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The Horrendous Crime of Acid Violence With Special Reference To Laxmi V. UOI

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ABSTRACT

In India due to the jealousy and vengeance arising out of refusal to marry, denial of dowry result into acid attacks. Such attacks amount to the violation of their human rights. This paper also talks about the landmark case of Laxmi v. Union of India and emphasizes on the increasing threat of acid attacks and the precautionary and remedial steps to curb them. In this paper, the researcher also focuses on the physical, psychological and socio- economic impacts that has on the victims. The paper also argues that there must be fulfilment of monetary terms for the victims of acid attack. Illegal sale and purchase of acid are considered as non-bailable offence and it is still easily available in all most the grocery and hardware shops in both urban and rural areas. Sulphuric, nitric, and hydrochloric acid are the most prevalent forms of acid used in these attacks. Although, attack by acid barely kills a human being but it causes severe physical, psychological and social scarring that remains with victim throughout her life. However, the occurrence of eternal trauma is worse than death. This paper highlights the causes and impact of the acid attack on all innocent women and the problems or obstacle suffered by the victims.

Keywords- Acid Attacks, Violation, Threat, Compensation, Illegal Sale, Trauma, Impact

Introduction

Acid attacks are one set of crimes executed against women which shake the morals and standards of the society at large while it completely devastates the victim of her basic human right to life. It is an expression of violence against women which is becoming a growing prodigy for women in India.

Though Acid attack can be committed on either woman or man but in India it has a particular gender dimension. Most of the cases are reported against women, especially young women for denying marriage proposals, rejecting dowry, wanted to get education, willingness to work etc. The reason behind such act is that, the attacker cannot accept rejection and feel loss of honour,

frustration and jealousy; attacker's so-called man "ego" comes in between all this, to take vengeance from the victim, he destroys her body, particularly the face of the women who challenge to refuse him. A woman burnt by acid is more like a living corpse, those who seek to take revenge often wants a victim to suffer worse than death.

Acid Attack, commonly called as vitriol age, is a move intimate terrorism which includes the premeditated throwing of nitric, sulfuric or hydrochloric acid into another with the main purpose of disfigurement.¹

Consequences of Acid Attack

The consequences that the victim suffer are with acid are never ending and no one can imagine the pain these victims go through.

1. Physical-

The deepness of the wound depends on how strong the acid was and the duration of contact with the skin of the victim. The burning will continue until the acid is thoroughly washed out from the skin with water. The nose melts of completely and it eats up lips and eyes rapidly when thrown into face. The biggest and most dangerous for the victims is breathing failure² which is caused by inhalation of acid vapor. When the burns of acid are healed, they form thick scars on the skin which pull the skin very tightly, causing disfigurements. The victim usually requires many surgeries within the period of one to two years.

2. Psychological-

Psychological consequences can be worse and even more painful as compared to physical consequences. It has a deep effect on not only the victim by also on the family of the victim. Victims suffer psychological symptoms such as depression, nightmares, insomnia, fear about another attack and fear of facing the world after the attack. The victims suffer through severe psychological symptoms for years, because the scars remind them everyday of the brutal attack. The feeling of helpless and lack of hope might never leave them.

3. Socio and economic consequences-

The victims who are unmarried are most likely not to get married because they suffer many disabilities and disfigurements. The mindset of the society in which live is not wide open enough to accept a disabled girl for marriage. They might not even get jobs even though they must be very well educated but they would not be able to meet the expectation of an employee as not having "personality." Gradually such mindset is changing, victims are getting jobs as offices are being opened only for such victims so that they do not feel neglected. The change is necessary because we should understand that they are suffering not because from their own wrong, but because of some animals roaming in the society freely. Thus, it can be said that

¹ Section 3(b) of Scheme for Relief and Rehabilitation of Offences (By Acids) on Women and Children - National Commission for Women, defined acid attack as "any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfigurement to any part of the body of such person."

² Dr. Harish Verma (2012), Acid Violence against Women and its Socio-Legal Implications: The Indian Perspective, Civil and Military Law Journal.

these victims suffer a lot and they go through hell in this trauma and their life becomes miserable.

Legislative Provisions

The problem of dealing with acid attacks has been taken up by the Government of India on priority basis and various steps have been taken in order to avert the incidents as well as provide for treatment and remuneration to the victims of acid attacks. The Criminal Law (Amendment) Act 2013 inserted Sections 326A³ and 326B⁴ to the IPC and sections 357B⁵ and 357C⁶ of CRPC in order to curb the menace of acid attacks in India in an effective manner. The Amendment made such acid attacks cognizable offences and non-bailable in nature, this amendment mandated the hospitals to provide first aid to the victims and state was given orders to mandatorily provide the victim with compensation.

COMPENSATION FOR VICTIMS

Under Section 357A of the Code of Criminal Procedure, 1973, every State is mandated to initiate a Victim Compensation Fund, these funds are used to compensate the victims of crime. Justice J.S. Committee was set up to make directions for amendments in existing penal laws. The remuneration is given in consonance with the Schemes every state has embraced. Under these plans amount of compensation has been fixed to compensate the victims of the attack. The Ministry of Home Affairs oversees the notification and execution of Victim Compensation Scheme (VCS) in the States/Union Territories.⁷

PREVENTIVE MEASURES

Ministry of Home Affairs issued an advisory dated 30th August, 2013 on steps to be taken to forbid acid attacks on people for treatment and rehabilitation of survivors.⁸ The directions consisted of banning the counter sale of acid unless the seller maintains a register/logbook which records the sale of acid with all the details of buyers and quantity of the acid being sold.

³ Section 326-A reads- “Whoever causes permanent or partial damage or deformity to, or burns 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; 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.”

⁴ Section 326 -B IPC reads- “Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.”

⁵ Section 357-B CRPC reads- “The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code.”

⁶ Section 357-C CRPC reads- “All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code and shall immediately inform the police of such incident.”

⁷ Annual Report, Ministry of Home Affairs, Government of India, 2015-16. Para 5.26

⁸ Advisory available at- http://mha.nic.in/sites/upload_files/mha/files/AdvisoryAfterSupremeCourtOrderInLaxmCase_Short.pdf. (Last visited on 13th June, 2021)

Sale of acid only to persons above the age of 18 years and valid identity proof, recording the reason for the purchase in the register/logbook. It is the duty of the seller to declare all stocks report to the Sub Divisional Magistrate within the span of 15 days. Imposition of fine of Rs 50,000 on the breach of the above directions.

*Laxmi vs. Union of India*⁹

In this case, Laxmi in 2005 was attacked with acid by a man whose marriage proposal was denied by her, while she was waiting for a bus on a bus stop, he attacked her along with their common female friend and destroyed her face. The man named *Guddu* was sentenced for 10 years of imprisonment and the female friend *Rakhi* was sentenced for 7 years of imprisonment. Laxmi then chose to begin a revolution in India to end such acid attacks. She then started an online petition which gathered more than 28,000 signatures and became a fighter against acid attacks.¹⁰ She took her initiative to Supreme Court in India and sought mandate for sale of acid and regulation for compensation of treatment and rehabilitation of survivors. This enforced the Supreme Court and Central and State Legislatures to mandate the sale of acid promptly as a consequence of the petition filed, *Laxmi vs. Union of India*. The Supreme Court further laid down that compensation of Rs 3 lakhs as after care and cost of rehabilitation.

Along with the directives of Supreme Court, the following steps on the principles of basic human rights must come into statutory recognition:

- Right to medical treatment
- Right to legal remedies
- Right to just and fair system
- Right to be well informed
- Right to first aid treatment
- Right to rapid investigation
- Right to protection from threats and harassment
- Right to proper livelihood

The need for specific sanction for regulation for sale of acids:

Imprisonment and fine to a person who is selling acid, delivers or cause such sending or receiving by any person acidic substances or any other noxious thing with the motive of causing harm to the other person. There should be penal action against the sub magistrate of the concerned area who do not perform their duty of tracking the sales of acid.¹¹ It is a need to establish Acid Management Committee at both the levels i.e., at district level and state level, to manage the sale, production, distribution, storage and import of acids.

⁹ 2014 SCC 4 427

¹⁰ R. Nithya, Acid Attacks on Women: New Rules to Regulate Acid Sales, NEWSCLICK (July 25, 2013) <http://newslick.in/india/acid-attacks-women-new-rules-regulate-acid-sales> accessed (Last visited on 13th June, 2021)

¹¹ Monalisa, Acid attacks: mere legislation won't do, LIVE MINT (Jan. 9, 2015, 12.47 AM) <http://www.livemint.com/Politics/BzQrdMe4shXyRSwhWriXxJ/Acid-attacks-mere-legislation-wont-do.html> (Last visited on 13th June, 2021)

CONCLUSION

Acid attacks are the most dangerous form of violence and is generally gender specific. While acid attacks are reported in many parts of the world but incidents of acid attacks in India have been on the upsurge. Although initiation of law reforms in the acid attack legislation is a positive sign, yet there is a long way to go so as to successfully execute these provisions. Providing the victim with compensation is very essential as the victim is most likely to go through several surgeries and medical treatments. It must also be kept in mind that attempt to throw acid on a victim is equally as outrageous as throwing acid on a victim and needs to be checked because it is by mere luck that the victim is saved from the attack. An effective step to curb acid attacks could be greater awareness and more mature and sensitive handling of such cases. Some checkpoints must be imposed on areas such as research laboratories, hospitals, educational institutions, which are required to keep such acid.

Until an adequate hindrance value is created in the society against this outrageous crime, the jeopardy of acid attack would not be curbed.



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