

Volume 11, Issue 2  
July 2018

ISSN No.:2348-4667

# Anthropological Bulletin

*a peer reviewed international journal*



**A  
B**

*Department of Anthropology  
University of Lucknow, Lucknow, India*

## Rehabilitation of Acid Attack Survivors: An Analysis

Mohd. Ashraf<sup>1</sup> and Abdul Munim Choudhury<sup>2</sup>

### ABSTRACT

*Crimes are common in every society and it is committed in different ways by the use of different means. Mostly the nature of crime is so inhuman that shakes society from the root. Among the inhuman crimes, an acid attack is considered as such violent crime in which acid is used as a weapon to commit a crime and most of the victims of acid attacks are women. It is one of the most barbarous and heinous crimes which involves the premeditated throwing of acid on a victim, usually on the face or upper body. The survivors are physically, psychologically, socially, and economically traumatized. Victim normally feels worthless, and afraid, which leads to self-blaming, and they face seclusion from society. They are being outcast by society for their horrendous appearance. They may not be able to work or find a job and thus continuously struggle to earn a livelihood. Although the criminal justice system provides compensation as a remedy it appears to be insufficient to redress the loss. There is a need for an effective and adequate remedy for the survivors. The authors in this present paper have posited restorative measures to provide remedies to eliminate the evil effects of the acid attack survivors, in addition to the existing provision of damages, survivors must be rehabilitated and integrated into society. It further focuses on the problems faced by the survivors in society for survival. The authors make suggestions for improving the current provisions to readdress issues concerning remedies to be provided in cases of acid attack.*

**Keywords:** Acid Attack, Survivors, Rehabilitation, Compensation, Remedy etc.

### I. INTRODUCTION

"I learned to live with the physical pain, but it was the way society reacted that hurt the most. My own relatives and friends have stopped seeing me. I spent eight years indoors, only venturing out in a *ghunghat*." ~LAXMI AGARWAL

Criminals commit offences in numerous ways. However, certain crimes are committed in ways that are extremely harmful to society. Humanity faces the danger of its existence due to the frequent heinous and deplorable crimes. As a society, we need to think to make an inclusive and sustainable society. The number of crimes against women is higher in our very

---

<sup>1</sup> Professor, Faculty of Law, Aligarh Muslim University, India.

<sup>2</sup> Student, L.L.M. (Criminal Law), Faculty of Law, Aligarh Muslim University, India.

own society and a female victim is always considered fragile and conducive to offences. Acid attacks are among the most terrible crimes committed by criminals and it poses danger to humanity. Acid is used as a weapon by the offenders; attacks have long-term physical, psychological, emotional, economic, and societal implications. The Supreme Court and numerous High Courts in India have recently accepted it and have instructed the states to provide relief and rehabilitation for acid attack survivors. However, the person who has been the victim of such a horrible crime (in India, it is primarily women) is only in the position to say about the recourse of the remedies and treatment given to them. The question arises out of this rehabilitation and assuagement touch given to them is ample or not. The model that the compensation and rehabilitation schemes are built on needs to be tested for efficiency.

The researcher has attempted to look at the rehabilitation of acid attack victims and alleviate them through a restorative justice method rather than simply offering compensation and punishment. It is insufficient to provide compensation and prosecute the perpetrators; a sufficient amount of recourse and remedies should be made available for the victims. Justice must be served not only for the material or bodily losses experienced by acid attack survivors but the remedies for their mental, psychological, and social losses are not given to them and neither the work is done towards it and this is to be noted that after suffering that trauma, victims face more ostracization in the society and struggles to earn a livelihood. To give victims a full and effective remedy including restorative justice, in this study authors have posited many ways in which victims can get inclusive justice and the survivors can be assuaged.

## II. ACID ATTACK: ANALYSED

Crime against women is common phenomenon of every society facing this in today's world. There are various forms of violent crime is being committed against women in which acid attack is one of the most inhuman and unimaginable crime in the society. Since, most of the victims of acid attacks are women and frequently committed against them as retaliation for violating gender-based expectations such as norms, roles and maintain the inferior positions in a house-hold or society, so acid attacks can be termed as gender-based violence.<sup>3</sup> According to an examination of Indian newspapers and a recent report from the National Crime Bureau, around 75% of the attacks in India were committed against women. It would be irrational to assert that acid assaults are not gender-related in view of the available evidence.<sup>4</sup> The Law Commission of India also noted that traditionally acid attacks are committed towards a specific gender, as women and girls constitute majority of the victims of the acid attacks.<sup>5</sup>

In many Countries, women are victims of acid attacks as because of inequality and discrimination in terms of social, cultural, personal and religious.<sup>6</sup> Inequalities in culture can be based on gender, economic status, or social class, or they can be caused by a culture of revenge or misogyny. Societal means patriarchal or a society where men are in charge. Situational means family conflict, easy availability and low cost of acid. Personal includes insulations, uncontrollable anger management skills, lack of control of power of perpetrator, mental and emotional capacity of perpetrators. Generally, perpetrator intention is not to kill but to disfigure her face permanently. Even after the new guidelines of the Supreme Court's rules and regulation of sale of acid, it is easily available in the market. In fact, it is the duty of the local administration to monitor the sale or purchase of acids, any illegal activity is a non-

---

<sup>3</sup>United Nations Treaty Collection Databases, <http://treaties.un.org>

<sup>4</sup>Law Commission of India, available at: <http://lawcommissionofindia.nic>

<sup>5</sup>Law Commission of India, "226<sup>th</sup> Report on Proposal for inclusion of acid attacks as specific offences in the Indian Penal Code and a law for compensation for victims of crime" (July, 2008)

<sup>6</sup>[www.com/filmcatalog/study/savface\\_guide.pdf](http://www.com/filmcatalog/study/savface_guide.pdf)

bailable offence. Acid attacks are frequently targeted at the face of the victim because everyone especially women value their faces as one of their most prized possessions. Given that it leaves women permanently dead, it is a horrifying and brutal crime against them. Some victims believe that those who pass away from the attack are actually lucky because those who survive must live with 'half a face and half a life'. Supreme Court said that acid attacks are worse than murder.<sup>7</sup>

### III. CAUSES AND CONSEQUENCES OF ACID ATTACK:

Acid attack is defined as the act of delivering acid with the aim or knowledge of causing permanent or partial injury, deformity, or disfigurement to any portion of the victim's body.<sup>8</sup> Acid is commonly used in these types of attacks. It is used maliciously to exact vengeance, disfigure and damage men and women, generally on their faces. Despite the Supreme Court's decision in *Laxmi v. Union of India*<sup>9</sup> forbidding the sale of acid over the counter, it is concerning that such potentially hazardous commodities are so easily accessible.

The number of acid attacks has risen dramatically. From 2014 to 2017, there were 203, 222, 283, 252, acid attack cases reported.<sup>10</sup> However, the Acid Survivors Foundation India (ASFI) estimates that thousands of cases have occurred, with many of them going unreported.<sup>11</sup> In a case, the husband of a 23-year-old married woman and her two young girls from a slum neighbourhood of Agra, outraged at the lack of a male offspring, poured acid on all three while they slept. After initially reporting the incident, the victim dropped the charges to avoid her husband's wrath.<sup>12</sup>

These assaults are intended to subjugate and control women. According to a special report by an Indian Non-Governmental Organisations (NGOs), 80 per-cents of victims are women, with 40 per-cents of these being girls under the age of eighteen.<sup>13</sup> In certain ways, the aggressor is aware that a woman's self-worth and self-esteem are typically expressed through her face, which is an aspect of her personality.<sup>14</sup> Following are the reasons of acid attack cases, such as:

- i. Retaliation for a man or woman's refusal of a love marriage proposal<sup>15</sup> or other romantic or sexual approaches,<sup>16</sup>
- ii. Failure to pay dowry,<sup>17</sup>
- iii. Land or money disputes,<sup>18</sup>
- iv. Perceived dishonour and jealousy,<sup>19</sup>

<sup>7</sup>Acid Test on Humanity: Deccan Herald (Karnataka), July 11, 2013,

<sup>8</sup>Prevention of Offences (by Acids) Act 2008 (National Commission for Women - Draft Bill), available at [http://ncw.nic.in/pdf/files/offences\\_by\\_acids.pdf](http://ncw.nic.in/pdf/files/offences_by_acids.pdf)

<sup>9</sup>AIR (2014) 4 SCC 427.

<sup>10</sup>National Crime Record Bureau, volume-II, Available at: [www.ncrb.gov.in](http://www.ncrb.gov.in)

<sup>11</sup>SujoyDhar, "Acid attacks against women in India on the rise; survivors fight back", USA Today, July 27, 2017, available at: <https://www.usatoday.com/story/news/world/2017/07/27/acid-attacks-women-indiasurvivors-fight-back/486007001>

<sup>12</sup>ZacharieRabehi, "The Stories of India's Acid Attack Survivors", The Citizen, May 22, 2016, available at: <http://www.thecitizen.in/index.php/en/NewsDetail/index/7/7761/The-Stories-Of-Indias-Acid-Attack-Survivors>

<sup>13</sup> Tom de Castella, "How many Acid Attacks are there?" Available at: <http://www.bbc.co.uk/news/magazine-23631395>

<sup>14</sup>Justice Verma Committee Report (2012) on amendments to criminal law.

<sup>15</sup>Ramesh Dey and Ors.V. State of West Bengal(LNIND2007CAL335)

<sup>16</sup>Nazeem Khan v. State (2011Cr.LJ1786)

<sup>17</sup>Harindersingh V. State of Punjab, AIR 2009 SC 913

<sup>18</sup>Madya Pradesh V. Jhaddu and Others, 1991 Supp. (1) 545



- v. Other animosities with the victim or victim's family on a personal level..

### CONSEQUENCES:

An acid assault seldom kills, but it always wrecks lives, and it has long-term effects on the victim's life and causes them to suffer for the rest of their lives. The offenders in most of these acid attacks employ larger doses of hydrochloric,<sup>20</sup> nitric<sup>21</sup> and sulphuric acid.<sup>22</sup> These acids produce severe facial burning, if the burn is severe enough, the face becomes unsightly, the skin sags, and even the bones dissolve. If the acid gets into the victim's eyes, they lose their vision, and if it gets into the wind or food pipe, it causes severe diseases like Ulcer. In many acid assaults, the victim dies slowly and painfully. However, the effects of acid attack such as:

**PHYSICAL:** Victims have considerable physical challenges. They may become too traumatized and embarrassed to leave the house and perform basic activities. They may be unable to work or obtain jobs, forcing them to constantly fight for existence. However, Physiological impact and medical treatment of acid attack on the body such as;

a) Physical impacts:

- i. Immediate consequences
- ii. Targeted areas
- iii. Scarring
- iv. Infections and complications
- v. Further injuries resulting from poor treatment.

b) Medical treatment:

- i. Emergency treatment
- ii. Medicines and supplies
- iii. Physio-therapy
- iv. Surgery.

**PSYCHOLOGICAL:** Attack victims experience not only significant physical pain but also devastating alterations in their feelings and thoughts. Psychological symptoms suffered by victims include sadness, insomnia, nightmares, anxiety of future attacks, and fear of social interaction. They are depressed, humiliated, worried, and lonely all of the time. They live in constant terror of being attacked once more.<sup>23</sup> However, psychological consequences and treatment can be;

a) Psychological consequences:

<sup>19</sup>Population Services Internationals, <http://www.psi.org>

<sup>20</sup> "High quantities of hydrochloric acid (HCl), an aqueous solution of hydrogen chloride gas, produce acidic mists. Both the mist and the solution have a corrosive impact on human tissue and may harm the eyes, skin, intestines, and respiratory system."

<sup>21</sup> "Nitric acid, also known as nitric oxide or HNO<sub>3</sub>, is a colourless, fuming, and extremely corrosive liquid. Concentrated nitric acid can inflict serious burns and lasting eye damage, as well as damage to the skin, mucous membranes, and eyes. Acid inhalation can cause deadly pulmonary edoema and other delayed effects, including severe respiratory irritation."

<sup>22</sup> "All biological tissues are corrosive to sulphuric acid (H<sub>2</sub>SO<sub>4</sub>), which is a clear, colourless, greasy liquid. The concentrated acid works by severely dehydrating the surrounding air. Acid vapour inhalation can be seriously damaging to the lungs and cause severe upper respiratory tract irritation. Skin contact with acids can result in severe necrosis, while skin contact with diluted solutions on a regular basis can result in dermatitis. Sulfuric acid in concentrated form can seriously harm the eyes, resulting in glaucoma and cataracts."

<sup>23</sup> Supra Note 3

- i. psychological impact of living with disfigurement
  - ii. psychological impact of assault
  - iii. psychological impact of domestic
- b) Psychological treatment:
- i. Agreement on the importance of on-going psychiatric counseling.
  - ii. Therapy helps lessen the psychological effects of having a deformity.

**FINANCIAL:** Medical bills are also an added financial strain for the victim's family, as they are beyond the means of many victims' families. The victim also reduced earning potentials after recovery because they might not be able to pursue ordinary course of work like before.

**SOCIAL:** The victim also experiences societal discrimination throughout their lives and they grow isolated. Even if they want to live a regular life, given their appearance and limitations after an attack, there is no guarantee that society will consider them as normal human beings. The victim faces familial and marital disruption also stigmatization and withdrawal from society.<sup>24</sup>

#### IV. JUDICIAL RESPONSE

**In Tekan Alias Tekram V. State of Madhya Pradesh.** This is a landmark case of rape victim that was instrumental for the Apex Court to direct all the State along with the UTs to frame a Uniform Compensation Policy on the model of Goa to the handicapped rape victims throughout the country, citing differential treatment in different states.<sup>25</sup> It will aid the survivor in getting better. As the state will work to abide by the laws completely in order to prevent acid attacks in the future, this will also push the state to enforce the laws more strictly. In an order dated 18<sup>th</sup> July 2013, Laxmi v. Union of India declared that at least Rs 3 lakhs must be granted to the victims of acid assaults by the Government concerned. Taking into account the victims' concerns, this Court raised the compensation. As a result, the government ought to give each acid attack survivor at least Rs 3 lakh. The sisters must receive at least Rs. 6 lakhs in compensation in this case. Based on the specific facts of the case, we are of the opinion that the victim deserves to be compensated more than the sum awarded by this Court in the Laxmi case. It is crucial to keep in mind that the younger sister was also damaged by the said attack, even if we are not issuing any directions that are distinct from those provided in the Laxmi case in this instance. Even though she doesn't have very severe pain, the older person nevertheless needs treatment and rehabilitation. It's important to note that the court in the Laxmi case did not completely rule out the prospect of a compensation judgement from the government of up to Rs 3 lakhs. The state has the option to offer an acid attack victim additional compensation, as per the Laxmi case regulations. It should be recalled that this Court did not place any limitations on the severity of the damage the victim of an acid assault experienced in the Laxmi case. In this instance, the victim's father has already invested more than Rs 5 lakhs in the victim's care. Given the severity of the victim's injuries, the cost of grafting and reconstructive surgery, the victim's physical and mental suffering, and other factors, we think the victim (Chanchal) should receive at least Rs 10 lakhs in damages. In the end, the victim should be compensated not only for her physical injuries but also for her emotional pain from not being able to enjoy the luxuries she used to have because of the acid attack. In light of the decision in the Laxmi case, the Court decides that it is fair to give compensation in the amount of Rs. 10 lakhs. We further order the relevant government to give Chanchal, the victim, Rs. 30 of 45 lakhs in compensation, as well as Rs. 3 lakhs to Sonam, the victim, Chanchal's sister. The victim and her family shall receive

<sup>24</sup>Acid Survivor Trust International (ASTI): <http://www.acidviolence.org>

<sup>25</sup>(2016) 4 SCC 461

a payment of Rs. 5 lakh within one month of the date of this judgement, and the victims shall receive the remaining sum of Rs. 8 lakh within three months of the date of this decision. Additionally, in accordance with the Laxmi case advice and ruling dated 10-4-2015, the State shall be fully responsible for the care and rehabilitation of acid attack victims.<sup>26</sup>

**In RavadaSasikala V. State of Andhra Pradesh and Others,**<sup>27</sup>The Honourable Supreme Court ruled that the acid assault case is an illustration of brutal and immoral behaviour. This type of felony does not call for clemency. Because the 34-year-old girl's injuries show that she was attacked with acid, the circumstances have been made clear by strong evidence, and the conviction has been upheld, there was no reason to only give her the time she had already served. Lordships of the Supreme Court told the accused to pay a monetary settlement of 50,000 rupees and the State to pay a monetary settlement of 3 lakhs.

Acid burning/throwing events are physically, mentally, and psychologically torturous. Every person must keep in mind that whatever happened to the acid attack victim's family members might happen to them as well. Every person has the right to life, which includes the freedom from all types of physical, psychological, and mental abuse, such as burning, stalking, and sexual assault. Acid burn patients experience stigma and trauma. Therefore, we offer the following specifications in order to stop and count the increasing incidence of acid attacks: According to the Hon'ble Supreme Court's decision in Laxmi v. Union of India, all private hospitals in the states of Haryana and Punjab, as well as the Union Territory of Chandigarh, are required to provide medical care to victims of acid attacks.<sup>28</sup>

**In Parivartan Kendra V. Union of India and others**<sup>29</sup>. The Supreme Court ruled that victims of acid attacks should receive compensation that takes into account not only their bodily injuries but also their loss of the capacity to live life to the fullest and the comforts that the attack has robbed them of. According to the rules established by the Court in Laxmi case, the State shall be responsible for the care and rehabilitation of acid attack victims. In this case, the court granted 10 lakh rupees compensation. However, the Court is aware that raising the compensation amount will result in more work for the State. So, it is the State's duty to prevent such a crime, and it will be held liable for paying the increased compensation.

It will have two effects for the Compensation to increase:

1. The victim's rehabilitation will be aided for one.
2. It will also encourage the State to properly apply the rules as it tries to abide by them in their true spirit in order to stop acid attacks from happening again in the future.

## V. LEGAL PERSPECTIVE OF ACID ATTACK IN INDIA:

### CONSTITUTION OF INDIA, 1950

Article 15(3) provides that the State shall have power to make special provisions for women.<sup>30</sup>

Article 21: According to this Article, which was decided in Consumer Education and Research Centre V. Union of India, the right to life, personal liability, which includes the right to health, and medical assistance to defend the right to health are fundamental rights.<sup>31</sup>

---

<sup>26</sup> Raja V. State of Hariyana, CRA-D-484-DB of 2017

<sup>27</sup>(2017) 4 SCC 546

<sup>28</sup>(2016) 3 SCC 669

<sup>29</sup> (2016) 3 SSC 571

<sup>30</sup> The Constitution of India, p.11

<sup>31</sup> AIR 1992 SC 922

Article 38(1): "The State shall work to further the welfare of the people by establishing and maintaining an asocial order in which social, economic, and political fairness shall govern all spheres of national life."<sup>32</sup>

### INDIAN PENAL CODE 1860

**Section 100:** "The seventh clause of this section dealing with the right of private defence against body to cause death of a person against an act of throwing or administering acid or an attempt throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequences of such act."<sup>33</sup>

**Section 326A:** "An accused shall be punished with imprisonment of not less than 10 years extendable to life imprisonment and shall also be liable to fine which shall be a minimum of Rs.2 lakhs extendable to 5 Lakhs. The offence shall be cognizable, non-bailable and non-compoundable."<sup>34</sup>

**Section 326B:** "Attempt to throw or use acid in any form on the other person. Whoever does any act shall be punished with imprisonment of not less than 7 years and shall also be liable to fine to a minimum of Rs. 1 lakh."<sup>35</sup>

### CRIMINAL PROCEDURE CODE 1973

**Section 154: First Information Report (FIR):** As per this provision, in cases of violence against women, the victim's statement must be taken down by a female police officer or other female officer. If the person reporting the incident is temporarily or permanently disabled, the information must be taken down at the person's home or another convenient location of their choosing, in the presence of an interpreter or special officer. Failure on the part of a public employee to file a FIR in cases of acid attacks is now punished under Clause (c) of Section 166A of the IPC with harsh imprisonment for a term that must not be less than six months but may extend to two years, as well as a fine.

**Section 357A** of this code states that in order to cover costs, the court may order the payment of compensation for any losses or expenses incurred as a result of the offence when finding the defendant guilty of violating Section 326A or 326B of IPC.<sup>36</sup>

**Section 357B** states that the State Government must compensate the victim in accordance with Section 357A in addition to paying a fine in accordance with Section 326A of IPC.<sup>37</sup>

**Section 357C** states that victims of crimes under Section 326A of IPC must be provided with immediate medical treatment at no cost and shall promptly notify the police of such incidence.<sup>38</sup>

"All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code and shall immediately inform the police of such incident."<sup>39</sup>

---

<sup>32</sup>Supra note 28, p.22

<sup>33</sup>Criminal Law Amendment Act, 2013, (Act 13 of 2013)

<sup>34</sup>Id. S.326A, P.2

<sup>35</sup> Id S. 326B, p.2

<sup>36</sup> The Code of Criminal Procedure (Amendment) Act, 2008 (Act 5 of 2009)

<sup>37</sup>Id.

<sup>38</sup>Id.

<sup>39</sup>Kelkars R.V, Criminal Procedure Code, Eastern Book Company Lucknow, Sixth Edition 2016P. 639,



### **The Prevention of Acid Attack and Rehabilitation of Acid Attack Victims Bill, 2017:**

This bill's aim is to provide for the prevention of acid attacks by regulating the selling, supply, and use of acid or other interventions, as well as the recovery of women who have been victims of acid attacks, and matters connected with or incidental thereto. The Bill's **first chapter** establishes the bill's scope and meanings. The acid attack victims are described in Section 2 (b) of the Bill, "Woman on whom acid has been poured or sprinkled with the intent of causing bodily injury or disfigurement and who as a result of such act, has sustained any bodily injury or disfigurement affected by the chemical action of the acid."

The selling, supply and use of acid are all regulated in **Chapter II of the Bill**. Section 3 regulates the manufacture, selling, and distribution of acid. A licence is required to manufacture, sell, import, or distribute acid, according to the section. If an individual runs a business that involves acids, proper record keeping is needed.

The rehabilitation of acid attack victims is addressed in **Chapter III of the Bill**. "Where an acid attack has caused such serious bodily harm or disfigurement to the victim as may be prescribed, such victim shall be considered to be an individual with an impairment for the purposes of availing benefits under various schemes," according to Section 5 of the bill, including jobs with the federal government, state governments, municipal governments, independent government agencies and public sector undertakings." Section 6 notes, "Where an acid attack victim has suffered such bodily harm or disfigurement in an acid attack that it is likely to hinder her chances of finding gainful employment or carrying on any gainful occupation, the responsible Government shall pay a monthly payment to such victim in a sum not less than four times the amount of old-age pension payable at the place where the victim ordinarily resides."

The Chapter IV of the Bill lists the offences and associated penalties. If the accused violates Sections 3 and 4, they could receive up to 6 months of simple imprisonment, a fine of Rs. 5 Lakh, or both. Section 326 A of the IPC, 1860 is now punishable by a punishment of Rs. 10 Lakh. The punishment is now 10 years in prison and a fine of at least Rs. 3 Lakh under Section 326 B.<sup>40</sup>

### **VI. NEED FOR EFFECTIVE REMEDY:**

There is a chronological list of significant legal developments pertaining to acid attack survivors' compensation that spans from 2006, when attorney Aparna Bhat filed the Public Interest Litigation in *Laxmi V. Union of India & Others* in the Supreme Court,<sup>41</sup> pleading for the regulation of the sale of acid, to the most recent compensation scheme of 2008. By introducing Section 357-A to the Criminal Procedure Code, which requires states to create victim compensation plans for crime survivors 'who require rehabilitation,' the Code of Criminal Procedure (Amendment) Act of 2008 implements some of the recommendations made in the NCW and LCI report. The Criminal Law Amendment goes into effect, overhauling the I.P.C. and Cr.P.C. to address gender-based violence issues. This includes provisions that harsher criminal penalties for acid violence perpetrators and mandate free 'first-aid or medical treatment' for survivors at public and private hospitals.

---

<sup>40</sup>"ANATOMY OF ACID ATTACKS IN INDIA RECOMENDATONS FOR DETERENCE"  
<https://www.researchgate.net/publivation/323996324>

<sup>41</sup>LNINDORD 2015 SC 4879

Acid attack survivors were recognised as physically disabled by a 2016 amendment to the Rights of Persons with Disabilities Act. As a result, 4% of government jobs are set aside for acid attack victims, giving them access to education and employment.<sup>42</sup>

The Bombay High Court recently stated that compensation for acid attack survivors must go beyond monetary payments made to victims of violent crimes. To live a meaningful life, the person is entitled to additional payments, free medical treatment such as reconstructive procedures and rehabilitation facilities.

The ASFI pointed out that there has been an alarming rise in acid attacks in the country. This is a very serious problem that needs to be fixed as soon as possible, and victims of acid attacks need to be compensated and helped. In 2015, the Supreme Court criticised the central government for not doing enough and wrong things to help people.

Survivors can be helped in both physical and emotional ways. In a real way, this could mean giving survivors social services, job opportunities, and free medical care for any reconstructive or related surgery.

However, following are the ways rehabilitation of acid attack survivors:

- i. **Medical:** By raising funds for surgeries, post-operative care and medicines. They face life long complications of attack. Inclusion of reconstructive cosmetic surgeries and psychological counselling to victims as part of medical treatment in case of acid attack.
- ii. **Legal:** By hiring best legal practitioners according to the survivors' choice at Government's expense although there is a provision of free legal aid.
- iii. **Financial:** By connecting survivors with social entrepreneurs as well as teaching arts and crafts for survivors to run their own independent business. Also, government provide them loan for the business without any interest. Housing assistance should be provided under the governmental schemes.
- IV. **Psychological:** By connecting survivors with various forms of therapists, psychiatrists, meditation and yoga classes. They mentally traumatised and also suicidal tendency develops.
- V. **Social:** By connecting them with social institutions and social workers. Survivors reportedly find it difficult to participate in public and social life after an attack. NGO's are playing an important role for the welfare of the acid attack survivors. They became the voice of victims of acid attack. Government should give sufficient funds for the rehabilitation of survivors and restoration of social structure.
- VI. **Educational:** By connecting those with educational institutions and government should provide education expenses. Special educator and trainer should be provided for them.

### CONCLUSION

*"IT IS NOT JUST DISFIGURING THE FACE OR BODY OF THE VICTIM  
RATHER IT IS DISFIGURING THE FACE OF THE SOCIETY"*

The crime of an acid attack is not on a small scale; it is growing every day. As a result, the government should take necessary measures in addition to passing laws that will help victims deal with social issues. Even if the Supreme Court had given instructions for the sale of acid, it can still be noticed that there are retail sales of the substance in the market. One of the best ways to prevent acid assaults is to outlaw the retail selling of acid. A crime of retaliation is acid violence. Only when the law is effectively executed will it take effect.

---

<sup>42</sup>The Right of persons with Disabilities Act, 2016 (Act 49of 2016) S.34

Additionally, those that sell acid need to be made more aware. Making legislation is useless unless and until individuals decide to change their minds. It would be better to influence people's minds first than to enact new laws. India is attempting to address the issue of acid attacks, but its efforts will fail unless there is a lack of awareness among the population. An acid attack happens as a result of shoddy implementation methods and a slow trial process. Additionally, there is no efficient system in place to monitor or control the sale of acid on the market, and victims do not receive enough compensation to pay their medical expenses. The new Criminal Amendment Act of 2013 has made significant progress in reducing crimes like rape, acid attacks, and other similar offences, but it still falls short of solving the issue at its root. The effects of an acid assault linger a long time since the victim will always be tortured, will always have damage, and will always have other issues. Their daily existence becomes like a gutter; they are too scared and ashamed to leave their home and perform basic tasks, much less get married, have kids, find a job, enroll in school, or engage in other life activities. Even if they want to live a regular life, there is no guarantee that society will accept them as normal people given their post-attack looks and impairments. They might not be able to work or have trouble finding a job, leaving them in a constant state of difficulty. To stop attacks on women, heavy punishment should be administered to the offender so that they experience the same emotions as the victim. Government-issued medical cards should be used for free medical care, and employers should hire people based on their skills. For the victims' education and survival, some responses suggested creating a specific pension plan and victimised house.

#### **List of Abbreviations**

- A.I.R –All India Reporter
- A.S.F –Acid Survivor Foundation
- ASF –Acid Survivors Foundation Bangladesh
- ASTI –Acid Survivors Trust International
- CEDAW –Convention on the Elimination of All Forms of Discrimination against Women
- CERD –International Convention on the Elimination of All forms of Racial Discrimination
- Cri.L.J –Criminal Law Journal
- Cr.P.C –Code of Criminal Procedure
- CVCF –Central Victim Compensation Fund Scheme
- DLSA –District Legal Services Authorities
- DM –District Magistrate
- DACC –District Acid Control Committee
- DEVAW –Declaration on the Elimination of Violence Against Women
- FATA –Federally Administered Tribal Areas
- GOs –Governmental Organisation
- GBV –Gender Based Violence
- IPC –Indian Penal Code
- NCW –National Commission for Women
- N.H.R.C- National Human Rights Commission
- N.C.R.B –National Crime Record Bureau
- NGO –Non-Governmental organization
- PWA –Progressive Women's Association
- SLSA –State Legal Services Authorities
- SDM –Sub-divisional Magistrate
- UDHR –Universal Declaration of Human Rights
- UN –United Nation
- WP(C) –Writ Petition (civil)
- WP(CR) –Writ Petition (criminal)

- WHO -World Health Organisation

### Bibliography

#### A: BOOKS:-

- The Constitution of India, Bare Act, Lexis Nexis, Ed. 2018
- S.N.Misra, Indian Penal Code as Amended by Criminal Law ( Amendment) Act,2013, Central Law Publication, 19<sup>th</sup> ed. 2014
- R.V.Kelkars, Criminal Procedure, Eastern Book Company Lucknow, 6<sup>th</sup> Ed. 2016
- Awasthi and Kataria, Law relating to Protection of Human Rights, Orient Publishing Company, New Delhi,2011
- Brownlie, Ian and Goodwin-Gill, Guy S. Basic Documents on Human Rights, 2007
- Human Rights in International Law, Council of Europe Publishing Universal Law Publishing Company,2011

#### B: ARTICLES/JOURNALS:-

- SurbhiAgarwal, Acid Attack and Law in India, Dec.25, 2014
- SujoyDhar, "Acid attacks against women in India on the rise; survivors fight back", USA Today, July 27, 2017
- ZacharieRabehi, "The Stories of India's Acid Attack Survivors", The Citizen, May 22, 2016
- Aishwarya Deb and Prithwish Roy Chowdhury, A Fate Worse Than Death: A Critical Exploration of Acid Attack Violence in India.
- Acid Test on Humanity: Deccan Herald (Karnataka), July 11, 2013

#### C: REPORTS:-

- Report of the United Nation Entity for Gender Equality and the Empowerment of Women on the activities of the United Nations Trust in Support of Actions to Eliminate Violence against Women.
- A Report compiled, analysed, and coordinated by J. Sagar Associates, India at the request of Acid Survivors Trust International, as part of Trust Law, an initiative of the Thomas Reuters Foundation.
- Justice Verma Committee, Report of the Committee on Amendments to Criminal Law, 2013
- Law Commission of India, The Inclusion of Acid Attacks As Specific Offences in The Indian Penal Code and A Law For Compensation For Victims Of Crime( 266<sup>th</sup> Report 2008)
- National Crime Record Bureau

#### D: WEBSITES:-

- <http://treaties.un.org>
- <http://lawcommissionofindia.nic>,
- [www.com/filmcatalog/study/savface](http://www.com/filmcatalog/study/savface)
- <http://www.acidviolence.org>
- <https://www.psi.org>
- <https://indiankanoon.org/>
- <https://www.legalserviceindia.com>
- <https://lawcirca.com/laws-related-to-the-acid-attack-in-india>
- [www.manupatra.co.in](http://www.manupatra.co.in)
- [www.acidviolence.org/index.php/acid-violence](http://www.acidviolence.org/index.php/acid-violence)
- <https://www.researchgate.net/publivation>

#### E: SCHEMES:-

- NALSA(Legal Services to Victims of Acid Attack) Scheme,2016.
- The Prevention of Acid Attack and Rehabilitation of Acid Attack Victims Bill, 2017
- Available at <http://ncwapps.nic.in> , Schemes for Relief and Rehabilitation of Offences(by acids) on women and children-National Commission for Women
- Available at <http://uphome.gov.in/stop-acid-attack.html> , Central Compensation Scheme

\*\*\*\*\*