

Acid violence against humanity: A vengeful act...

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Nowadays two words women and crime, go hand in hand, as we came across many incidents of increasing crimes against women. A willful and intentional act of throwing acid to the victim to maim, disfigure, torture and to blind her. These acts are of revenge because a woman spurns sexual advances or rejects a marriage proposal, for denying/disputes of dowry. Acid throwing is also known as vitriol age. Sulfuric and nitric acid are the most common acid used in these attacks which causing excruciating pain and terror and it also melts human flesh and even bones and scarred for the rest of their lives. The acid which has been designed to clean tools or in any industrial activities now is used in the attacks. As it requires no identity or no proof before buying it. But now the judges said that the buyer are required to show the identity proof in future to buy such acid and the retailer must register the name and address of the buyers. The perpetrators who commit such vindictive and vengeful acts seek to sentence the victim the capital punishment or worse than it. The medium like moving motor cycle or public roads provide the easiest medium of escape even in day light after doing such vengeful act i.e. acid throwing or it is usually thrown by these medium which make a women like a living corpse .Indian Penal Code relief to these victim under section 320 which says about grievous hurt like emasculation, Permanent privation of the sight of either eye or any hurt which endangers life and section 322 which talks about the hurt which he intend to cause or which he knows himself to be likely cause i.e. voluntarily causing grievous hurt. The punishment of voluntarily causing grievous hurt is defined under section 325 of Indian Penal Code, imprisonment which shall be extended to seven years or fine or both. Section 324 of Indian Penal Code define voluntarily causing hurt by dangerous weapons or means. Though Indian Penal Code is not up to snuff to deal with the case of acid attacks, it had no provision even to define acid attack. But due to alarming rate of acid attacks from decades' government of India decided to amend the old litigation just to bring some more section and some new ones to deal with the cases of acid attack.

The amendments are: The Criminal Amendment Act 2013 brought in force on the 3rd of august 2013 and has been gazette on 2nd April 2013. A new section 326A and 326B is to

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be added in Indian Penal Code. 326A laid down the punishment of acid throwing or hurt which is caused by acid attack that is imprisonment of 10 years and it can be extended up to life imprisonment with fine. It is also provided that the fine shall be just and reasonable to meet all the expenses like medical treatment of the victim. And in section 326B, whoever attempt to throw acid or throws with intention of causing damage or partial damage to her sensitive parts like face, breast eyes to blind her and so on or with intention to burn or maiming or to disfigurement or grievous hurt to t5hat person shall be punished w3ith imprisonment which shall not be less than 5 years but it may extend to seven years and also be liable to fine. Another amendment done in Indian Evidence Act 1872 in which section 114B has also been added i.e. presumption as to acid attack which means if a person throw acid to anyone or attempt to do so, the court will presume that the act was done intentionally or with the knowledge that such act is likely to cause hurt which is mention in section 326A of Indian Penal Code. Section 357C has been also amended in Criminal Procedure Code that the first aid or medical treatment which should be free of cost shall be provided in all the hospitals, public or private, whether it is rule by central government or by state government or by any other local bodies to the victim of an offences under section 326A of Indian Penal Code. The right of self-defenses has been extended to cover the act of grievous hurt mention in section 322 of IPC by acid attacks an act of throwing 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 such act,"²

Reasons for acid attack

- The proposal of marriage, sex, love, and sexual favor, which are rejected by a woman.
- Family disputes, relationship conflicts between the couples, these are situational attack.
- Vengefulness and status jealousy.
- Dowry problems and marital problems.
- The women who refuse any sexual advances or any favor, and hurt the ego of a man, become the victim of acid attack –revenge.
- Giving birth to girls is also the reason of acid attack.

²Laws concerning Acid attacks, ASFI, http://www.asfi.in/webpage.php?p_type=1&parent=92&catid=94.

- Any other marital affair or having affair before marriage.
- Not satisfying her husband needs and desire.

Consequences of acid attack

As hydrochloric acid and sulfuric acid has been use in the act of acid attack which burn the flesh of human being and dissolve the bones too. The impacts of acid attacks to a victim who is injured by acid are:

1. **Physical consequences:** Acid attack not only effect the skin but it also melts the flesh of a human being and dissolve their bones too. It is too painful even a healthy cannot imagine the pain of burned skin and melted flesh. It decreases the inner confidence as well as outer. The acid thrown on a women's face spread immediately by affecting her sensitive parts like acid burn eyes very firstly and it can make a person blind. Acid melts the noses by nostril and can make a person deaf by melting their ears. Most of the person who are the victim of acid attacks may lose their inner beauty as well as outer. It can also melt the bones of arms and can melt the flesh of breast.
2. **Social consequences:** As it is very difficult to go outside and to face the world for acid victim. usually these attacks make the person blind, deaf and handicapped .in short the acid victims live their live like a living corpse. They tried to hide themselves from the cruel world. And also tried self-harm to run from the situations. They thought that they are blacklisted from the world.
3. **Psychological Consequences:** A victim of acid attack not only gets affected physically but psychological also. It causes a deep impact on their mind. A kind of fear, feeling of being hatred. After the attack the disability, the disfigurement and a burnt skin which they get for the rest of their life and the trauma which they get also affect them so much. The feeling of boycotted and blacklisted make their confidence low and they also feel like a living corpse. As our so-called society believes in outer beauty rather than inner beauty make the victims hell depressed as when they look themselves into a mirror.
4. **Economic consequences:** due to the fault of that ferocious monster, acid attack victim suffers a lot. As women are supposed to get married to someone for their rest of their life but our society does not accept a woman with defects like blindness, deafness and disfigurement. In all this shit a woman without any fault

was rejected as her outer beauty is spoiled by someone else. We think ourselves a kind human being but on other hand we are making acid attack victims life hell by giving them so called sympathy actually which they don't want, all they want is job and a happily married life. They even don't get job as it also requires a personality to crack the deal.

Legal effect of acid attack

In India, many incidences of acid attacks become the headlines of Indian media. In India, before the passing of The Criminal Law (Amendment) Act 2013 there was no separate litigation for acid attack.

- **The section 320 of the Indian penal code: hurt-**

The kinds of hurt only are designated as "grievous": Emasculation, Permanent privation of the sight of either eye, Permanent privation of the hearing of either ear, Privation of any member or joint, Destruction or permanent impairing of the powers of any member or joint, Permanent disfiguration of head or face, Fracture or dislocation of a bone or tooth, Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits

- **Section 322 - voluntarily causing grievous hurt:**

Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said to "voluntarily to cause grievous hurt. Explanation. - A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing he to be likely to cause grievous hurt of one kind; he actually causes grievous hurt of another kind.

- **Section 325 - punishment for voluntarily causing grievous hurt**

The one who because grievous hurt shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

- **Section 307 - attempt to murder**

Whoever does any act of throwing acid or any other act with intention to cause grievous hurt and it causes to death of the person, the one shall be or would be guilty of murder. The one offending under this section shall be imprisoned for life.

Section 357 B has been newly inserted in Code of Criminal Procedure:

"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."

Today's scenario

Bangladesh has been reporting the large number of attacks and highest incidence rates for women with 3,512 Bangladesh's people acid attacked between 1999 and 2013. India is also now on high alerting of acid attack after the case of Lakshmi. In 2000 in India there were 174 cases of acid attack but now it has taken a sudden rise. However, Bangladesh is the country which has highest number of cases in acid attack.³ There are 250 to 300 acid attacks reported in India every year, despite laws restricting the sale of acid or other deadly chemicals, according to Stop Acid Attacks, a non-profit group.⁴ The act of acid attack can be committed against both women and men but the women is the bulk victim and especially of younger age. The women of age 15 to 25 are the target of these attacks. In Karnataka the cases are recorded in large amount is of acid attack and specially on women of younger age.

As acid is very cheap and easily available in medical stores and local stores and which is the main weapon of these attackers so these monsters found it easiest way to attack on a woman. Acid attack is common in Pakistan, Bangladesh, India, Afghanistan, Nepal, Cambodia, and a few other countries.

Landmark cases

Balu v. State Represented Inspector of Police

³Amartya Bag, *Acid attack and the Law in India*, IPLEADERS, <https://blog.ipleaders.in/acid-attack-and-the-law-in-india/>.

⁴SujoyDhar, *Acid attacks against women in India on the rise; survivors fight back*, USATODAY, <https://www.usatoday.com/story/news/world/2017/07/27/acid-attacks-women-india-survivors-fight-back/486007001>.

In this case, a husband throws acid on her wife and the accused the suspicion that his wife is having sexual relationship and in revenge, he throws acid on her. The case was committed to Court of Session and necessary charge was framed. the accused stood charged under Sec.302 of I.P.C., tried, and found guilty as per the charge and awarded life imprisonment along with a fine of Rs. 2,000/. The appeal was dismissed by the Madras High Court. Such a meager amount of compensation of only Rs.2, 000 cannot be said to be sufficient.

MarepalliVenkata SreeNagesh vs. State of A.P.⁵

In this case the accused/ husband poured acid into the vagina of her wife. As he said that he was doubtful of her wife's character. Through his husband act the injury caused to renal failure resulting in the death of his wife. Under section 302 and 307 of Indian Penal Code, the husband was convicted and has been charged. She was taken to the hospital named new city hospital where she gone through a several surgeries but she was died after so many attempts to saving her.

Laxmi v UOI⁶

A girl named Laxmi who is 22-year-old was standing near bus stand where two men came and throw acid on her by making her disfigure as she rejects the proposal or refused to marry one of them. The victim and her parents are too poor to bear the expenses of her treatment and fortunately they were helped by benefactors who bore all the expenses approximately 2.5 lac. And after that she was gone through several surgeries and several treatments to make her physical appearance semblance of what it was. After this case the Supreme Court directed all states to pay around 3 lakhs to the acid attack victim and 1 lakh within the 15 day of the attack and rest within two months. The Supreme Court also banned the sale of acid on the local shops. And retailer has to register the name and address of the buyer. The seller sells the chemical only by after showing the identity proof to the government.

Devanand Vs. The State

⁵MarepalliVenkataSreeNagesh vs. State of A.p,2002 Cri LJ 3625.

⁶Laxmi v UOI, 2014 4 S.C.C.427.

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.⁷

Conclusion

Acid attack become the global problem as it is rising at alarming rate, but strict rules and norms can change the scenario. After the case of Laxmi Supreme Court has banned the sale of acid which is also called TEZAB. Ms. Laxmi has been selected by US for the prestigious International Women of Courage Award. The government should take measure step to curb the acid attacks. Women should also have step out to face and to fight with the world. Media can also play a vital role to curb acid attacks. The harsh punishment has to be given to that monster so that they can feel the pain of the victims. Government should give employment to the acid attack survivors and should encourage them to fly and to reach to the high. The acid attacks destruct the both, the body and the soul of the women. It is time to seriously ponder on the question-how to curb acid attacks and how to make India a safer place for a woman.

⁷*Supra Note 3.*