

ACID ATTACKS IN INDIA: AN ESCALATING ISSUE

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Abstract: Acid attacks is kind of violence where acid is intentionally thrown on the victim to maim, disfigure or blind her. It depicts patriarchal mind set of society, with clear intention of revenge that 'if I can't have you, no one can have you'. The cultural heritage in respect of women 'Yatra Naryastu Pujyante Ramante tatra devta' don't find anywhere in society. Researcher has discussed in this article acid attacks in various parts of the world including India. As per the data preserved by National Crime Records Bureau, the number of incidents of acid attacks have been on rise. Reasons of acid attacks have been given, patriarchal mind set, one of the main reason for acid attack also mentioned. Impact of acid attack on victim has been discussed. Provision for protection of women given under Constitution, provisions in Indian Penal Code, Justice Verma Committee recommendations not only for the incorporation of a specific offence in respect of acid attacks but also for providing compensation to the victims of acid attacks, Criminal Law (Amendment Act) 2013, sections 326A and 326B in Indian Penal Code has been mentioned. Directions given by Supreme Court in Laxmi v. Union of India in its order on July 18, 2013 and Supreme Court in Parivartan Kendra v. Union of India & Ors, 2013 decided on 7-12-2015 is also mentioned. Regarding proper treatment after care and Rehabilitation of the victims of acid attack issued on 10.4.2015 to the State Governments/ Union Territories is also discussed. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is also mentioned and last part deals with conclusion.

Keywords: Acid, Acid Attacks, Domestic Violence, Patriarchal.

Introduction: Acid attacks have been recorded in various parts of the world including Australia, Bangladesh, Cambodia, China, Ethiopia, Italy, Malaysia, Nepal, Pakistan, Sri Lanka, Thailand, Uganda, UK, USA and Vietnam. However, Bangladesh, Cambodia, and India have some of the highest registered incidences of the acid violence. According to Acid Survivors Foundation (ASF) Bangladesh, there have been 3000 recorded acid attack victims in the country since 1999. According to the data gathered by the Cambodian Acid Survivors charity on people treated in hospitals for acid attacks, there have been 271 acid violence victims 1985 and June 2010 in Cambodia. As per the data preserved by National Crime Records Bureau, the number of incidents of acid attacks reported in 2011 were 83, 85 in 2012 and 66 in 2013. Though according to Acid Survivors Foundation India (ASFI), at least 106 such attacks were reported in 2012, 122 in 2013 and 309 in 2014 and according to the activists, the figure increased to 500 in 2015. However, according to the National Crime Records Bureau, 222 cases of acid attacks were reported in 2015. The figures may change but the number of acid attacks have been on rise. Governments in these countries do not keep official statistics of acid attacks, and there are likely many more attacks than there figures unveil/display or disclose. Acid violence inculcates intentional acts of violence in which perpetrators throw, spray or pore acids on to victim's face and bodies.

Reasons of Acid Attacks

- a) Love failure or love rejection or revenge for refusal of marriage or sexual advances: First reported case in India is Laxmi case, Shruti case from Bangalore, received a lots of media attention, making headlines .In a certain sense, the attacker/assaulter is conscious that self-worth and self-esteem of a woman often lies in her face, which is a part of her personality. The mutilation of the face or the body is not merely an offence against the human body but will cause indefinite psychological damage to the victim. In one of the case in Bangladesh on the refusal to marry, victim who was widow sleeping along with two kids, acid was thrown on her from window.
- b) Dowry problem and domestic violence

- c) Property or land disputes or family disputes- E.g. Reshma case, recently reported case on 4th July 2017, Uttar Pradesh, Lucknow where second time acid attack on a female who was in hostel.
- d) Revengeful attitude or desire for revenge.
- e) Occasionally, acid attacks may occur due to social, political or religious beliefs.

Impact of Acid Attack on Victim:

- a) Physical impact: When acid is fell on a person, the effect can be horrifying. Nitric, hydrochloric or sulphuric acids all have a catastrophic effect on human flesh. It causes the skin tissue to melt, after exposing the bones below the skin, sometimes even dissolving the bone. When acid attacks the eyes, it damages these vital organs permanently. Many acid survivors have lost the use of one or both eyes. The victim is traumatized physically, psychologically and socially. An acid attack has life long consequences on the life of the victim who faces endless torture, permanent damage and other problems for the rest of her life.
- b) Psychological impact: An organization of women's right points out: "these crimes can never be spontaneous acts of passion because the offender has to arrange for acids and carry it in a safe container". She says the attacks are a supported means of relation because they can totally smash a women's spirit. Victims normally feels worthless, no self esteem, beauty is the confidence of a woman now feel no worth of life, sometime feel suicidal tendencies. Don't like to see their horrible face and even don't want to show to others.
- c) Financial impact: Treatment and cost for surgery is always very expensive, one or two surgery does not serve the purpose. Sometimes require multiple surgeries.
- d) Social impact: Victims feels afraid and alter and become social outcasts because of their appearance. They may become too vandalize and uncomfortable to walk out of their house and carry out simple chores let alone get married, have children, get a job, go to school, etc. Even if they are willing to seek 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 everlasting struggle to achieve. The greater number of survivors of an acid attack are compel to give up their education, their occupation and other important activities in their live like sports, dancing, singing and so many.

India: Provisions for Protection of Women:

- **Constitutional Provisions**

Article 21:- The Constitution of India guarantees the right to life and liberty of every individual under Article 21. This has been interpreted to include the right to live with dignity and encompass the right to live with dignity of all including victims of acid attacks.

Article 41:- Article 41 of the Constitution lays down that the state shall within the limits of the economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, disablement and in other cases of undeserved want.

- **Provisions in Indian Penal Code**

India does not have a different law governing the crime of acid attack, cases have been reported under various sections of the Indian Penal Code (IPC). Particularly, the sections relating to hurt, grievous hurt, grievous hurt by corrosive substances and attempt to murder and murder. In some of the positive cases the accused have been charged with murder, as the intention of the attacker has been construed as an intention to kill the victim. Even in these positive cases, however the amount of fine which has been levied has often been an insignificant amount. The victim has also often not been given this fine by the court.

- **Justice Verma Committee**

- a) Justice Verma Committee aftermath of Nirbhaya case recommended that acid attacks to be defined as an offence in the IPC and noticed, The gender specificity and discriminatory nature of this offence does not allow us to overlooked this offence as yet another crime against women.
- b) Committee advocated that acid attacks be particularly defined as an offence in the IPC, and that the victim be compensated by the accused. However, in relation to crimes against women, the Central and State Governments must contribute significant entity or body to frame a compensation fund.

Thus a recommendation was made not only for the incorporation of a specific offence in respect of acid attacks but also for providing indemnity to the victims of acid attacks.

- c) By worthiness of Criminal Law (Amendment Act), 2013, sections 326A and 326B were inserted in the Indian Penal Code providing for punishment to anyone who 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 or who 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, 'Acid' was defined to include any substance which has acidic or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

• **Supreme Court**

The issue of acid attacks also came up before the Supreme Court in **Laxmi v. Union of India** in 2006. Supreme Court in its order on July 18, 2013, in the case, directed:-

- a) That over the counter sale of acid would be completely prohibited unless the seller maintained a log/register according to the sale of acid which would contain the details of the person(s) to whom acid(s) is/ are sold and the quantity sold.
- b) Further the acid would be sold only after the buyer had shown a photo ID issues by the Government which also has the address of the person and the reason/ purpose for procuring acid was specified.
- c) It was also directed that no acid shall be sold to any person who was below the 18 years of age.
- d) Directions were also issued for educational institutions, research laboratories, hospitals, Government Departments and Departments of Public Sector Undertakings who were required to keep and store acid.
- e) In the final order dated 10.4.2015, it was reiterated that an appropriate notification banning the sale of acid across the counter should be issued within three months from the date of the order.

Supreme Court in **Parivartan Kendra & Anr. v. Union of India & Ors. 2013**, decided on 07.12.2015, directed that rigorous action be taken against those blunder persons supplying acid without proper sanction and also the concerned authorities be made responsible for failure to keep a check on the distribution of the acid.

Regarding Proper Treatment after Care and Rehabilitation of the victims of acid attack, a regulation was issued by the order dated 10.04.2015 to the State Governments/Union Territories to keep up the matter with all the private hospitals to the effect that private hospitals should not deny treatment to victims of acid attack and that full treatment should be given to such victims including medicines, food, bedding and reconstructive surgeries.

- It has also been noticed that action may be taken against hospital/ clinic for denial to treat sufferers or wounded of acid attacks and other crimes in violation of the provisions of section 375C of the Code of Criminal Procedure, 1973.
 - A direction was also furnished that the hospital, where the victim of an acid attack was first treated should issue a certificate that the individual is a victim of an acid attack which may be used by the victim for treatment and reconstructive surgeries or any other programme that the victim may be authorized to with the State Government or the Union Territories, as the case may be.
- a) The Supreme Court in its order dated 18.07.2013 directed that the acid attack victims shall be paid compensation of at least rupees 3 lakhs by the concerned State Government/ Union Territory as the after care and rehabilitation cost, out of which a sum of rupees 1 lakh would be paid to victim within 15 days of the occurrence of such incident (or being brought to the notice of the State Government/Union Territory) to facilitate immediate medical attention and expenses in this regard.
 - b) While disposing off the said writ petition on 10.04.2015, it was directed that the Member Secretary of the State Legal Services Authority take up the issue with the State Government so that the orders passed by the court were complied with a minimum of rupees 3,00,000/- was made available to each victim of acid attack. The Member Secretaries of the State Legal Services Authorities were also

directed to give wide and adequate publicity in the State/Union Territory to the Victim Compensation Scheme so that each acid attack victim could take the benefit of the Victim Compensation Scheme.

- c) It was also directed that in the case of any compensation claim made by any acid attack victim, the matter would be taken up by the District Legal Services Authority, which would include the District Judge and such other co-opted persons who the District Judge felt would be of assistance, particularly the District Magistrate, the Superintendent of Police and Civil Surgeon or the Chief Medical Officer or that District or their nominee and the said body would function as the Criminal Injuries Compensation Board for all purposes. The matter also came up before the Supreme Court in *Parivartan Kendra & Anr. v. Union of India & Ors.*, decided on 17.12.2015. Where it was observed, that the state and Union Territory concerned can give even more amount of compensation than rupees 3,00,000/- as was directed in Laxmi's case.
- d) An important order was given in this case was that all the States and Union Territories should consider the situational circumstances of such victims and take appropriate steps with regard to inclusion of their names under the disability list.
- e) The Central Government has issued the Central Victim Compensation Fund Guidelines with an objective to support and supplement the Victim Compensation Schemes of the States and Union Territories. A corpus of rupees 200 crores has been fixed for the purpose. One of the admissible activities under the Central Victim Compensation Fund is "to promote special financial assistance upto rupees 5 lakhs to the victims of acid attack to meet surgery cost over and above the compensation paid by the State/ Union Territory."

International Instruments For The Protection Of Women:

Convention on The Elimination Of All Forms Of Discrimination Against Women (CEDAW): Acid violence constitutes gender based violence, a form of discrimination under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Bangladesh, India and Cambodia have ratified (CEDAW) and are thus obligated to combat all forms of discrimination against women, including acid violence. States have an obligation to act with due diligence to prevent and adequately respond to acid attacks. In Bangladesh, studies suggest that 68% to 90% of the acid burn victims are females. Our study of newspaper stories from India shows that 72% of reported victims are female. In Cambodia, a slight majority (52%) of the victims are women and girls.

International commerce of sulphuric acid is controlled under **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988** which lists sulphuric acid under Table II of the Convention as comical frequency used in the illicit manufacture of narcotic drugs or psychotropic substances.

Conclusion: There is need for greater awareness about the accessibility of compensation for sufferer of acid attacks. Despite specific directions to the hospitals to provide treatment to victims of acid attacks, it is still not easy for them to get proper treatment. Guidelines set after the Nirbhaya gang rape case in 2012 were not being followed till date. Public awareness and role of media is very important to check over the counter sale of acid which is still remains rampant. Liability has to be fixed on acid producing industries in case of negligence regarding the improper acid discharge. It is thus felt by NALSA that Legal Services Institutions have a significant role to play and they can play an important role in assuring access to the benefits of the victim Compensation Scheme to the sufferer of acid attacks and to the medical and other facilities. For effective implementation of laws, apart from funding, state must have to:

- Administer proper investigation,
- Give security to victims from threats during and after investigation; and
- Litigate and punish offenders for selling and buying of acid without proper license and identity.

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