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ACID ATTACK- A ROARING ISSUE

By – Astha Chaudhary

“Acid Attack Survivors are not victims but actual fighter.”

LaxmiAgarwal¹

INTRODUCTION

The incident of acid attacks is increasing day by day where women are the main victims of such attacks. Acid attack is the act of throwing strong acid over someone which melts down the skin and fleshes to bones and can even burn the skin to such a level that death can occur or the victim may lose her eye-sight. These kinds of incidents show the persisting patriarchy and male dominance towards the females in the society. Indian society, since time immemorial, is a patriarchal one where women were more or less always dominated by men. This leads to a rise in various criminal acts against women such as domestic violence, sexual harassment, throwing of acid, etc.

It's been more than a decade that India has witnessed alarming acid attack cases with survivors fighting with immense faith. If a woman gets attacked the society finds ways and reasons to blame her who in actuality is the victim of such heinous acts such as the acid attack victim. Acid attacks have now become a worldwide problem where the attacker throws the acid on the victim leaving her body disfigured due to melting of skin, or with the loss of eyesight and in extreme cases death. It is one of the most barbaric acts that can be committed against a person and it not only affects a person physically but leaves a person in mental trauma for years to come.

Acid attack is also called gender biased crime as most of the acid attack victims are woman. Acid attack is being used by the predators as a new trend of making someone go through pain but what they don't understand is that along with physical pain, the victims undergo mental health issues and trauma for the rest of their lives.

NEED OF THE HOUR – EVOLVEMENT

Women stand at an equal pedestal in our society as men. They are the ones who bring new life to this world still we come across numerous incidents where women become a victim of these brutal crimes. We reside in a country where women are worshipped as deities and where every fourth

¹LaxmiAgarwal, 2013 Acid Attack Survivor.

person talks about women empowerment, but no one actually endorses it. And if we talk about the cruelty and the barbaric acts being committed against them, little to no people come forward in support and fight for them when the crime takes place in reality.

Whenever a woman in India raises her voice against the brutal crimes committed against her or whenever she refuses to be dominated by men, she is shunned by the force of brutal crimes like acid attack, sexual harassment and alike. In almost 78% of the acid cases, the main motive is to get revenge for either refusing a marriage proposal or for denying to pay dowry. Men, always being said yes to by the society, can't take no for an answer at times and this hurts their male ego which then leads them to take such extreme steps. And in most of the cases, the victims are not able to get a proper medical care because of expensive treatments or hospitals not supporting the victims.

Up until the year 2013, the acid attacks were never recognized as a separate issue of concern in India. It was the case of *Laxmi v. Union Of India*², which identified and brought into light the acid attack cases and the Courts and other legal authorities recognized such cases as a major issue of concern and prescribed punishments accordingly. The sale of acid was banned by Supreme Court of India in its judgment. After the case of *Laxmi*, number of acid attack cases registered increased manifold as woman started coming forward to ask for justice. The case of *Laxmi* was the first case where the 15 year old acid attack victim received compensation for her pain and suffering inflicted upon her by a 35 year old predator.

This case led to various necessary and important amendments in IPC and Cr.P.C. After 2013, the hospitals were also charged for denying admission and medical treatment to an acid attack victim. The *Laxmi* case brought about a 'revolutionary' change in all the society as well as legal system. According to Times of India, Supreme Court of India has asked to take acid under the consideration of Poison under the Poison Act³ and asked the States to strictly follow the ban of acid in retail shops⁴. Half of victims who are acid attack victims are between the age of 11 to 30 years of age.

The Sections such as 100(7) of IPC,⁵ 326A⁶ and 326B⁶ of IPC and Sections 357A and 357C of Cr.P.C. recognize punishments and compensation for acid attack victims and perpetrators. The acid attacks after being recognized as a separate heinous crime punishable under law after rape, various sections such as 326A and 326B were added to IPC through Criminal Laws Amendment Act in the year 2013, with a punishment of lifetime or 10 years and compensation of a minimum 3 lakh rupees to victims by the predator or accused, involved. Clause 7 was added to section 100 of IPC which granted the victim to practice the right of private/self - defense to full measures to save herself⁷. Despite of making amendments and putting legal actions into place, the cases of acid attacks still increase with attacks being unabated, the very reason for the attack can easily be

²*Laxmi Vs Union Of India & Ors.*, 2014 SCC 4 427.

³Poison Act 1919.

⁴Vageshwari Deswal, Acid Attacks-Need To Regulate Acid Sales, Times Of India Article, January 6, 2020.

⁵Indian Penal Code 1860 § 326A.

⁶Indian Penal Code 1860 § 326B.

⁷Indian Penal Code 1860 § 100(7).

gathered or figured. The attacks increase as if there is no legal aid, the legal aid are there but still it seems like they don't exist it does not frighten the attackers.

After taking so many steps and fighting in the court of law, for the ban of sale of acid, which eventually did get banned; it is still freely sold in retail stores without any license or asking for identification of the buyer. The states looked into the matter and took actions and initiated a Victim Compensation Scheme for the acid survivors under Section 357A of Cr.P.C.⁸ and also came up with free medical treatment for acid attack victims under the Section of 357C of Cr.P.C.⁹. In 2016, National Legal Services Authority (NALSA) launched a scheme which gives Legal Services to acid attack victims. All the schemes which came to life were laudable but to avoid more of these acid attacks it was like "prevention is better than cure". Rather than talking about the legal system's step or government's late intervention, and salvaging the whole past of the scenarios it would be better if we start acting in the present and start to imply the legal actions on time with strict punishment so that others don't think of doing so in any manner or any given scenario or circumstances and it would be way better if the society come up with the legal system and try to prevent the acid attacks by structure clampdown by the sale of acid as well as by helping the victim in any possible way, the Government to act on the schemes on time and as early as possible.

The attack of acid is worse than death, as it destroys the life of the victim in such a way that they are abandoned by family members and society looks at them with shame and horror. The crime forces the victim to lead a mentally disturbed life and almost all of the victims undergo some or the other form of trauma and finds it hard to come out of it all their lives. There are only handful, who can afford the medical expenses for the treatment and not all can bear the pain of the attack. Sometimes the victims lose their real face structure, if attacked on the face. It makes it difficult for them to move forward in life, whether it's applying for a job or finding a suitable match for marriage. They face rejections not based on their qualifications, merit or character but how they look. They are even insulted and blamed for the act committed against them. Where the society should support the victim they end blaming them and supporting the predator. There are few victims who have their families by their side as most leave them when they decide to go for legal aid as it destroys the family reputation. Only a few find courage or have legal and financial means to get medical or legal help and therefore file a petition sending the predator behind the bars.

Making and passing of law is not the solution, implementation of law has to be checked so that the cases which are increasing in number day by day is in control. The Supreme Court in Laxmi's case did ban the sale of acids, but the acid was still sold freely, then the court asked the states that no acid should be sold without seeing the identification card which was approved by the Government and sale of acid to below 18 years of age is to be considered as illegal and selling of acid bottles without the identification card of the buyer and license is termed as illegal¹⁰. Strict actions should

⁸Code Of Criminal Procedure 1973 § 357A.

⁹Code Of Criminal Procedure 1973 § 357C.

¹⁰ Central Government, Guidelines to Regulate and Purchase of Sale of Acid Scheme, 2013.

be taken against the people who go against the law. Action against one should deter the rest from committing the crimes. The trials for such cases should be as fast as possible so that no one even dares of thinking of buying or selling of throwing of acid on someone and destroying their lives. Throwing of acid is like revenge from the defaulter's side, they think that throwing of acid can satisfy their self-esteem or ego but they don't think is that there will be consequence to their actions. And they can't stop someone from living their dreams by throwing their acid.

In the case of *Parivartan Kendra v. Union of India*¹¹, the Supreme Court of India said that for any law to be successful it has to be applied with full force. Even after the ban on sale and purchase of acid, people can procure it very easily. Looking and understanding the nature and depth-ness of the crime it was asked of all the States as well as the Union Territories to take up this crime seriously and make arrangement including food or reconstructive surgeries, in all the hospitals (including the private hospitals) so that no victim has to suffer more.

In 2017, a bill was introduced namely 'Prevention of Acid Attacks and Rehabilitation of Acid Attack Victims', the bill was introduced specifically for preventing the sale, supply and use of acid, which directly lead us to control the given acid attacks crimes happening within the boundaries of India. The bill also led down steps for victim rehabilitate and related problems to victim's condition. This bill further prevented any individual from selling or delivering any kind of strong acid without having a proper record of identity and without license, the reasons for the amount of quality and purpose involved in selling or buying should be reasonable enough.

The Data Intelligence Unit (DUI) found through the data released by National Crime Records Bureau (NCRB) in the year 2017 found that between the year 2014 and 2018 the number of victims of acid attack were 1483 to be exact and the year 2017 specifically witnessed an immense increase in the number of acid acid attacks at 309 in five years with victims to be 319 in approximate.

CONCLUSION

"Do not go gentle into that good night, Old age should burn and rave at close of day; Rage, rage against the dying of the light"-Dylan Thomas¹²

With years of acid attack case, the acid attack victims became the survivors as well as a "fighter". Each and every fighter has their own story of why the acid was thrown on them and these fighters have been inspiration to those who come up to fight for themselves and fight for wrong. With society neglecting them and making it difficult for them to come back to a normal life whereas the acid is having a normal life and living his life, it is time to evolve together as a society and support the fighters to rage against that dying light which is hope and give them hope. A hope to fight for what is right so that we can prevent further crimes like this and have a safe society.

¹¹Parivartan Kendra &Anr.Vs Union Of India &Ors (2016) 3 SCC 571.

¹²Dylan Thomas, Do Not Go Gentle Into That Good Night, Botteghe Oscure,1951.

With a drastic increase in number of cases of acid attack, the awareness regarding acid attack and the strict law implementation is the need of the hour. Years have passed and still there are women, the acid attack victim who are still fighting with their family instead of standing against the predators, the family and society support should be immense so that the victim gathers all the rage and anger to fight against the wrongful activity happened to her. Her voice shouldn't be silenced, it should be heard loud and clear so that every victim comes forward to fight for it. No acid attack can stop them from achieving what they strive for. And the fight will be worth it not only because of defaulters being behind the bars but also a timely judgment with rigorous punishment.

The rights and the schemes of and for the victim should be known to her, the schemes and bills which are been passed should be in urgent active and the compensation and the treatment should be done as soon as possible and before it's too late. The society too should be careful enough to let them live a life they deserve and let them have a normal presence in any kind of environment or room, not out of pity but out the pride because they are already fighting a hard battle everyday of their lives. It is time that the men in society start taking 'NO' as an answer and they need to evolve to as we are trying to move out of the male dominance and are wanting for equal rights



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