



## Acid Attack and Women in India: A Critical Analysis

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### ABSTRACT

*This article is an attempt to reflect the most burning issue prevailing in India an attack with acid .It is much more intentional act and graver than even rape and murder. These gruesome crime footprints the victim miserable living condition or even it results in death. Most of the women restrict themselves to their homes to avoid public appearance.*

*In such situations, it is very pertinent to discuss the present laws that governing this crime in India. The author has also discussed various draft law and commission reports and government initiatives to combat acid attack*

**KEYWORDS : crime, injury, compensation**

### INTRODUCTION:

Now days the concept of crime has been dazzled everywhere. This five letter word has created so much detrimental in the society that often a question involved who are the person committing this heinous work. Crime is not something which has been created by Almighty rather it is the creation of human being. There are numerous ways where people are committing crime in the society. As the days progress offenders are trained of new modernized ways or technologies for making a crime. Use of Acid to commit a crime is not something which is new for us but it's just that the way of doing crime has been reformed, There was a time when people use acid for household purpose but now the use of acid has revolutionized his way and used for carnage the life of people. The acid throwing is the most barbarous form of crime in the society. These Acid attack victims are the women only. The dreadful act of attacking women with acid has been taking place across different parts of nation. Hydrochloric Acid (HCL), Sulphuric Acid (H<sub>2</sub>SO<sub>4</sub>), Nitric acid (HNO<sub>3</sub>) which are readily available in the market, offenders uses it to throw into the body of the victim which molten the skin and even bones of the victim. The consequences of an acid attack are the lifelong bodily disfigurement. The sole intention of the offenders is to disfigure the body of the victim. Generally acid are thrown at the face of the victim so that it would burn and damaging skin tissue. At times it makes the person blind, as well as permanent pocking of the face. Moreover these victims social, economic and psychological life degrades in the society.

Acid attacks in India are seen frequently. From January 2002 to October 2010, 153 cases of acid assault were reported in Indian print media, while 174 judicial cases were reported for the year of 2000. However, there are several unreported acid attacks in the print media as well as unregistered acid attack cases exist in India.

### Cause of Acid Attack

Perpetrators of the crime act cruelly and deliberately and are often motivated by deep-seated jealousy or feelings of revenge against a woman. A perpetrator first obtains the acid, carrying it on him and then throws to the victim. It also often occurs as revenge against a woman who rejects a proposal of marriage or a sexual advance. Another cause of acid attack is conflicts related to dowry or domestic violence. Sometimes conflicts regarding inheritance and other property issues are a cause of acid attacks.

### Indian Scenario in Past and Present

Prior to the Criminal Law Amendment Act, 2013 there was no such specific laws relating to acid attacks.

There was not any specific law in India to deal with the cases of acid attack. The Section 326 of the Indian Penal Code which deals with voluntarily Causing Grievous Hurt by Dangerous Weapons or Means was not so effective in dealing with this heinous form of crime because it does not include acid attack. The eighteenth law commission of

India which was headed by Justice A.R. Lakshmanan then proposed a new section 326A and 326B in the India Penal Code and section 114B in the Indian Evidence Act.

The scope of the definition of section 326 is very narrow but it does not deal adequately with the issue of acid attack because:

- It does not cover the various kinds of injuries inflicted because of an acid attack
- The section does not cover the act of administering acid attack, i.e, planning it.
- The section also does not specify who the fine should be awarded to
- The section does not punish the intentional act of throwing of acid if no injuries occur

Further, The 226 Law Commission Report stated that compensation to victims of acid attacks is of vital importance as huge medical costs are often involved. The victims of acid attacks need both short term as well as long term specialized medical treatments and plastic surgeries. The provisions in the Indian law for giving compensation to the victims are very insufficient.

After the leading case of *Laxmi v Union of India*<sup>1</sup> the Supreme Court passed an order to put ban on selling of acid in shops. For preventing acid attacks, the Supreme Court has completely prohibited the counter sale of the chemical unless the seller maintains a recording of the address and other details of the buyer, and the quantum. Dealers can now only sell the chemical after the buyer showed a government issued photo identity card and after specifying the purpose of purchase. The seller should submit the details of sale to the local police within three days of the transaction. Acid should not be sold to any person under 18 and all stocks must be declared with the local sub-divisional magistrate (SDM) within 15 days. Undeclared stocks could be confiscated and the defaulter fined up to Rs.50, 000. Acid attack is now a non-bailable and cognizance offence. In *Devanand vs. The State* a man threw acid on his estranged wife because she refused to cohabit with him. The wife suffered permanent disfigurement and loss of one eye. The accused was convicted under Section 307 and was imprisoned for 7 years.

The CRIMINAL Law (Amendment) Act. 2013 resulted in insertion of sections 326A and 326B for specifically dealing with acid violence. The new Sections 326A and 326B read as follows:

**326A.** 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 ei-

ther 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.

**326B.** 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

#### **Compensation for acid attack**

Section 357B has been newly inserted in Criminal Procedure Code, 1973 which 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."

#### **Free Medical Treatment**

357C has been newly inserted 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."

#### **Preventive Measures by the Government**

The Supreme Court said that "acid should be sold only to people who show a valid identity card. Buyers will also have explain why they need the chemical and sales will have to be reported to the police." On 6.2.2013, a direction was given to the Home Secretary, Ministry of Home Affairs associating the Secretary, Ministry of Chemical & Fertilizers to convene a meeting of the Chief Secretaries/concerned Secretaries of the State Governments and the Administrators of the Union Territories, inter alia, to discuss the following aspects:

- i) Enactment of appropriate provision for effective regulation of sale of acid in the States/Union Territories.
- (ii) Measures for the proper treatment, after care and rehabilitation of the victims of acid attack and needs of acid attack victims.
- (iii) Compensation payable to acid victims by the State/or creation of some separate fund for payment of compensation to the acid attack victims.

The Supreme Court also directed private hospitals to provide free treatment, including specialized surgeries, to acid attack victims and government authorities to take action against private hospitals if they fail to comply with its order.

Again the Supreme Court enhanced compensation payable by state governments to acid attack victims to a uniform Rs 3 lakh from the earlier Rs 50,000. The court also directed states to implement stringent norms for retail sale of acid, treating it as poison under the Poisons Act, 1919, within three months.

#### **CONCLUSION**

An acid attack has the long lasting durability of spoiling the victim who faces perpetual torture, permanent damage and other problems in their life. Although they are ready to pursue a normal life, there is

no faith 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. As a result of which they prefer a darkened life to live and to hide themselves from the world. Therefore, to check attacks on women harsh and stringent punishment should be given to offenders. The women should learn physical defensive measure in order to protect themselves from the perpetrators. Again the government should take appropriate action in order to combat this heinous crime.

## **REFERENCES**

1. (2014) 4 SCC 427