



Victims of Acid-Attack in India: Remedies and Rehabilitation

Divya Shukla

774-A, Near Hanuman Mandir Bichhiya Colony, Gorakhpur, Pin 273014
Research Scholar- Faculty of Law, University of Allahabad

Acid-attack incidences are a grave menace. It is a global issue. In India it has been on the rise during the last decade. The victims of such an attack are mostly women. Though Acid-attack is a crime which can be committed against any man or woman, it has a specific gender dimension in India. Most of the reported Acid-attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him. In the year that the girls were attacked, 2016 there were 187 Acid-attacks across states in the country and 202 attempts to carry out such attacks, as per National crime record bureau data. In Delhi alone that year, there were 19 attacks and 23 attempts, while Punjab saw six attacks and 13 attempts¹. There are various social cause that can be attributed to these attacks. In day to day life one comes across such attacks wherein brides are burnt ablaze. On going through the causes thereof it is the social factor, and, primarily unequal match, dowry and the like factors that are behind these attacks.

An Acid-attack has long-lasting consequences on the life of the victim who faces perpetual torture, permanent damage and other problems for the rest of her life. Victims normally feel worthless, afraid

and modified and become social outcasts because of their appearance. They may become too traumatized and embarrassed to walk out of their house and carry out simple tasks let alone get married, have children, get a job, go to school, etc. Even if they are willing to pursue a normal life, there is no guarantee that society itself will treat them as normal human beings given their appearance and disabilities after an attack. They may not be able to work, or be able to find a job, and thus perpetually struggle to survive.²

There must be a clear-cut position in the society that acid is easily available at any shop. The perpetrators of this crime make access to these shops and bring their vicious contriving into reality. It is essential to know what an acid is. According to Black's law dictionary "A solution with a ph. Below 7. It has a sour taste, release hydroxyl and makes litmus papers red. Strong acids are corrosive and weak ones are practically harmless AKA mineral, inorganic, natural and organic acids. However, the Indian Penal Code lose not explain or define it. The victim of acid-attack suffers physically and mentally. Even after the incident, the victim has to carry on life with disfigured face. It is very something very horrible and dreadful.

¹ The law, penalty and aid for acid attack cases –by Raakhi Jagga, kamaldeep Singh Brar On Indianexpress.com/.../india/the-law-penalty---

² Baseline Survey with International Comparative Analysis of the Legal Aspects of Acid Violence in Uganda, Commissioned by: Acid Survivors Foundation Uganda with funding support from the US Democracy & Human Rights Fund, Legal Consultant: Rachel Forster, November, 2004

Section 326 A of Indian penal Code says that, which causes permanent or partial damage or deformity to, or bums or maims or disfigures or disables, any part or 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 intention 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.

Background for the insertion of section 326-A and 326 –B under India Penal Code:-

Before the insertion of section 326 –A and 326-B under Indian Penal code, there are not any provisions or specific law, which deals with acid-attack. But before it various authorities have been a cause of enacting the aforesaid provision.

In **State (Delhi Administration) v. Mewa Singh**³ the accused threw acid on the victims face. The liquid splashed on her face produced some redness (erythema) on the skin over a part of her face involving her upper eyelids. There was no corrosion, of the skin or other deformity. The accused was convicted for causing hurt under Section 323 of the IPC and a meagre fine of Rs. 300 along with 15 days imprisonment was awarded. This sort of punishment for Acid-attack is in itself a mockery of sorts and does not take into consideration the gravity of the crime and its after effects like trauma which affects the victim throughout her life.

In **Syed Shafique Ahmed v. State of Maharashtra**⁴ personal enmity with his

wife was the reason behind a gruesome Acid-attack by the husband on his wife as well as another person. This caused disfiguration of the face of both the wife as well as that of the other person and loss of vision of right eye of wife. The accused was charged under Section 326 and 324 of the IPC and was awarded Rs5000 as fine and 3 years imprisonment. This case again shows that the punishment that is often awarded does not take into account the deliberate and gruesome nature of the attack and rests on technicalities of injuries.

In **Marepally Venkata Sree Nagesh v. State of Andhra Pradesh**⁵, the accused was particularly suspicious of his wife. He suspected her for adultery and inserted mercuric chloride into her private parts. The victim died of renal failure. He was charged and convicted under section 302 and 307 Indian Penal Code likewise **Devanand v. State**⁶ A man throw acid on his wife as she refuse to have cohabiter relation with him, Her body became disfigured and she lost her over eyes. The accused was convicted under section 307 of Indian Penal Code. Similarly, in **State of Karnataka by Jalahalli police station v. Josph Rodriguez**⁷ the victim was subjected to acid-attack whereby her physical appearance was disfigured and became blind. The convicted person was sentenced to life imprisonment. Compensation of Rs. 2 lakh was paid a part from the trial court fine of Rs. 3 lakh

Laxmi v Union of India⁸ is al and mark case whereby the apex court issued directions for regulation of acid in states and union territories. In is in this case that apex court held under Section 357-A which provides for the preparation of

³ 5(1969)DLT 506

⁴ 2002 CrilJ 1403

⁵ 2002 CriLJ 3625

⁶ 1987 (1) CrilJ 314

⁷ (Decided in the Hon'ble High Court of Kerala on 22/8/2006)

⁸ 2014 4 SCC 427

scheme for providing funds for the purpose of compensation to the victim or the dependents who have suffered loss or injury as a result of crime and need rehabilitation. In this historic case, the apex court made it mandatory that the concern **State Government** and Union territory shall pay a compensation at least of Rs. 3 lakh. It is matter of regret that the victim compensation scheme has not been complied with. It has been observe that the compensation paid by the **State Government** has remained a lip service and has been far from reality.

In **Parivartan Kandra v. Union of India**⁹ PIL, it was sought that the apex court should give relief through free medical care, rehabilitative service or adequate compensation under survivor compensation schemes. The apex court lamented that despite the orders and directions in the **Laxmi** case there was acid readily available to people in India. In this landmark judgement, the apex court directed not all the State Government union territories to ensure that even in private hospital refuse treatments to the Acid-attack victims and the other expenses incurred in medicines, food, bedding and surgery. Apart from all these settle the Supreme Court also observed that supplying acid without proper authorisation was of grave concern and the erring persons or officials should be held responsible for such latches. However, in the (Preeti Rathi case) **State of Maharashtra v. Ankrur Panwar**¹⁰ a special women's court the accused was condemned to death. In was the first order of its kind where special **Judge Anju S. Shinde** observed, "According to the mitigating and aggravating circumstances, the facts of the case and the recent Acid-attack judgment

by the Supreme Court, the accused is sentenced to death.

In such matters, the existing provision under Indian penal code does not dealt with an adequate manner. Such type o offences were treated as offences as grievous hurt. So that voluntarily causing grievous hurt by dangerous weapons or means was not so effective in dealing with this heinous crime because it does not include acid-attack. To check acid-attack, the 18th law commission¹¹ of India which was headed by **Justice A.R. Lakshmanan**, proposed the new sections 326-A and 326-B in the Indian penal code because of section 326 does not deal adequately the incidence o acid- attack:-¹²

-It does not cover the various kinds of injuries inflicted because of an Acid-attack;

-It does not cover the act of administering Acid-attack;

-It does not punish the intentional act of throwing of acid if no injuries occur.

After these on Dec.4th 2012the criminal law (Amendment), Bill, 2012 introduced in parliament to amend criminal law. It has done on the recommendation of the National Commission for women and 226th report of law commission. Through government passed the Criminal (amendment) Act, 2013 a stronger legislation to combat violence against women wherein, the law defines Acid-attack as a separate offence under Indian penal code.

Compensation:-

⁹ 2015 (13) scale 325

¹⁰ (Preeti Rathi case) State of Maharashtra v. Ankrur Panwar (Decided in September 2016)

¹¹ Law commission of India submitted report to the Supreme court If India its consideration in the pending proceeding filed by one Laxmi in W.P. (Crl) No. 129 of 2006

¹² Acid attacks and the law in India by Surbhi Agarwal <https://blog.ipleaders.in>All>

There should be compensation board entrusted to deal with cases of Acid-attack victims. In spite of all promises and commitments. There has not been a single board. In **Laxmi v. Union of India**¹³ the minimum compensation rupees 3 lakh per acid-attack victim has not been fixed in many of the states. It is said plight in a Bihar case tow girl victims of acid-attack where subjected to serve injuries. The state Government paid only a meagre amount of Rs. 25,000.

Section 357 -B of Criminal Procedure Code provides for compensation to be in addition to fine under Section 326 -A or 376 -D of the Indian Penal Code whereas section 357 -A Criminal Procedure Code provides for victim compensation scheme. A part from this Section 357 -C provides for treatment of the victims to be under taken by all hospitals, public or private, whether run by State Government and Central Government, Local bodies and any other person. Such hospital shall provide the first-aid or medical treatment free of cost to the victims of any offence covered under Section 326 -A and 376, 376 -A, 376 -B 376 -C, 376 -D or 376 -E of the Indian Penal Code and shall immediately inform the police of such incidents. These sections were inserted after the recommendation of J.S. Verma committees and the 226th report of law commission of India that was specifically its subject matter.

The consequences of Acid-attack¹⁴:-

Acid-attacks have considerably increases now days. It is a form of violence and it is of great concern that the victim gets perpetual suffering. As a matter of fact the flesh and even the bones of the victim is subjected to mutilation, sometimes irregular, odd and frightful scars are the

consequences left on her skin of the victim.

In the Acid-attack the skin is the main organ of the contact and causes burning sensation on the skin. There is the sense of shock and sometimes death result or even pulmonary disorders can lead to, if the acid is inhaled.

Physical consequences:-

We may dwell upon the physical consequence of Acid-attack. It has been observed that acid has the quality of eating through the first two layers of the skin. Sometimes it even reaches the bone and dissolves it. However, the strength of the acid and its duration of contact is the factor of making the injuries severe or common. Acid-attack has great effect on the eyes and sometimes neck arm, legs, hands causes burning sensation. At times, it becomes a grave problem for the victim when there is poisonous reaction in the lungs and thereby breathing failure. After the healing of burns on the parts of the body there is formation of thick and care whereby the skin become tight and the face disfigured. It has been often observed that the chin becomes welded to the chest. A part from this there may be deformation of the skull, nose, chicks, chin, with ears shrivelled resulting the deafness. There is apprehension of eyes getting damaged causing blindness.

Psychological consequence:-

The victims of acid-attack are subjected to unbearable trauma, and psychological impact. There is terror and constant pain in the victim because the burning sensation makes them experience trauma. Even after the attack, there is disfigurement or disability for the remaining life. A part from this the victim lands in constant depression, insomnia, nightmares, hallucination for of being subjected to more attacks. The very hope of living dies

¹³ 2014 (4) SCC 427

¹⁴ Law commission of India report 226 P. 9

away and they become pessimistic and dejected.

Social and economic consequence:-

The victims of Acid-attack are subjected to interiority complex and consider themselves to be totally neglected and isolated. Many times embarrassment reaches to this stage that the victim consider it that she has become an object of detest and scorn. She hesitates to go out of home as she thinks that there is an adverse reaction from the side world. It is matter of great sorrow that if the victim is unmarried girl, it is almost unlikely to get married. The victim becomes disabled to the extent that she has to depend on others and live as parasite for her survivable.

As a precautionary measure, there has to be the sense of awareness of its consequences and the easy access of criminals to shops and medical stores. There has to be legislation with regard to deal it as a separate offence with provision of stringent punishment, in 2006 CSAAAW filed a public Interest Litigation in the Karnataka High court seeking a court order to the state Government to ensure speedy and gender-sensitive trials for victims of Acid-attacks as well as better medical treatment and rehabilitation.

Conclusion and suggestion:-

In Indian section 326 –A, 326 –B have been incorporated in the Penal Code by the Criminal amendment Act, 2013. The problem of acid-attack case is fast increasing. It looms large as the data released by the ministry of Home affairs aware us that 2011, 2012, 2013 witnessed 83,85, and 66 cases of Acid-attacks. It is deplorable that in 2014 it went up to 309. It is a sad plight that majority of acid-attack cases have been in Uttar Pradesh and Madhya Pradesh .

Suggestion:-

Acid-attack is brutal, diabolical and heinous attempt to ravish the physical appearance of the victim. It is a far-flung cry to get relief and rehabilitation. There should be specific legislation. Moreover, the recommendation of Justice J.S. Verma committee should be materialised by way of inserting Section 114-B the Central Government and State Government should have separate funds with regard to compensation payable to acid-victims. There ought to be pension scheme to the severe victims of acid-attack.