

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

to amend various Acts and Codes in relation to protection against acid crimes, and rehabilitation of and compensation for victims of acid crimes.

WHEREAS the Constitution recognizes the fundamental rights of women and children to security of life and liberty, and dignity of person;

AND WHEREAS it is expedient to institutionalize measures which prevent and protect women and children from acid crimes and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**- (1) This Act may be called the Acid Control and Acid Crime Prevention Act, 2010.

(2) It shall come into force at once.

2. **Amendment of Section 332, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the said Code, in section 332, in sub-section (1),-

(i) between the words "disables," and "or", the words and commas "disfigures, defaces" shall be inserted; and

(ii) between the words "dismembers" and organ, the word "any" shall be inserted.

3. **Insertion of new sections 336A and 336B, Act XLV of 1860.**- In the said Code, after section 336, the following new Sections 336A and 336B shall be inserted, namely:-

336A. Voluntarily causing hurt by dangerous means or substances. Whoever voluntarily causes hurt by means of fire or by any heated substance, or by means of any poison or any corrosive substance or acid, or by means of any explosive or arsenic substance or by means of any substance which is deleterious to the human body to come into contact with, to inhale, to swallow, or to receive into the shall be called to have caused hurt by dangerous means or substances.

336B. Punishment for causing hurt by dangerous means or substances. (1) Whoever, by doing any act with the intention of causing hurt to any person, or with the intention that is likely to cause hurt to any person, causes hurt by dangerous means or substances to any person, shall be punished with imprisonment for a term which may extend to the whole of life, or with fine which may not be less than five hundred thousand rupees, or with both.

(2) Notwithstanding the provision contained in sub-section (1) hereof, the court may, at any stage of the trial on an application by the aggrieved person, direct the accused to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and such relief may include, but is not limited to:-

- (a) loss of earning; and
- (b) medical expense.

(3) The accused shall pay monetary relief to the person aggrieved within the period specified in the order made in terms of sub-section (2) and in accordance with the directions of the Court in this regard.

(4) The court may, upon failure on part of the accused to make payment in terms of the order under sub-section (3) direct an employer or debtor, of the accused, to directly pay the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the accused, and this amount may be adjusted towards the monetary relief payable by the accused or may recover the same as arrears of land revenue."

4. **Amendment of Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898) in Schedule II, after the entries relating to section 336, the following new entries shall be inserted, namely:-

1	2	3	4	5	6	7	8
"336A	Causing hurt by dangerous means or substances	Ditto	Ditto	Ditto	Not compoundable	Imprisonment of either description for life or with fine, or with both	Court of Session"

5. **Amendment of Section 2(1), Act XII of 1919.**- In the Poisons Act, 1919 (Act XII of 1919), hereinafter referred to as the said Act, in section 2,-

(i) for sub-section (1) the following shall be substituted, namely:-

"(1) The Provincial Government may by rules consistent with this Act regulate or prohibit, within the whole or any part of the territories under its administration, except under and in accordance with the conditions of a license granted as provided by this Act and those rules, the manufacture, possession, use, sale and purchase, whether wholesale or retail of poisons or any specified poison."

(ii) after sub-section (2), the following sub-sections (3), (4) and (5) shall be added, namely:-

"(3) Except as provided by sub-section (4), a person shall not manufacture, distribute, supply or sell by wholesale or retail any poison unless he is licensed pursuant to the provisions of section 2A to do so.

(4) Subject to this Act and the rules,-

(a) a pharmaceutical chemist is authorized to manufacture, have in his possession, and to use, supply or sell at his pharmacy in the ordinary course of his retail business any preparation, admixture or extract containing any poison;

(b) a medical practitioner or veterinary surgeon is authorized to have in his possession and to use, supply or sell in the lawful practice of his profession any poison; and

(c) any dentist is authorized to have in his possession and to use in the lawful practice of his profession any poison.

(d) any other category of person notified by Provincial Government in the official gazette shall also be allowed to have possession and use in the lawful practice of his profession any poison.

(5) Subject to this Act and the rules,

- (a) it shall not be lawful to sell any non-medicinal poison to any person unless that person is either:-
 - (i) certified in writing in the prescribed manner by a person authorized under the rules to give a certificate for the purposes of this section, or
 - (ii) known by the seller or by a pharmacist in the employment of the seller where the sale is effected,
- (b) the seller of any such poison shall not deliver it until: -
 - (i) he has made or caused to be made an entry in a book to be kept for this purpose stating in the prescribed form the date of the sale, the name and address of the purchaser and of the person (if any) by whom the certificate required under paragraph (a) above was given, the name and quantity of the article sold, and the purpose for which it is required to the purchaser, and
 - (ii) the purchaser has signed the entry.”

6. **Insertion of new section 2(A), Act XII of 1919.**- In the said Act, after section 2, the following new section shall be inserted, namely:-

“2A. License to sell poisons (1) Subject to this Act and the rules to be prescribed a licensing authority may grant a license:-

- (a) to make any poison;
- (b) to manufacture and distribute or sell by wholesale any poison;
- (c) to sell by retail any poison; or
- (d) to import across a customs frontier any poison.

in or at any pharmacy or other premises or place of business specified in the license, to any person who satisfies the licensing authority that he is a fit and proper person to be the holder of such a license.

(2) An application for a license under this section shall be made in the prescribed manner to the licensing authority that he is a fit and proper person to be the holder of such a license.

(3) The licensing authority shall not grant any license under this section unless and until it is satisfied that the premises of the applicant are suitable for the purpose in respect of which application is made for the license, and are properly and hygienically equipped for that purpose.

(4) All existing pharmacies, dealers, vendors, manufacturers, suppliers and other persons who require a license pursuant to sub-section (1), shall apply to the licensing authority for the relevant license not later than six months from the date of framing of rules under the this Act.”

7. **Substitute of section 6, Act XII of 1919.**- In the said Act, for Section 6, the following shall be substituted, namely: -

“6. Penalties.-

(1) Whoever---

- (a) commits a breach of any condition contained in Section 2 or of any rule made under Section 2,
- (b) imports without a license into Pakistan across a customs frontier defined by the Federal Government any poison the importation of which is for the time being restricted under Section 3, or
- (c) breaks any condition of a license granted to him under Section 2A, shall be punishable---

- (i) on a first conviction , with imprisonment for a term which may extend to one year or with fine which may extend to one hundred thousand rupees, or with both, and
- (ii) on a second and subsequent conviction, with imprisonment for a term which may extend to two years, or with fine which may extend to two hundred thousand rupees, or with both.”

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages, or coverings in which the same is found, shall be liable to confiscation, and notwithstanding anything contained in the Code of Criminal Procedure, 1898 the offences under this section shall be cognizable, non-bailable and compoundable.”

8. Insertion of Clause 6A, Act XII of 1919.- In the said Act, after Section 6, the following new Section shall be inserted, namely: -

“6A. **Cancellation and suspension of licenses.**- Where any person is found to have contravened any of the provisions of this Act, or the rules in respect of any poison and the contravention is of such of nature that the import, export, manufacture or sale of any poison by such person is, in the opinion of the licensing authority, likely to endanger public health, that authority may, after giving such person an opportunity of being heard, cancel the license to make, manufacture, distribute, sell and import poison issued to that person or suspend such license for a specified period.”

9. Amendment of section 8, Act XII of 1919.- In the said Act, in section 8, after sub-section (3), the following new sub-section (4) shall be added, namely:-

“(4) The rules made under this Act shall be laid before the Parliament no later than one year from the date of entry into effect of the Acid Control and Acid Control and Acid Crime Prevention Act, 2009.”

STATEMENT OF OBJECTS AND REASONS

The crime of throwing acid on women is becoming more common and recurring day by day. The main cause of it is the absence of proper legislation on this subject. Moreover, there is no law to regulate the manufacturing and supply of acids, resultantly, any person has easy access to them. Therefore, the criminal minded people are constantly using it as a dangerous and devastating arm against the women. In view of these circumstances, there has been an increasing need to make comprehensive legislation in this regard.

2. The Bill seeks to achieve the afore-said objectives.

Sd/-
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