

ISSN: 2582 - 2942



LEX FORTI

LEGAL JOURNAL

VOL- I ISSUE- III

APRIL 2020

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of LexForti Legal Journal. The Editorial Team of LexForti Legal Journal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of LexForti. Though all efforts are made to ensure the accuracy and correctness of the information published, LexForti shall not be responsible for any errors caused due to oversight otherwise.



ISSN: 2582 - 2942

EDITORIAL BOARD

EDITOR IN CHIEF

ROHIT PRADHAN

ADVOCATE PRIME DISPUTE

PHONE - +91-8757182705

EMAIL - LEX.FORTII@GMAIL.COM

EDITOR IN CHIEF

MS.SRIDHRUTI CHITRAPU

MEMBER || CHARTED INSTITUTE
OF ARBITRATORS

PHONE - +91-8500832102

EDITOR

NAGESHWAR RAO

PROFESSOR (BANKING LAW) EXP. 8+ YEARS; 11+ YEARS WORK EXP. AT ICAI; 28+ YEARS WORK EXPERIENCE IN BANKING SECTOR; CONTENT WRITER FOR BUSINESS TIMES AND ECONOMIC TIMES; EDITED 50+ BOOKS ON MANAGEMENT, ECONOMICS AND BANKING;

EDITOR

DR. RAJANIKANTH M

ASSISTANT PROFESSOR (SYMBIOSIS INTERNATIONAL UNIVERSITY) - MARKETING MANAGEMENT

ISSN: 2582 - 2942

EDITORIAL BOARD

EDITOR

NILIMA PANDA

B.SC LLB., LLM (NLSIU) (SPECIALIZATION BUSINESS LAW)

EDITOR

DR. PRIYANKA R. MOHOD

LLB., LLM (SPECIALIZATION CONSTITUTIONAL AND
ADMINISTRATIVE LAW)., NET (TWICE) AND SET (MAH.)

EDITOR

MS.NANDITA REDDY

ADVOCATE PRIME DISPUTE

EDITOR

MS. P SAI SRADDHA SAMANVITHA

STUDENT EDITOR



ABOUT US

LexForti is a free open access peer-reviewed journal, which gives insight upon broad and dynamic legal issues. The very objective of the LexForti is to provide open and free access to knowledge to everyone. LexForti is highly committed to helping law students to get their research articles published and an avenue to the aspiring students, teachers and scholars to make a contribution in the legal sphere. LexForti revolves around the firmament of legal issues; consisting of corporate law, family law, contract law, taxation, alternative dispute resolution, IP Laws, Criminal Laws and various other Civil issues.



Acid Attack

Joseph Bibin

ABSTRACT

Acid attack is one of the main social issue faced by the society. In this article I am to convey the public about present solutions for the problems caused due to acid attack in India. Then if these present solutions are not adequate then the new measures that should be taken as solutions. Then I also try to convey what we as citizens of India can provide for the protection and prevention from acid attacks. The other aspect that I intend to discuss through this paper is that about the victims of this social issue, and how they can be dealt with.

In this article it is also dealt in particularly with the action plans suggested by the ministry of home affairs in relation to acid attack. And how women have to deal with most of it as per various statistics. I also try to substantiate my points with the help of some Indian case laws. The main objective of this article is improve the various measures taken to protect the people from acid attacks and to bring about proper measure in a state wise format as only in some state acid attacks are a major social issue.

INTRODUCTION

India have seen more than 1500 acid attacks in the previous 5 years according to the crime bureau. The count of the people attacked by acid attacks is increasing, whereas the counts of people who are being punished are going down. This is due to the inefficiency of the laws prevailing in India.¹ The above data have been taken from the National Crimes Records Bureau.² According to the stats of the National crimes record bureau only about 19 cases of the reported and trailed cases have been convicted, this shows the mere unpowered laws regarding with acid attack.³ Acid attack is a way of assaulting the person by throwing acid on the person's body for destroying and burning the tissues and even bones. This act can permanently affect a person both physically and mentally, that is permanent physical damages like blindness and even mental disorder. Most of these cases are targeted on women.

STATISTICS

The following table shows the state wise acid attacks that happened in India during the years of 2015 to 2017 according to the information given out by the Lok Sabha on the date 13/12/2019

State / Union Territory	2015	2016	2017
Andaman and Nicobar Islands	0	0	0
Andhra Pradesh	11	3	2
Arunachal Pradesh	0	0	0
Assam	1	8	3

¹ Article on Acid attack, Times of India February 10, 2020,

² Pulaha Roy, India saw around 1500 deaths in the past 5 years, National crimes record bureau, India Today January 20,2020

³ SUPRA 2

Bihar	5	2	4
Chandigarh	0	0	0
Chhattisgarh	0	0	0
Delhi	13	10	8
Goa	0	1	0
Gujarat	3	6	4
Haryana	3	8	4
Himachal Pradesh	1	0	2
Jammu And Kashmir	0	0	1
Jharkhand	0	0	0
Karnataka	1	2	2
Kerala	5	9	9
Lakshadweep	0	0	0
Madhya Pradesh	5	4	5
Maharashtra	6	2	2
Manipur	0	0	1
Meghalaya	0	0	0
Mizoram	0	0	0
Nagaland	0	0	0
Odisha	5	12	11
Pondicherry	0	0	0
Punjab	2	5	4
Rajasthan	0	2	3

Sikkim	0	0	0
Tamil Nadu	7	1	3
Telangana	1	0	1
Tripura	0	1	0
Uttar Pradesh	51	44	41
Uttarakhand	0	0	3
West Bengal	20	40	41
India	140	160	148

The above statistics show that our country is deeply affected by this social issue. The states that are majorly affected are West Bengal, Uttar Pradesh, Odisha, Madhya Pradesh, Kerala, Haryana, Gujarat, Delhi, and Andhra Pradesh. These stats shows how the states are equally affected by this particular social issue.⁴

SOME RESENT INCIDENTS

Recently in Tamil Nadu, a lady was attacked by her father with acid even though she was pregnant. The issue raised after the lady married her boyfriend without the consent of her father. The daughter was forced to go with the father but as she refused, the father used chemical on the daughter and even attacked the in-laws for trying to protect his daughter. This incident alone shows how women are abused and assaulted just because they are women.⁵

Another incident that happened lately is in a village where again a woman was attacked by men who raped this particular victim. She was forced to cancel the complaint filed by her on rape against these people, but as she refused she was attacked by chemicals by these four men. This again shows that how this particular social issue has caused a great deal of problem. Especially to women.

CASE REFERENCES

⁴ Lok Sabha unstarred question no: 4238 (13 December 2019) Indiastat.com

⁵ Retired cop throws chemical on the face of pregnant daughter, Times of India, February 02 2020

In the case of Laxmi vs. U.O.I the defendant was awarded bail on the terms stating that they don't know the graveness of the particular incident. This happened as the victim was attacked by a person whom the victim did not agree to marry. So the victim went forward with a public interest litigation. She wanted to bring about new amendment in both Indian Penal Code and the Code of Criminal Procedure with regarding with laws relating to acid or chemical attack. So this turned out to be a land mark judgement considering the fact that the court actually brought some amendments in the Indian penal Code that is sec 326-A, sec 326-B. Then the court held a meeting with the ministry of home affairs and held a compensation of rupees 300,000/- to all the chemical attack victims. The court also asked the states to make proper limitation in the process of selling the chemical solutions. The court also made sure that all treatment for the acid attack victims will be free of cost. And it made compulsory for every hospital to attend these victims and provide them with first aid and then take them to specialized hospitals. So according to me this case played a major role for the basic rights of the victims. And furthermore there should be many more legislations that is in favour of these victims.⁶

AMENDMENTS BROUGHT AND NEEDED TO BE BROUGHT FOR ACID ATTACK ON WOMEN

Even though there are lack of measures taken by the government, in the year 2015 the ministry of Home affairs have made recommendations in protecting women from acid attacks. That is mainly on the basis of compensation in monetary terms and also the actions that should be taken on hospitals that neglect to provide treatment for the victims. The recommendation was also based on the sales of acid which should be prohibited in a state wise manner. Another major issue that I want to discuss is the issue of culprits escaping through fast tracking of justice.⁷ The amendment of Indian Penal Code has made a major change that is sec 326-A that is minimum 10 years of imprisonment which can be increased to a time being of life imprisonment along with fine.⁸ The other section is Sec 326-B that deals with the punishment for attempt attacking with chemical substance, which is imprisonment for a period of five to seven years period.⁹ Again a recommendation was made by the ministry of Home Affairs to increase the compensation in the

⁶ Laxmi vs. U.O.I & Ors (2014 scc 4 427)

⁷ Ministry of Home affairs, Advisory on expediting cases on acid attack on women, mha.gov.in

⁸ The Indian Penal Code Sec 326-A

⁹ The Indian Penal Code Sec 326-B

monetary terms with an extra one lakh Rupees. Even though they already had a compensation of rupees three lakh.¹⁰

ACID ATTACK ON WOMEN DUE TO WOUNDED PRIDE OF MEN

Men have attacked women in different circumstances for their damaged pride which they hold so high. And women are always the victims of this rubbishes who are really helpless. There are many situations where women are abused and assaulted by me men for their personal reasons which men hold so high that they do not care they are destroying the other person's life. For example the first recent incident that I have discussed above where a retired cop attacks his own pregnant daughter with chemical substance just because he felt that his pride is affected. This alone shows how women are helplessly suffering from this social issue. In the second incident discussed, there also a woman was again attacked by four men just because the women filed a complaint against them for raping her. These are all great examples for showing what women in India are really suffering. So according to me all the men who attacks any women with these chemical substance for recovering the damage that happened to their pride should be handed over with a higher degree of punishment.

TREATMENT FOR ACID ATTACK VICTIMS

The treatment for the victims was held to be free after the judgement of Laxmi vs. Union of India and others. So the current scenario is that even in private hospitals the treatment for acid attack is completely free. And it is compulsory for every hospital to provide with the basic first aid treatment before sending them to the specialized hospitals. It was ordered by the Supreme Court in a judgement. The states that are being targeted the most by acid attack is Uttar Pradesh, Madhya Pradesh, Gujarat, and Delhi. The case that is substantiating the above is the landmark case of survivor of acid vs. government and others.¹¹

RIGHTS OF PEOPLE AFFECTED BY ACID ATTACK

The people who are affected by the acid attack will have equal rights as of the physically disabled persons. This was ruled by the Supreme Court. The case was presented in the court by a Non-Government Organization. In this case it was ruled by the Supreme Court that the victims of these acid attacks will get special rights as disabled people. The judges in this case also held that

¹⁰ Ministry of Home affairs, Additional compensation of Rupees one lakh to the victim of acid attack under PMNRF, mha.gov.in

¹¹ Sanjeet Bagchi, Private hospitals are told to treat acid attack victims free of charge, BMJ: British Medical Journal Vol. 350, (20 Apr 2015 - 26 Apr 2015)

the compensation that the victims of these social issues receive are not adequate considering the social, mental, physical and economical trauma that they have gone through. The Rights of persons with Disabilities Bill 2014 provides that the disabled people will have special reservations and benefits in the field of education, government employment and any other policies of the government.¹² This bill also gives special privileges for disabled people in public health centre and public transport. All these are the rights that should be available to the victims of acid attack.

CONCLUSION

With reference to the points stated above, I have tried to throw light upon the following issues like, present solution for this problem, whether these solution are adequate if not, what is the solution, what solution can we as citizens of India provide. I also try to enlighten the public about the hardships of these victims of acid attack, bring about the means to stop acid attack throughout the country. Acid attack has been a sensational public issue as there has been many documentaries and movies made to make the public aware about the things happening in the society. Even there has been many societies and Non-profitable organization to make sure about the welfare of these victims of acid attack. E.g.:- There is a café in Delhi which is only run by victims of acid attack, just to protect the interest of these people and to make them feel that they can fit perfectly in this society. The sale of these acids should also be regulated throughout the country. They should bring about a special body just to regulate the sales of acid so it should not be available to the general public.

¹² Sanjeet Bagcchi, Acid attack victims should have same rights as disabled people, Indian Supreme Court rules, BMJ: British Medical Journal Vol. 351 (14 Dec 2015 - 20 Dec 2015)