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Acid Attack - A Brief Analysis

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ABSTRACT

Acid attacks on women are considered to be the nastiest, obnoxious and heinous kind of violence committed on the weaker sex. It is the thoughtful and pre-mediated use of acid on another human being for no fault on her part. Reasons could be easy accessibility of acid, male-dominating and male-dictating society, antagonism, patriarchal society, scorned and disdained lovers, etc., to name a few. Cases on acid attacks are mounting, swelling and escalating like anything. The perpetrators do not realize the consequences of such menacing, ominous and looming attacks on innocent victims and throw acids on them, distorting their face, limbs and different parts of body permanently. It is high time now. Something stringent needs to be done to curb this evil in our society. Otherwise, it will be too late, and innocent creatures on this earth will continue to suffer for no fault of theirs.

I. INTRODUCTION

Using acid as a weapon to inflict harm is known as acid attack. Acid attack is an infernal crime in which the perpetrator deliberately throws acid on the victim, usually on her face.

Acid attacks have a catastrophic effect on the victim. They cause severe body pain and lifelong psychological trauma to the victim. This crime is generally done with an intention to cause bodily injury or facial disfigurement. Section 326 A of the Indian Penal Code lays down the punishment for acid attacks. The minimum punishment given in the Indian Penal Code is 10 years imprisonment. However, it can extend up to life imprisonment with fine.

Acids are corrosive substances which have the potential to burn and severely scar everything they touch. The most common type of acids used in acid attacks are sulfuric acid, nitric acid, and hydrochloric acid, all of which are generally used for cleaning, manufacturing of cotton and rubber, and other industrial purposes. These acids severely burn the face of the victim and can even melt the bones causing permanent damage. Victims lose their eyesight, ability to hear, etc. In many cases, the victims lose their lives as well because of the severity of the burns.

II. CAUSES

Acid attacks perpetrated against women are used as a means to permanently scar the survivor.

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They are an extreme form of violence against women. The intention of the attacker is mostly to cause humiliation to the victim rather than taking her life. The most common reason for acid attacks is revenge against a woman who refused for marriage or sexual advances by the perpetrator. The perpetrator who felt humiliated by such a refusal, in order to seek revenge, throws acids on the victim, mostly on her face to scar it permanently.

III. IMPACT

Acid attack victims have to endure long lasting consequences. The victim's life becomes a living hell. Acid attack does not kill the person in most cases but it causes severe physical, psychological and social scarring.

The most notable impact of acid attack is the lifelong disfigurement of the face. It destroys the skull and melts the eyelids, ear cartilage, nose etc causing permanent disfigurement. The mouth becomes withered due to which it may lose its motion. Sometimes, it can also lead to partially or completely smashed lips, revealing the teeth. Thus, causing difficulty in eating and speaking. Apart from this, it can also cause problems related to respirations since the nose also gets damaged.

The victim of acid attack not only suffers from physical damage but also suffers from a huge psychological effect which leads feelings of frustration, lack of confidence, nightmares, insomnia, despair, negative feelings about themselves, lack of self-assurance, feeling of worthlessness and feeling of abandonment which further leads to suicidal tendencies. Psychologically, the victim is totally shattered and devastated and the most reprehensible part is that this is not temporary but permanent.

Acid attacks not only cause physical and psychological impact on the victim, however, it also puts a person in a financial crunch since the treatment includes a number surgeries and medications. Also, acid attack leads to a number of physical disabilities which causes several challenges in the victim's employment.

IV. LAWS DEALING WITH ACID ATTACKS

Section 320 of the IPC deals with grievous hurt. It mentions the following kinds of hurt as grievous hurt –

Firstly- Emasculation

Secondly - Permanent privation of the sight of either eye.

Thirdly - Permanent privation of the hearing of either ear

Fourthly - Privation of any member or joint.

Fifthly - Destruction or permanent impairing of the powers of any member or joint.

Sixthly - Permanent disfiguration of head or face.

Seventhly - Fracture or dislocation of a bone or tooth

Eighthly - Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits

Section 322 of the IPC deals with voluntarily causing grievous hurt. It states that whoever causes voluntary hurt to another which he knows is likely to cause grievous hurt is said to "voluntarily to cause grievous hurt".

Section 325 of the IPC deals with punishment for voluntarily causing grievous hurt. It states that whoever voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

Section 307 of the IPC deals with attempt to murder. It states that whoever does any act with the intention or knowledge that such an act would cause death of a person, then he would be guilty of murder. He shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine. If hurt is caused to any person by such act, then the offender shall be liable either to imprisonment for life

Section 326A of the IPC states that whoever causes permanent or partial damage any part of the body of a person or causes grievous hurt by throwing acid or by using any other means with the intention of causing such injury or hurt, then the offender 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. Further, provided that any fine imposed under this section shall be paid to the victim.

Section 326B of the IPC states that whoever throws or attempts to throw acid on any with the intention of causing permanent or partial damage 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.

Section 357B has been newly inserted in CrPC which mention compensation for acid attacks victims. It reads as : "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."

Section 357C of the CrPC has been newly inserted which states free medical treatment whereby all hospitals, public or private are required to provide first aid or medical treatment free of cost. The section reads as: “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.”

V. LANDMARK CASE

(A) Laxmi vs Union of India & Ors.

This case is a landmark case in the legal history of India. It was a PIL filed by Laxmi who is an acid attack survivor. This case is a landmark case because it was in this case that guidelines were formulated and issued for the betterment of Acid Attack Survivors.

Facts of the case

Laxmi filed a PIL in 2006, a minor then. Laxmi was attacked by three men in New Delhi's busy streets. The three men threw acid on her face because she refused to marry a man named Naeem Khan aka Guddu. She faced a lot of trauma and pain due to such an attack on her. Even after so many surgeries, she could not get her face back as her upper body suffered a lot. Attempt to murder was filed against the culprits. They got convicted by the court of Delhi. However, those who were convicted by the Delhi's district court later got bail from the High court. This led to a surprise to the victim as granting of bail was not appropriate for such pain and trauma that she has suffered. All of this led to the filing of a Public Interest Litigation by the victim which targeted at the easy availability of acid, no proper provision related to acid attack cases, including expenses, surgeries and rehabilitation for acid attack survivors.

Issues raised

Three major issues were raised in the PIL. These are -

1. For making considerable amendment in the Indian Penal Code, 1860 and Criminal Procedure code, 1973 relating to Acid attacks.
2. A complete ban on the sale of acid and its various forms also such acids should not be available over the counter.
3. Prosecution of acid throwers as well as the rehabilitation of acid attack victim which included treatment as well as compensation.

Judgement

The outcome of the PIL was that many orders were passed in which guidelines were formulated by the Supreme Court for the betterment of the acid attack survivors.

The PIL led to the amendment in the Code of Criminal Procedure, 1973 in which Section 357A was inserted for the compensation to the victim or their dependents, prepare a scheme for providing funds to all those who have suffered loss or injury due to such an acid attack and need rehabilitation.

Amendment was also made in Indian Penal Code, 1860 wherein two sections 326-A and 326-B were inserted which exclusively dealt with the offence of acid attack.

The state government also issued a ban on the sale of acid and declared acid as a “poison” which should not be easily available to all.

Victim compensation scheme got notified in all the states and the union territories of India.

The amendment that was made in CrPC paved the way for the insertion of Section 357C which states that all hospitals whether private or public run by central, state government or local bodies should provide the first aid or medical treatment free of cost.

Supreme Court also directed for a minimum compensation of 3,00,000/- to every acid attack victim in all the states and the union territories of India.

Victim compensation scheme was also initiated by the government.

It was also stated that no hospital or clinic can refuse for the treatment of an acid attack victim and if any such complaint is made, the victim can take further appropriate legal action.

VI. CONCLUSION

Acid attack is one of the most ferocious and violent crimes against women. Acid attack refers to the act of throwing acid on another person with the intention to disfigure or kill that person. Perpetrators attack their victims by throwing acid at their faces, thus burning and damaging their skin. It is estimated that thousands of women suffer due to acid attacks in India.

The position of women in India is very weak and feeble in our country. Since ancient times, women have suffered countless amount of violence during her lifetime. Out of these, acid attack is considered to be the most horrendous and heinous kind of violence where the woman is made to suffer for no fault on her part.

Numerous laws have been formulated; however, they are not sufficient to deal with this monstrous crime where the life of the woman is ruined and wrecked within a fraction of second

and that too without any fault on her part. Although several amendments have been made in IPC and CrPC relating to acid attacks, but much needs to be done to control this hazard and peril. In our country, it is usually seen that laws are enacted, but implementation has been a foremost problem. The guidelines which have been issued by the Supreme Court for regulating the sale of acid needs effective implementation. Regulations regarding the sale of acids should be strictly and sternly executed and any gaps on part of authorities should lead to punitive measures. Exemplary reprimands should be there to have a deterrent effect.

Apart from this, laws alone will not suffice until and unless the mentality of the people is altered and transformed. We are living in the twenty-first century and still it is a male-dominating society where men are taught to not hear ‘no’ from women, where women are not allowed to defy and confront the norms that have been set by this patriarchal society, where women are not allowed to break away those old bondages and taboos that have been embedded in the society at large². The need of the hour is to change the mindset of the people, to make men realize that women can also say ‘no’ to certain obnoxious and loathsome practices, that women also have a right to be self-determined and self-assured, to live with esteem, composure and dignity.

² Shivani Ghose, Rakesh Kumar Handa, “The Peril of Acid Attack in India and Susceptibility of Women”, JVVJ (2020).