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ACID ATTACK: A RISING CRIME AGAINST WOMEN

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ABSTRACT

Today we all talk about women's safety and women's empowerment giving them equality, but when we talk do we know that women are safe? If yes, then why there is an increase in crime mostly against women?¹ “Crime of passion” acid attack is a crime raging against women. A crime that can terrify a person from deep inside, but what are the reasons behind this crime? What’s the psychology of the accused committing the heinous crime against women? These are the crimes we hear every now and there, the crimes that are committed even for smaller fights or for getting rejected by someone. These are the crimes that leave a mark behind and we live in a society that never lets a victim forget the incident. Survival becomes tougher in the surroundings, which judge people based on appearance. There's a lot of suffering for victims in every aspect. And what about the punishment? Is the punishment given to the punishment given to accused sufficient? Can the punishment given compensate for the life of the victims? Nowadays crimes like this are increasing due to the easy accessibility of acid that is needed to be regulated. Even though the government has given rules and regulations there is still a need for strict laws and punishment to minimize the crimes. Is there a need for retributive theories? Do these crimes should be given a separate section? There is a lot to take in, laws should get stricter toward women's safety. They are not the vulnerable part they are the strength.

KEYWORDS: Women, Crime, Society, vulnerable, Acid attacks, Punishment, Suffering and Victims

INTRODUCTION

We live in a society where everybody gets judged by their appearance first. When it comes to women society doesn't judge them, they give a direct judgment on their characters. This is the harsh reality today, which makes it tough for women to survive and become one of the reasons for raging crimes against women. One of which is an acid attack also known as acid throwing. A heinous crime committed against women in society and has always been a contemporary issue that affects not only the victim but also society in different aspects. An

¹ Rachit Garg, Acid attack punishment in India, 2023

acid attack can be an incident that breaks a person's will to live in society. Throwing acid or corrosive acid on anyone can disfigure their face or any parts of the body by melting the tissues sometimes even the bone. This can lead to the disfiguration of the face, and disability to hear, see or smell. In a society where appearance plays a very role everywhere doesn't except a person with a disfigured face. Survival gets difficult for these victims in every aspect whether it is at home or the workplace, not only this an incident can take away all the happiness and dreams of the survivors. Though they survive all the pain and suffering of the wound there will always be a fear that leaves a mark on their life. Acid attack displays the viciousness and sinister nature of man; an act done with the intent of extracting revenge by any means. It's the pathetic presentation of a man's fragile ego and the lack of legal safeguards for women.

HISTORY AND PSYCHOLOGY

When we look back on history and culture, we see that women used to be treated as goddesses a symbol of superiority. They were recognized for their beauty, strength, and knowledge and worshiped by people for prosperity. Women were free to live their lives with the choices they made and respected. But the world we live in now has forgotten the culture we used to have, now women are treated as the vulnerable part of society. Today women we praise women occasionally, women are not vulnerable they are the symbol of life and strength for the future.

One of the most cruel crimes against women is an acid attack, these attacks have become a weapon of choice for many. South Asian countries, especially Bangladesh, India, and Pakistan have recurrent cases of acid attacks. ²The first case occurred in 1982 in India, Bangladesh in 1967, and Cambodia in 1993. Under the name of "crime of Passion," 16 cases were recorded in 1879 and cases have risen since then. Cases have been rising since then. The ³National Crime Record Bureau has recorded 1483 cases across the country between 2014-2018. Approximately 300 cases were recorded in India in the year 2016, and many of these cases go unrecorded. The NCRB says that the cases have exceeded 1000 in the last five years. Around 200 cases of attacks are recorded annually, globally from which 80% of the victims are women and 60% of the cases don't even get recorded. In 75% of the cases, the crime was committed by a known person or a person near us. In the most recent data in 2021, 176 attacks were reported and 73% attempted acid attacks.

It can be said that most of the cases go unrecorded and the actual numbers are much higher than this. The highest number of acid attacks is recorded in West Bengal 34 followed by Uttar Pradesh (22) and Rajasthan (15), and annually 60% of the cases does not get reported.

Most of these cases were attempted on women or girls going to school and college, which happens on the roadside, streets, and markets, and some of them occur in their households. The psychology or Reasons behind this case are:

- Hate crimes
- Rejections
- Honor-based and Domestic violence

² Rachit Garg, Acid attack punishment in India, 2023

³ Dipu Rai, , Scars of life: Thousand acid attacks in India in 5 years, yet very few survivors got justice, 2022

- Jealousy
- Land or family disputes
- Robbery
- Torture to kill
- Terror-related violence

The psychology and reason behind these cases are not big but leave a very horrifying impact on the victim or survivor of the attacks giving them suffering for life.

LAWS AND PUNISHMENTS

The government has taken the issue of acid attacks seriously and given priority to preventing the incident of acid attacks providing treatment and compensation to the victim. ⁴Criminal Laws Act, 2013 has provided provisions specifically on acid attack as an offence. Dealing non-compliance punitive measures of cases on non-treatment of victims of several offenses and no registration of crime.

⁵Section 326(A) of the Indian Penal Code, 1860 (IPC) causing voluntarily grievous hurt by use of acid, etc.- the section says that anyone who causes temporary or permanent deformative of disfigures or disable any part or parts of the body of a person or causes grievous hurt by throwing acid or by administering acid to that person or by using any other means to cause or with the knowledge that he's likely to cause injury or hurt shall be punished with imprisonment for either description for a term that shall not be less the 10 years which may extend to imprisonment for life and with fine. The included here is just reasonable enough to meet the medical expenses for the treatment of the victim and the fine should be given to the victim itself.

⁶Section 326(B) of IPC, 1860 anyone who attempts to throw acid on any person attempts to administer acid to anyone, or tries to use any other means, to cause permanent or partial damage or deformative of burns or maiming or disfigurement or disability or grievous hurt to that person shall be punished with imprisonment either description for a term which shall not be less than five years, but which may extend to seven years and also liable to fine.

The Supreme Court in the case of *Laxmi V. Union of India (2013 (9) SCALE 291)*⁷ issued guidelines for battling the uprising of acid attacks

- i. Prohibiting over-the-counter sales of acid unless through a registered seller. The onus on the seller to maintain a detailed entry.
- ii. Photo identification of the buyer is mandatory. Showcasing a government ID and the reasons for procuring the corrosive substance are to be provided.
- iii. Declaring all the stocks of acid in 15 days before the Sub-Divisional Magistrate.
- iv. Age restriction (below 18 years) for the Acid.

⁴ Ministry of Home Affairs, <https://www.mha.gov.in/en/commoncontent/acid-attack>, 17 Dec 2023

⁵Universal Bare Act, Indian penal code, page no. 127 [published by Lexis Nexis]

⁶ Universal Bare Act, Indian penal code, page no. 128 [published by Lexis Nexis]

⁷35th Edition, Justice K T Thomas the Indian Penal Code, page no.793 [published by Lexis Nexis, 2017]

- v. For undeclared stock, the SDM shall confiscate and impose a suitable fine up to Rs. 50,000, and for anyone who breaches these directions, a fine up to Rs. 50,000

Even after all these laws and guidelines the cases have declined gradually and a very short number of cases reach the final/verdict stage which takes years. The number of acid attack cases and the attacks that were attempted get disposed of in court. In 2021, only 2.46 percent of cases were disposed of in courts which is 19 out of 773 in 2021. Compare this to 2016, when only 6.63 percent of cases were disposed of in courts. There was a spike in 2017 with 9.9 percent of cases reaching the judgment, though that number has decreased ever since then.

COMPENSATION

It is the duty of the State to take requisite steps and measures to speed up the trial and investigation of acid attack cases and present them with justice within a definite period. The state shall provide free treatments for acid attack victims and give compensation of Rs. 3,00,000 to the survivor.⁸

SUFFERING OF THE SURVIVOR

PHYSICALLY

An acid attack is an incident that leaves a scar 95% of which cannot be healed leading to the disfiguration of face and body parts. This attack also leaves them with disabilities of hearing, sight, and disfiguration of the nose. And even day-to-day living becomes tough for them.

MENTALLY

Survivor of the attacks faces a different kind of mental breakdown as our society doesn't accept people with disfigured face. Nobody wants them in the place of work, not anyone wants to get married to a person with having disfigured face and disabilities. Sometimes even the family doesn't support them which makes it difficult for them to survive, and go outside their home.

EMOTIONALLY

After all this physical and mental suffering, a survivor emotionally gets weak and loses all hope to live in a normal environment. They lose their will to look forward in their life as a normal human being.

LAXMI V. UNION OF INDIA

the landmark case of Laxmi v. Union of India, 2015, PIL filed in the Supreme Court of India in the year 2006 became an inspiration for all the acid attack survivors going through the physical and mental anguish that has affected their lives deeply. This case breaks the myth of

⁸ States/UTs that have framed or are in the process of framing VCS would also need to implement the direction of the Supreme Court whereby acid attack victims should be paid compensation of at least Rs. 3 lakhs by the concerned State Government/Union Territory as the aftercare and rehabilitation cost. Out of this a sum of Rs 1 lakh shall be paid to such 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. The balance sum of Rs. 2 lakhs should be paid as expeditiously as possible and positively within two months thereafter.

a lot of people who treat women materially and think they are the vulnerable part of society. It is to state that *Justitia nemini neganda est* and the law of the state is equal for all. The movie “Chhapaak” a biopic of Laxmi Agarwal played by Deepika Padukone has also come after this case.

FACTS

This case was filed by Laxmi, a minor 16-year-old girl who was the survivor of an acid attack in 2006 and underwent mental and physical pain. When she refused to marry a man named Nameed Khan the acid was thrown on her face and causing grievous hurt by this act of offense accompanied by two other accused from New Delhi. her upper body suffered a lot and was fully damaged from this attack and she hasn't recovered.

She has filed a criminal case of attempting to murder against all the accused involved in Delhi High Court. But later on, the accused were released on bail by the apex court of appeal. All the efforts of victims run into the drain for prosecuting the accused in the present case.

ISSUES

The issues are to make strict laws and give significant amendments to the Indian penal code and procedural laws. Completely prohibiting the sale and distribution of acid without any regulations also reintegrating and recompensating the victims of acid attacks.

VERDICT

The bench of two-judge was held and the conclusion was the guidelines were made on regulating the usage and distribution of acid, and the advancement, and development of laws against acid attack offense. Important steps were taken by inserting a new section 326(A) and section 326(B) in the Indian penal code and sections 357(a) and 357(b) which provide compensation to the survivor and providing free treatment to the victim in both public and private sector hospitals.

The apex court provided compensation of 3,00,000 to the survivor and various schemes were introduced. Before this case, the acid attack was treated under the grievous hurt section 320 of IPC but after understanding the suffering that the victims have to go through it has been concluded that it is not covered by grievous hurt and its punishment.

CONCLUSION

For, every woman it is said that beauty lies in her face but what if the face has been damaged or disfigured does it mean she has lost her beauty? No, a Woman is beautiful in every form and every way irrespective of how her face is. Acid attack is an offense that has risen against women giving them physical and mental suffering by disfiguring their faces and sometimes giving them disability of sight, and hearing, and damaging of noses. Even though we have all these laws in our justice system for the offense and have provided the guidelines on the regulations of acid distribution still this offense takes place. There is still scope for changes in laws.

Acid attack should be given a separate place as it is a heinous and gruesome crime against women. There should be a lot of strict laws and regulations against this crime and regulations

for the distribution of acid. Because it is the easy accessibility of acid is the major reason for crime. Survivors should be given proper compensation for their treatment and the betterment of their lives.

Acid attacks are not an incident that can be survived easily, there is a lot of suffering for the survivor throughout their life and they should be treated equally in society irrespective of their appearance.

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