

## Acid attack: The obnoxious face of gender violence in India.

Ms. Shweta Katoch

Assistant Professor

School of Law, Lovely Professional University, Punjab

Email: shweta.katoch9@gmail.com

**Abstract:** *Girls die every day from acid attacks. Some girls die or are even disfigured due to this heinous crime of 'Acid attack', while others who survive, struggle with the psychological, if not physical, wounds inflicted by the jilted lovers or by those who are intolerant towards the female urban progression or the equalities that are gradually evolving in the society. The attack by the use of acid is a deadly nuisance against women which not only inflicts physical damage, that may or may not be repairable but also attacks the emotions of the victims, thus hampering the hopes and the dreams of an innocent mind.*

**Key Words:** *Acid attack, gender-based violence, victim.*

### 1. INTRODUCTION:

Acid attack is a worldwide issue affecting all regardless old enough, caste, and religion. It is the most deplorable type of gender-based brutality against females. In most parts of South Asia this form of violence perpetrates due to various kinds of disputes ranging from land, inheritance, dowry or a rejection to one's proposal to marriage culminates into women victimization. These attacks are inhuman in nature because it not only disfigures but also leaves the victim traumatized. With the passage of time, these wounds on the body may mend and but the scars on the body remain intact which have a severe impact mentally and psychologically on the entire character of the victim of acid attack.

Afroza Anwary, one the renowned academicians has suggested that acid is used as a weapon by the men against woman in order to mark their masculinity and superiority and to keep woman in their place. Anwary in her research further noted that in patriarchal and conservative societies, overemphasis is placed on the girl's marriage. Her chastity and her beauty are the highest important factors which are taken into consideration in terms of her, marriage. Any involvement in romantic relationships before marriage is considered as a dishonour to the entire family. Thus, in the above prevailing situation, the jilted lovers often resort to acid attack in order to take revenge of their disapproval to their marriage proposal either by the girl or by the girl's family members. There is also the economic aspect of acid attack when viewed in terms of globalization. Women's financial independence in the society where some of the male members of the society are unemployed, builds a tendency to revolt.[1] The act of throwing acid is called an acid attack. It is defined as the act of throwing acid or similar harmful substances on another person's body for the purpose of taking revenge by damaging, torturing or killing the person attacked. The perpetrators of this attack disfigure by flinging acid on victims, often on the face which burns and damages the skin. The most common types of acid that perpetrators often use are sulfuric, nitric, or hydrochloric acid. The long-term consequences of this attack can be devastating blindness, and permanent damage to the face and body, as well as social distance, psychological, and economic difficulties. Acid attacks can be viewed means "any act of throwing acid or using acid in any form on the victim thus causing deformity in any part of that person's body. Although an acid attack is a crime that can be committed against any man or woman, but in South Asia there is a rise in crime against woman particularly by resorting to acid as a means to attack. It has been observed that the woman are made easy target of acid attacks, especially women who reject marriage proposals, rejecting marriage etc. Acid attack involves the deliberate use of acid with the intention to disfigure or to make the person blind. Most assaults are made with the point of distorting the person in question and not to kill them.

In the present study, more than 65% of cases were below 30 years of age group, and out of them, maximum numbers of cases 36.5% were found between 20-30 years age group. This clearly indicates that maximum victims were of this age group in such type of heinous crime data. This is the age of early adulthood when women are exposed to the male dominant society. Even, they attract to each other. Some healthy relationships also flourish in between few one-sided affairs. These one-sided affairs often faced denial from women and thus hit the ego of men. Women are often regarded as second-class citizens in this dominant male community, influenced by cultural and social factors. These norms award males to be aggressive, powerful, controlling and thus contribute to a social acceptance of dominant part of our society.[2] In India, there are numerous reasons which cause an individual to act so severely towards the other. A few cases detailed are the reason for dismissal of engagement propositions, refusal to suggest connection, individual clashes, or refusal to pay dowry. The survivors of corrosive assaults are exposed to

impermanent or perpetual physical body deformation and frequently endure mental injury too. Numerous instances of corrosive assaults in India end with the casualty ending it all. Such assaults are regularly seen in families with low instructive levels and less information on the outcomes of tossing corrosive on somebody. Such wrong doings can significantly be limited if the results of corrosive tossing are instructed in schools and further beginning times of training. Powerless legislation is additionally one reason for corrosive assaults in India. India is one of the most risky provinces for ladies after dim. Stringent laws ought to be presented for avoidance of such wrongdoings, to battle the offenders of corrosive assaults and further improve pay plans for the people in question. Further, better execution of the present laws for anticipation and assurance from corrosive assaults ought to be finished.

Some brave survivors of these assaults are Laxmi Agarwal, Haseena Hussain, Sonali Mukherjee and Preeti Rathi. These are just few names but there are such braver woman who have suffered from these assaults. The story of Laxmi Agarwal is that she was just 16 years of age when a person named Naeem Khan tossed the acid at her since she didn't react to advances of his romance. Acid had seriously consumed her entire face. She has had experienced seven surgeries and still has to undergo four additional surgeries to show up look like of what it was. She belonged to a poor family. All her medical expenses were taken care by a supporter who had always motivated her to fight for the cause, so that in future such heinous crime is not committed and to put a complete ban on the easy availability of the acid . It is undisputed that, the survivor Laxmi will never look the same way she used to and yet it takes us away from every woman who has been the victim of acid attacks like her. She was not out of breath and advocated a complete ban on the sale of acid to prevent violence against woman by acid. She was determined in seeking justice and thus a petition signed and supported by 27,000 signatures was filed before the Apex court to stop the sale of acid. She didn't lose hope and had vehemently continued her fight against acid violence to curb acid sales in particular.[3] She had likewise argued for an absolute prohibition on special of acid, referring to expanding number of occurrences of such assaults on ladies the nation over. It was this petition that prompted the Apex Court to issue a ruling on the sale and purchase acid. She is currently working with the non-governmental organization named Chhanv Foundation. This NGO ISS dedicated to help all those who overcome the deadly attacks in India. In the words of Laxmi Agarwal :

*“He changed my face, not my heart. He threw acid on my face, not on my dreams”*

In the case of *Devanand v. The State*,[4] the accused threw acid on his estranged wife, who had refused to stay with him. This accusation, in turn, caused disfigurement and the victim also lost her eyesight. The culprit was convicted under section 307 of the Indian Penal Code and sentenced to seven years. The individuals or the legislature should continue to spread the awareness about the causes, outcomes, and further anticipation. There ought to be progressively instructive educating about the result of such heinous crimes. The strictness of punishment ought to be well conveyed and a fear in the min of the offender ought to be made about the results of carrying out such a wrong doing. NGOs and International Organizations going about as the voice of the individuals can help to accelerate the awareness about the subject just and also helps to give remuneration to the victims. Such associations can additionally persuade individuals into better anger management. Also, decent legal plan for managing such violations can assist the victims with getting equity. The offender should confront some genuine accusations and disciplines while the victims must be given remuneration just as money related and moral help by the general public and the government.

## 2. IMPACT ON THE VICTIM:

Acid attacks are one of the worst cases in existence. It does not only affect the victim but also the family or persons related to the victim, i.e. the second victims, both physically and mentally. It is unfortunate however that the criminal justice system has failed understand the strength of guilt in its true spirit. And it affects the social victim as well society creates a taboo for victims thus making their lives more miserable. Acid being a solid material is capable enough to decay a solid material like metal. Thus, when the acid is unnerved on the face of the victim it is capable enough to melt the skin tissues and cause a burning sensation onto the face. The accused specially targets the face of the victim because we live in a society where beauty of a girl is judged only from her face not from her deeds or behaviour. It is often regarded as the important asset by the society and which tends to describe one character. It is urged that for the women her face value helps in choosing the right match for her. Such attack not only disfigures the face but also has the tendency to cause destruction to the bones . This might perpetuate into a long-term problems leading to breathing problems, Minor side effects include redness, burning or permanent hair loss. Things can go bad by even causing death of the victims. Apart from physically hampering their lives, it tends to shift the victims into the state of fear, depression. Since the medical aids cannot get them back to their previous looks, they feel embarrassed and further the societal stigma attached it haunts them like a devil. Due to the above emotions they tend to confine themselves at home which in turn effects them economically. Their might lose their jobs which might adversely affect their purchasing power, their source of livelihood etc.

### 3. LEGAL ASPECTS:

Prior to addition of Sections 326A-326B of Indian Penal Code (as recent as 2013), acid attack could only be accused as violence against women. But in 2013 the Supreme Court of India brought an amendment to Section 326 of Indian Penal Code by inserting Section 326(A) and 326(B).[5] Now under section 326(A) the minimum punishment laid down for throwing acid on anyone is 10 years of imprisonment while life imprisonment is prescribed as the maximum punishment under Section 326(B), the punishment prescribed is minimum imprisonment for 5 years which can be extended upto seven years. The Apex Court additionally gave the accompanying directions that only adults (over the age of 18 years) can buy acid and that also by indicating their picture ID and their residential to the vendor. The business person or the individual selling such products must note the explanation behind the acquisition of corrosive and the sum sold. For resistance of a similar Rs. 50,000 would be the punishment. Certain rules must be trailed by the organizations while purchasing and putting away corrosive for work and so on. Furthermore, the State Governments were directed to mandatorily give Rs. 3 lakhs as remuneration to the victims just as guarantees free treatment at any emergency clinics to the victims under sections: 376, 376(A), 376(B), 376(C), 376(D), or 376(E) of the Indian Penal Code.[6] After the Supreme Court ruling, in the year 2015, the Union territories of Punjab, Haryana, and that of Chandigarh, propelled a "Victim Compensation Scheme" which guaranteed a limit of Rs. 3 lakhs of compensation for the corrosive assault casualties, and less if the corrosive has not affected the face or any imperative organs of the body. It further gave that, a pay of Rs. 5 lakhs is to be paid to the cutting edge if there should arise an occurrence of death of a casualty. In May 2014, High Court lawyer Hari Chand Arora, requested the Punjab and Haryana High Court, to pay on monthly basis with the objective to help corrosive assault casualties. Haryana government had started paying Rs 5,000 every month to casualties, which was gradually increased to sum of Rs 8,000 every month, and thus from November 2017, the state of Punjab has started paying sum of Rs 8,000 to the victims.

Time and again the judges of the apex court have stressed on increasing the compensation paid to the acid attack victims due to the impact on social, economic and personal life of the victim. This enhancement in compensation is likely to serve two objectives firstly , it will rehabilitate victim secondly all the state governments will ensure and work in their true spirit to put an end to this menace or in other words it will frame an effective measure to control the acid attacks in India. Recently, a movie has also been released titled "Chhapaak"[7] in which Deepika Padukone has done the starring, the background of the movie shows the real-life story of acid attack survivor Laxmi Agarwal. The wrong doing act of acid attack causes such a great amount of pain to a person that the victims regularly allude to themselves as a walking burned corpse. Such assaults make the lives of the victims no not as much as hellfire. Notwithstanding this, other outcomes of such assaults incorporate scars, distortion, permanent harm, melting of eyelids, mental torment, lost vision, and so on. The treatment given to the victims by the general public is dishonourable and they are regularly dismissed in prospective job interviews and need to confront a great deal of analysis for their looks with definitely no deficiency of their own. In the case of *Parivartan Kendra Vs. Union of India* [8] a Public Interest Litigation was addressed before the court to bring into notice the dilemma of acid victims(in particular the plight of two girls who belonged to a reserved category, who were the victims of acid attack)with respect to access to free health care, rehabilitation services or adequate compensation under the Survivor Compensation Schemes. In this case, the court also considered that regardless of the orders and instructions of the Apex court in the case of Laxmi,[9] acid is still easily available to many people. After 2014 landmark judgement with respect to, acid attack the another landmark judgement was given in this case wherein the Apex court directed all the State Governments / Union territories to take up the issue and mandatorily discuss and address this issue with all private hospitals in their province, so that private hospitals do not refuse treatment for acid victims and that complete treatment should be available to such victims including medications, food and surgery. The Apex Court further held that there was no need for the establishment of a Compensation Board and a compensation more than 3Lakh could be provided to the victims.

### 4. CONCLUSION:

International law plays a major role as it regulates member country activities and their approach towards the protection and promotion of human rights. United Nations General Assembly in the year 1993, passed a convention on 'Declaration on the Elimination of Violence Against Women' in the Article 4 (f) of the said declaration it urges the member states to enact such legal measures which tend to prevent violence against women. It enables the member states to draft a policy and new legal frameworks, with the provision for compensation to all those who suffer from acid attacks and regulate the sales of acid in the country. Woman, are the victims of all the crimes committed against them, which in turn violates their human rights. the plight of acid attack victims also adds up to the misery of woman against crimes committed against them. The international body of member states are under an obligation to protect human rights of both men and woman. Thus, these international bodies act as a watchdog on the member states to fulfil their duties with respect to promotion, protection, respect and fulfilment of human rights. It is now the need of an hour, that legal measures or steps should be taken to curb the menace of acid attack, by all member states. Another

safeguarding Article i.e. Article 21 of the Indian Constitution clearly lays down that every individual has a right to protect and personal liberty. Individual has the right to be protected against any unlawful act which is likely to put life of others in danger. The survivors of such assaults ought to be supported by the general public and the legislature for their bravery in managing the consequences. Laws made plans made so what remains? What we need to do? We need to do the strengthening of the usage of the standards and guidelines. Execution requests the job of every last one of us on the off chance that if we see over-the-counter offer of acid, we ought to whine the authorities and authorities need to make severe move. As we all know there is a proverb “Precaution is Always Better than Cure”.

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