

ABSTRACT

Medical - Acid Victims – free medical treatment to acid attack victims – instructions – Issued.

HEALTH AND FAMILY WELFARE (E1) DEPARTMENT

G.O.(D) No.641

Dated :20.06.2013
Thiruvalluvar Aandu 2044

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Read:

From the Under Secretary to Government of India, Ministry of Health and Family Welfare (Hospital Section), Government of India, Letter No.Z.28015/ 46/ 2013-H, dated 2.5.2013.

ORDER:

The Under Secretary to Government of India, in his letter read above, has stated that a Writ Petition (Criminal) No.129 of 2006, in the matter of Laxmi through her father Vs. Union of India and others filed before Hon'ble Supreme Court in the context of acid attack. Hon'ble Supreme Court in its judgement dated 31.8.2012 directed the Union Home Secretary to discuss the enactment of appropriate provisions for effective regulation of sale of acids in all States/UTs. He has also stated that the Criminal Law (Amendment) Act, 2013 (No.13 of 2013), which came into force on 3rd February, 2013 and has been gazetted on 2nd April, 2013. As per the Section 357-C inserted in Code of Criminal Procedure, 1973 by amendment, it has been provided that "All Hospitals, public and private whether run by the Central Government, the State Government, Local bodies or any other person, shall immediately, provide the first-aid of medical treatment, free of cost, to the victims of any offence under Section 326A, 376, 376-A, 376-B, 376-C, 376-D or Section 376-E of the Indian Penal Code and shall immediately inform the police of such incident."

2. Further, section 326-A provides that "Whoever causes permanent or partial damage or deformity or burns or maims, disfigures or disables, any part of parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intension of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine; Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the

victim. Provided further that any fine imposed under this section shall be paid to the victim. He has requested all the State Governments / Union Territories to provide adequate medical treatment and rehabilitation of the acid attack victims.

3. The Government examined the proposal in detail and issues the following instructions:

“All Hospitals, public and private whether run by the Central Government, the State Government, Local bodies or any other person, shall immediately, provide the first-aid of medical treatment, free of cost, to the victims of any offence under Section 326A, 376, 376-A, 376-B, 376-C, 376-D or Section 376-E of the Indian Penal Code and shall immediately inform the police of such incident.”

Further, section 326-A provides that “Whoever causes permanent or partial damage or deformity or burns or maims, disfigures or disables, any part of parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intension of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine;

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim.

Provided further that any fine imposed under this section shall be paid to the victim. ”

(BY ORDER OF THE GOVERNOR)

J.RADHAKRISHNAN
SECRETARY TO GOVERNMENT

To

All Heads of Departments.

(with a request to communicate this to all their subordinates).

The Principal Secretary to Government, Home Department, Chennai-9.

(for information and communicating the same to all concerned for necessary action).

The Principal Secretary to Government, Rural Development and Panchayat Raj Department, , Chennai-9.

(for information and communicate the same to all the concerned for necessary action).

The Secretary to Government, Municipal Administration and Water Supply Department, Chennai-9.(for information and communicate the same to all their subordinate for necessary action).

All Private Hospitals through Director of Medical and Rural Health Services.
Stock File /Spare Copy.,

/FORWARDED BY ORDER/

SECTION OFFICER

