



ACID ATTACK: THE HORRIFIC CRIME AND PENAL PROVISIONS IN INDIA

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ABSTRACT

India is a country where women are worshipped like Goddess Durga and Maa Sarasvati. Yet, even in the times where women have become equal in terms of capabilities, Men has made her victim of his crimes again and again. So, it is not shocking that the country has more than one thousand acid attack per year, a count largely based on Hate Crime for marriage proposals rejected or friendship requests turned down. India is the largest democracy, one of the largest growing economy among developing nations, yet, the increasing violence against women in terms of Acid Attacks is an irony and stigma for the country. The legislature has fought back and through insertion of various penal provisions has tried to deter the criminals. The Victim compensation schemes have also been introduced to facilitate the victim and to rehabilitate her into the real world again. Yet, the cost of the hospitals and healing especially psychological trauma and monetary loss and decreasing work opportunities for victims of acid attack are hard to compensate. Acid attack causes enormous shock, trauma and terror for the woman and she would be living in a vegetative state after the acid attack. It was ironic that there was no special law on Acid Attack for over 66 years after independence. It took an incident of the magnitude of Nirbhaya Gangrape case that awakened the nation and brought back focus on laws related women and the special penal provisions related to Acid Attack were introduced. Even when poor countries like Afghanistan and Bangladesh, there were laws enacted for Acid attack way before India. Another incident after Nirbhaya that shock the nation was the acid attack on Laxmi way back in 2006. The fight that she fought and the spirit that she showed paved the way for the acid attack victims in the big way. The incident that shocked people in Gujarat was in Mehsana where acid was thrown on the victim on the campus of the college and the victim died later on. Acid attacks, Defamation, Eve teasing and other sexual harassment cases on women have

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been increasing on daily basis despite deterrent laws. This raises a question that are these laws only paper tigers and are limited to legislative paper only or they can really stop crimes against women? The increasing cases of violence are recorded by National Crime Record Bureau also. The road to recovery is very steep and tough. We as a society must throw this menace of Hate Crime out of our system not only by making deterrent laws but also by making proper education programs for children in their school days that includes gender and sex education also and we must sensitize students regarding the discrimination happening against women these days. The crime against woman is a crime against humanity.

Keywords: Acid Attack, Penal Provisions, Gender education.

INTRODUCTION

Acid attack on women is a form of Hate Crime. It is often done when the marriage proposal by a woman is rejected. It also happens when the girl or woman denies frequent friendship requests from the male person. It is due to the ego that the male in his anger and hatred towards the girl tries to destroy her life and face by bereaving her beauty. So, there are many psychological roots and reasons why women often become victims of acid attack rather than male. India is a country which has incorporated various provisions and has signed various international treaties to protect women.

International Treaties:

India has been a signatory member of Convention of Elimination of all forms of Discrimination against Women, 1979. India has also signed and ratified Universal Declaration of Human Rights, 1948. The country under its obligation to make laws and implement them in such a way that all forms of discriminations against women is eliminated.

Constitutional Provisions:

Under Article 253 India is bound to enact laws for which it has signed and ratified the treaties. As per Article 15(3), the state can make positive laws in protection of women and children. Article 14 of Equality also ensures not only equality before the law but equal protection from the law.

Legal Provisions in Neighboring Nations:

Even the economically poor countries have certain specific acts regarding Acid Attacks. Afghanistan has enacted Elimination of Violence against Women Law (EVAW) way back in 2009. The first law ever to criminalize violence against women includes acid attacks also.

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The culprit gets minimum punishment of at least ten years while the maximum punishment is for the life time imprisonment.

Bangladesh passed two acts way back in 2002 related to Acid Attacks. The first one was Acid Prevention Act, 2002 and Acid Control Act, 2002. Acid Crime Control Act has death penalty for the convicted person. On the other hand, Acid Control Act regulates the sale of acid all over the country.

Pakistan's National Assembly passed "The Acid and Burn Crime Bill, 2017" which offers free medical treatment and rehabilitation for acid burn victims, who often face physical and psychological disability for the rest of their lives. There was a huge cry and outburst when in 2011 an acid Attack victim FakraYounas from Karanchi committed suicide. The anger of people made Pakistan Legislature come up with law favoring Acid Attack Victims.

Reasons for the Acid Attack:

There are various reasons for the acid attack against women. Almost all of them have the iota of male dominated society like

- The male trying to justify the reason of throwing acid due to breaking of matrimonial home.
- Denial of women related to marriage proposal sent by man or his relatives.
- Denial by women to enter into illicit relationship with man.
- The availability of the acid in such a fashion in our markets openly at nominal price rate encourages perpetrators to commit this crime as the weapon is available easily.

Penal Provisions related to Acid Attack:

Due to hue and cry after Nirbhaya Gang Rape, the late Justice Varma was assigned the job to make amendments in the Criminal Laws of India and on his committee's recommendation, penal provisions were introduced in the Criminal Laws regarding Acid Attack.

- Section 100 of Indian Penal Code, 1860 amended and in it, after clause sixth, the seventh clause was inserted which included an act of throwing acid or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of the act and it was included as the right to private defense.



- Section 326A of Indian Penal Code, 1860 was inserted which punished people voluntarily causing grievous hurt by use of Acid for punishment with imprisonment of not less than 10 years but which may extend up to imprisonment for life and with fine.
- Section 326B of Indian Penal Code, 1860 was inserted which punished Voluntarily throwing of attempt to throw acid for punishment not less than 5 years but one that can extend up to 7 years and shall also be liable to fine.

For the purpose of Section 326A and 326B of Indian Penal Code, 1860, Acid includes any substance which has acidic or corrosive character of burning nature, that is capable of causing bodily injury leading to scars and disfigurement or temporary or permanent disability.¹

Psychological Trauma and Victim Compensation Scheme:

The media apart from reporting the acid attacks should also focus on the psychological trauma that the victim faces. According to the BBC Documentary the complete medical treatment of the victim is approximately it can go up to Rs. 95 lakhs and the Supreme Court has ruled that the government should make acid attack a nonbailable offence and pay 5 lakhs to each survivor within 15 days of attack for preliminary care. Due to the constitutional safeguards however, the ruling is not retrospective.

Judgments:

Laxmi Agarwal, a victim of acid attack had filed petition in the Supreme Court when she faced acid attack. The Supreme Court passed multiple orders to prevent acid attacks and provide welfare to survivors. Minimum amount of Rs. 3 lakh victim compensation was ordered by Supreme Court through this case.² In another case where medical expenses crossed Rs. 5 lakh, the Supreme Court held that Rs. 3 lakh compensation held in Laxmiagarwal case was only minimum and government could provide more compensation and should take into consideration social stigma and medical expenses as well as likelihood of getting job also.³

CONCLUSION:

As the citizens of this great nation which follow women goddess and respect their ideals, it is our collective duty to make sure that laws protecting the most vulnerable people of our society like children, women and senior citizens are properly implemented. It is the civil

¹ Section 326B Indian Penal Code, 1860 Explanation (I)

² Laxmi Agarwal v/s Union of India & ORS. Writ Petition (C) No.129 of 2006

³ Parivartan Kendra v/s Union of India Writ Petition (Civil) No.867 of 2013.



society which forced the government to enact severe anti-rape laws and it will be the public participation and peaceful demonstrations only through which civilized society can stop elimination of all forms of discriminations against women. The irony that the government enacted the law on domestic violence way back in 2005 and it was laidback in making provisions for acid attack even after 8 years of that speaks for itself. But, through active public participation, the citizens of this great nation will make the provisions of acid attack in Indian Penal Code, 1860 alive again.

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