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The Combatant

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ABSTRACT

Throwing Acid onto one's body not only dilutes their skin but the confidence, clarity and the connection too. A bottle which costs an individual just INR 30 - 40 for once a time, causes damage to another individual for life time. Though the description is being given in Indian Penal Code, 1860, the Law Commission of India also describes it as a heinous crime and for committing such offence, one should get rigorous punishment. Disfiguring out the correct map of the face which can't get back to its original even undergoing vivid cosmetic surgeries leaves scars not on one's skin but on their frontal lobes from which its quite near to impossible that an individual will again come back to its original position. The basic reason behind such heinous crime mostly lies as rejection in any context, to which the fact applies that by committing any such offence the rejection won't turn into acceptance and thus for any such reason no one should degrade their own moral values by seeking any kind of revenge from another individual. If taking any kind of rejection into a positive situation, any one can easily improve themselves from the critics which the individual is beholding with themselves at present and can easily transform onto their better version.

Acid vitriolage, acid violence or the acid attack – though the three different terms by the meaning lies the same. Being considered as a heinous crime which shows the gravity of the ongoing atrocities and also the human rights violation. The act in which a concentrated acid is being poured or thrown on either the face or any other part of the body either on a man or woman. This kind of crime is not only restricted to any one country but is taking place in various, however, it is much more prevalent in developing countries like Bangladesh, Pakistan, Cambodia and India. The offence committed is not distinguished on the grounds of sex, religion, caste, etc. Moreover, as per the 226th report given by Law Commission of India and also as per the Justice Verma Committee Report it is being mentioned that in the country like of India, however some distinction is being made, for an instance, the victims targeted are generally young girls. As per the observation, the most common acid which is being used to target the victims are – hydrochloric, sulphuric and nitric acids. The most overrated reason for committing such offence lies as rejection of love, refusal of marriage proposals, property disputes, refusal to pay dowry or the family disputes. The results of these kind of attacks leads to acute psychological as well as socio – economic consequences thus creating their lives tough in order

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to survive further. It is considered as heinous crime as it creates multi – dimensional issues for the survivors by making their life more and more complex by each passing day.

One of the very basic cause of the occurrence of such kind of events is the psyche of males – “How could a girl challenge the norms?” or “How could she should not to be submissive to the men?”. Our society is designed in such a way that it is always informed or rather instructed to the women to be subjugated., women always being considered to be devoid of personality as from the earlier times itself, they are being considered as the property of father and later, as the property of the husband. If any women tries to make some sort of decision in favour of herself which in return results into denial of some decisions made by any other male member then she might have to face some consequences in regard to her aforementioned decisions. The another cause which can be taken into consideration for the occurrence of such heinous crime is the effortless and inexpensive obtainability of acids. Any kind of acids and by anyone can easily be obtained from the market without much efforts or restrictions and even its quite inexpensive and thus is within the reach of the common men. The very next cause is domestic violence which leads to the situation where the family members overthrow the acid. If women are being asked from any kind of dowry or something then it is recommended that they have to serve the same and not to raise any voice against them, if done so they are threatened to suffer and will be responsible for the forthcoming situations or the consequences. Peer jealousy is another pivotal factor which results in the occurrence of such crime. In this era, where the world being a competitive one and everyone wants to surge ahead but not wanting the same for the another individual. The mindset is being processed in such a way that none other individual should excel themselves equal or more than them in any kind of sectors such as – education, business or service. It is much a matter of shame that since you are not able to compete with them or do not want them to see surging ahead in their respective areas you commit such kind of heinous offence. The rejected and rebuffed so called lovers is one of the major cause for throwing acid on any other individual. When an individual gets rejection in their marriage proposals or advances of an individual are rebuffed by any women, it is being taken as spite and because of cruelty acid is being thrown to taught lesson to any women. For an individual it hardly takes seconds to pour acid on any individual, but for the other individual it is a horrible experience for their entire life. Even, in order to safeguard the honour of the family, people often perform these kind of acts so that the women present in their family should not try to break any protocols or the pre – decided norms.

From the year 2011 to 2016 there were overall 1464 crimes which involved acid or other corrosive substance. In 2017, in the literature review it was analysed 24 studies in 13 different

countries over a time span of 40 years which covered 771 cases. It was said that according to the London based charity Acid Survivors Trust International about 60% of the acid attacks take place on women and also the acid attacks are grossly underestimated. Some of the cases which were reported and thus are the landmark judgement are being mentioned. In the case of Suman And Anr vs Union of India And Ors², the petitioners who were mother and daughter; victims of acid attack have prayed for the grant of compensation, over and above Rs 3 lacks under 'Relief and Rehabilitation of Women Acid Victims'. It was decided by the court that the accused have to pay Rs 3 lacks as the maximum compensation to an injured or the acid attack victim besides free of cost 100% medical treatment from any government hospitals or government approved hospitals and also decided to give preference to acid attack victims in allotment of fair price shops by the Food and Supply Department, Haryana. In the very next case of Meena vs The District Collector³, the petitioner suffered an acid attack in 2014 and thus she filed a writ of mandamus which directed the respondents to pay the suitable compensation as she suffered injury because of them. It was directed to pay the compensation amount to the victim and the same to be transferred as early as possible to the victim's account. In the case which was registered as Tannu vs State of U.P. And Ors.⁴; it was held that the accused were convicted for the offence and thus will have to go through the punishment.

The victims not only suffer physically but go through several mental traumas and thus, this as a result leaves a deadliest impact on their personality, lack of confidence, insomnia, despair, negative feelings about themselves, tremor, nightmares, feeling of worthlessness, feeling of abandonment which in return proves the suicidal tendencies and many more. As it is being said from the earlier times itself that 'Beauty is to Man, as Perfume is to Flower'. The main aim behind such acts are – that the victim should suffer from physical, mental and emotional trauma and when the acid is being thrown they eventually achieve their pre - decided motives, as because of such acts the victims are totally shattered in terms of their looks, self confidence, etc. Even the financial crisis from which they go through exhausts their mental situation as well. The victims have to go through many cosmetic surgeries which are quite expensive and is not easily accessible by all. Even in their later phase of life, it becomes difficult for them to get any job or something similar to it. All these situations sum up together forming or creating a road blockage for them. As the appearance of the individual changes as a result they become socially outcast, either by themselves or by the society. Majority of the victims are forced to leave their

² Suman And Anr v. Union of India And Ors., (2018).

³ Meena v. The District Collector, W.P (MD) 6625 of 2020.

⁴ Tannu v. State of UP And Ors., (1999).

education or the occupation and are to carry out normal activities because of their physical activities. Even the society becomes sometimes hesitant to accept the victims.

One of the biggest reason that why such attacks take place in India is because of the easy accessibility of the acid and there are no legal restrictions which are being imposed on buying or selling of the acid. Any individual can easily access the acid from pharmacies, goldsmith shops, automobile repair shops and even in the open air markets as it is even used as cleaning agents in many of the households. The motive or the intension of the accused is not to kill the victims rather to leave a long lasting effect on them in a physical, mental and the emotional manner. However, even though it is not assured that they will survive, because sometimes the injuries are quite more deep than the usual ones. Nearly 1500 attacks are reported every year and almost 60% of the attacks goes unreported.

There are various laws which deals with Acid Attacks and thus is also mentioned in Indian Penal Code (IPC), Criminal Procedural Code (CrPC) and others. In Section 322⁵ of Indian Penal Code (IPC) it is mentioned that whoever voluntarily causes hurt or tries to do so is likely to suffer from imprisonment, fine or both. In Section 357A⁶ of Criminal Procedural Code (CrPC) it is mentioned that a scheme will be prepared which will provide compensation or the economic relief to the victims. One of the very known case which is of Laxmi Agarwal⁷ the Acid Attack Survivor, where she brought many transformations in terms of regulating laws, societal amendments and so on. She started with a campaign Stop Acid Attacks and even became a TV Host. She being herself an acid attack survivor took some of the steps for the rights of the acid attacks survivors. Her story was told in Hindustan Times. Even she gathered 27,000 signatures for a petition which was filed in Supreme Court to curb acid sales. Her initiative led the Supreme Court to order the central government and the state government to regulate the sale of acid and even the Parliament should make the prosecution for acid attacks in a simple way manner. She is even a Director of Chhanv Foundation, a NGO whose motive is to help the acid attack victims. Laxmi Agarwal received International Women of Courage Award in 2014 in US First Lady Michelle Obama. Laxmi Agarwal was even chosen as the NDTV Indian of the Year.

In the case of State (Delhi Administration) vs Mewa Singh⁸, the accused already knew the victim and one fine day some indecent and offensive remarks were passed on the victim was not liked by the victim and thus as a result they astonished him. On 19th May the accused threw

⁵ Indian Penal Code, 1860 No. 322.

⁶ Criminal Procedural Code, 1973 No. 357A.

⁷ Laxmi v. Union of Union (2014) 4 SCC 427.

⁸ State (Delhi Administration) v. Mewa Singh 5 (1969) DLT 506.

acid on her when she was sleeping and because of that she sustained 40% of the burn injuries. In the Session Court, because of some doubt and misunderstanding the accused was acquitted. However, in the High Court the following judgement was reversed. In *Sabana Khatun vs State of West Bengal And Ors*⁹. the victim suffered a lot as the accused poured acid in her mouth. Thus, as a result victim filed a writ petition in the High Court for the compensation but ultimately it was rejected by the Chief Secretary of West Bengal it was said that the compensation can only be awarded to the victim when it is being recommended by the State Legal Service Authority which was ultimately denied by the court and the order was given that a compensation which amounts to Rs 0.3 million is to be given to the victim and their family. In the very next case of *Maqbool vs State of Uttar Pradesh And Ors*.¹⁰, the injury which was inflicted on the victim was simple and thus was asked that whether Section 326A¹¹, Indian Penal Code (IPC) will be applicable on him or not. Ultimately, the accused was held liable under the Section 326A of Indian Penal Code (IPC) and thus also was awarded with the punishment of 7 years.

It can be said that emotions are momentary. They flash before you for a very short period of time but the action which you are going to perform under the influence of those emotions can decide your fate. The results of such havoc actions puts everyone in difficulties and nothing else. The difficult situation is not only created for the accused or the victim but also for the society as because of such heinous crime everyone gets affected in a very negative manner. The victims do not require any sympathy from anyone, they just want helping hand and the society which conveys them that no matter what the situation is nothing is changed even as of now. It is the duty of the society that they should not become the jury members rather put all their affection with the victim in order to create a better surrounding.

⁹ *Shabana Khatun v. The State of West Bengal And Ors.*, (2014).

¹⁰ *Maqbool v. The State of UP*, (2018).

¹¹ Indian Penal Code, 1860 No. 326A.