

ITEM NO.46

COURT NO.8

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Criminal) No.129/2006

LAXMI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for permission to file additional documents, exemption from filing O.T., brining on record, directions, impleadment, permission to file counter affidavit, C/delay in filing affidavit and office report)
(For final disposal)

WITH

W.P.(C) No. 867/2013

(With appln.(s) for exemption from filing O.T. and impleadment and Office Report)

Date : 06/02/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

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Puducherry	Mr. V.G. Pragasam, AOR Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the parties for quite some time.

This petition pertains to acid attack victims.

The first prayer in the petition is with regard to amending the Indian Penal Code (IPC) for dealing with acid attacks as a special offence. The necessary amendment has been made in the IPC and, therefore, nothing survives in this prayer.

The second prayer is for framing guidelines in respect of the need of the acid attack victims and the third prayer is for adopting measures for the proper treatment, aftercare and rehabilitation of the victims of acid attack. Finally, it is prayed that acid in all forms should be notified as a scheduled banned chemical not available across the counter.

Insofar as the second and third prayers are concerned, we find that the issue of cost of treatment of acid attack victims has been adverted to in Section 357C of the Code of Criminal Procedure, which was inserted by an Amendment Act in 2013 with effect from 03.02.2013. How the Section will be implemented, particularly with regard to the payment of the hospitalization, medical treatment, etc. is not very

clear from the Section.

We are told that some of the States have framed Model Rules for compensation, but as pointed out in Laxmi Vs. Union of India [(2014) 4 SCC 427] the rate of compensation is not uniform in all the States. In fact, this Court had pointed out that the compensation should be enhanced to at least Rs.3,00,000/- (Rupees three lakhs only) as aftercare and rehabilitation cost. We have been informed that not all the States have framed adequate Rules in this regard keeping the directions issued by this Court in mind.

Under these circumstances, we direct the Secretary in the Ministry of Home Affairs, Government of India and the Secretary in the Ministry of Health, Government of India to jointly convene a meeting of the Chief Secretaries/ their counterparts in the States and Union Territories within a period of six weeks to work out the details with regard to treatment of acid attack victims keeping in mind not only the provisions of Section 357C of the Code of Criminal Procedure, but also the 226th Report of the Law Commission. The concerned officers should also discuss and prepare some Model Rules for compensation to be paid to the acid attack victims keeping in the mind the directions issued by this Court in Laxmi (supra).

A consolidated affidavit in the form of a chart should be filed by the Secretary in the Ministry of Home Affairs within seven weeks from today.

List the matters on 10th April, 2015.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER