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World Literature

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Compensation for Acid Attack Victims in India

Countless people in India have experienced the terror of acid attacks. Many of these victims have had corrosive materials that eat away at flesh and bones thrown *at their faces*. Then these victims were in so much pain they were rendered unable to do anything other than scream in terror and horror, if they could manage that. Then the horror continued even after all traces of acid had been washed away. Often victims of acid attacks are unable or unwilling to go to hospitals, and when they do, they rarely have enough money to cover the many medical expenses. Fortunately, there is compensation in place for the victims. Unfortunately, this compensation is not enough, so the Indian Government should do a better job of helping victims by providing the medical help victims need for free and impose fines on the suppliers of acid to help pay those bills.

Background Information

The Indian Government defines acid as a substance with “acidic or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability” under Section 326 A of the Indian Penal Code (IPC) and Section 326 B of the IPC ("Justice? What Justice?" 28). According to Mamta Patel, the most common acids are sulfuric, nitric, and hydrochloric acid since they are cheap and fairly easy to obtain. They also do not raise suspicions as they are used as cleaning products (3). These acids are very accessible to the public.

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"Justice? What Justice?" explains that currently, only a licence is needed to sell acid. Since a buyer only needs identification to buy acid, nearly anyone can purchase it (30). Although a licence holder would lose their licence, they could still attack someone with acid ("Justice? What Justice?" 30). While these laws are in place to help, it is not that hard to get around them. Due to India's universal identity number program which provides identification to everyone in India, acid is available to almost everyone ("Identifying a Billion Indians"). "There is no regulation on the sale of corrosive substances . . ." ("Justice? What Justice?" 39). Acid is nearly effortless to procure in India.

It is also very easy to for the acid sellers to evade prosecution for these acid attacks. Of the 55 cases studied in "Justice? What Justice?", in only one was the seller known, and they faced no punishment (33). The most disturbing part is that "nothing prevents the concerned judicial officer or the investigating agency to refer the matter for enquiry . . . to ensure that the seller of the acid is also made accountable for the consequences of stocking and making such dangerous substances available" ("Justice? What Justice?" 33). Simply put, the officers in the remaining cases could have investigated further, but chose not to. As a result, the acid sellers of one crime could still be selling acid *right now* and be an accessory to countless other attacks.

Acid attacks are common in India. Unfortunately, many cases go unreported, and an exact number of attacks is not known. Acid Survivors Foundation India (ASFI) reports 100 to 500 acids attacks a year. Pragya Prasun, an acid attack victim, estimates there are as many as

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1,000 attacks a year (Welle), and some estimates are even higher ("Justice? What Justice?" 7).

Many people are affected by these horrors.

There are many effects of acid attacks, ranging from mental to physical. The most commonly known is the disfigurement. Attackers usually target a victim's face. "Acid attacks are intensely inhuman crimes because the perpetrators plan to disfigure the victims rather than kill them" (Patel 1). What better place is there to disfigure than the face, a core part of the identity of many? Since the head is so important, this leads to many problems. According to Patel, the skin, the fat under the skin, and sometimes the facial bones can be eaten away. Eyelids, lips, noses, and ears can be severely damaged. Septicemia (chemical blood poisoning), renal failure (kidney failure), skin depigmentation, and death can occur. Physiological effects include anxiety and depression, lowered self-esteem, and increased self-consciousness. Many become handicapped, which hinders getting a job. Many victims are forced to rely on others. This can lead to abandonment by husbands or an inability to marry (3). Gill and Dias add that once the burns heal, thick scars can form and lead to further disfigurement. Insomnia is also common, since victims have nightmares about another attack.

Although there is compensation in place, it is not enough. Due to these problems from the acid attacks, the Indian Supreme Court ruled to give Rs. 300,000 of compensation to victims. Rs. 100,000 of this amount must be given within fifteen days of the attack and the rest given no later than two months from the attack ("Justice? What Justice?" 32). Unfortunately, Rs. 300,000 is

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only about \$4,500. Recently, the Supreme Court has decided to award victims another Rs. 100,00, for a total of Rs. 400,000, which equals about \$6,080 (Singh).

The Problem

The cost for all of the damages from these acid attacks is very high. Gill and Dias interviewed Dr. Ashok Gupta, a plastic surgeon in India. He estimates an average of fifteen to twenty surgeries per victim if the attack is of medium intensity. Victims must pay for these themselves, and Gupta estimates each surgery costs Rs. 200,000 to 400,000, which is \$3,000 to \$6,000. Gupta has even heard of “some hospitals charging as much as Rs. 600,000 for a minor procedure,” which is \$9,000. Gill and Dias put it simply: compensation of Rs. 300,000 (\$4,500) for one victim is “woefully insufficient.” Rs. 400,000 is not much better.

This is assuming the victim ever actually *receives* compensation. Aizaz Qureshi, the brother of a victim, claims after seven months his sister has yet to receive her compensation (Gill and Dias). Singh interviewed Ashish Shukla, a campaigner for Stop Acid Attacks. Shukla points out, “victims don't really know how to retrieve the compensation.” He also notes the “possibility that the family keeps the money with them because of greed and leaves the victim without any treatment” (Singh). The victim may never see a dime, no matter how much compensation awarded. This is if the government awards the victim compensation at all. “Only 3 out of the 38 cases ASFI headquarters in Kolkata has filed for has received compensation so far” (Ghosh). “Justice? What Justice?” reports that of the 50 cases eligible for compensation, 82% of them were not awarded any compensation (39).

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Solution

An obvious solution to the compensation problem is to skip the middleman and have the government pay for all of the medical treatment. This would prevent the confusion of obtaining the compensation and the woes of inadequate compensation. No victim would be left without enough compensation to pay for their treatment. This would also alleviate the concerns of the victims and their families, as they would not have to worry about finding a good doctor or rationing the funds between the surgeries. This will also prevent the families from taking the money for themselves. Families would be much better off worrying more about the comfort of the victim than whether the victim will ever have a normal life again.

The government can get the money for these hospital bills by heavily fining the suppliers of acid. As said before, the government has every right to investigate into who sold the acid to the attacker ("Justice? What Justice?" 33). The Indian Government should implement laws to require law enforcement to investigate the source of the acid. This way the government can cut off the source. The Indian Government should also create laws to fine the acid sellers heavily to help the government pay for the victims' medical bills. These fines could even be as high as the victim's medical bills, which as said before can vary from Rs. 200,000 to 400,000 (Gill and Dias). Since Patel estimates 6.89% of victims die from the acid attacks, the government would also impose fines to compensate the families of the deceased victims. Lastly, the Indian Government should create a high minimum prison sentence for those who carelessly sell acid to

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acid attackers, ensuring proper sales to bona fide purchasers. This would decrease the frequency of attacks.

Conclusion

The compensation in India is inadequate and often fails the victims, if even awarded. Many sellers of acid go entirely unpunished. The laws must be reformed. The Indian Government should pay for all medical costs of the victims and heavily fine acid suppliers to help pay for those costs. Without the government stepping in to pay for all of the expenses, the horrors and fear of acid attacks will last far longer than the attack itself. It will continue to haunt the victims and their families. If the Indian Government does not do more to help the victims and stop attacks, then they are just as bad as the attackers themselves.

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