CrPC and the victim compensation scheme of the state and the centre.

Credits

Project Manager

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Project Coordination and Research

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