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## Human Rights and Acid Attacks against Women in the Indian Context

Prof. (Dr.) T.S. N. Sastry

### Introduction

Violence against women is not a simple matter of criminal justice system. It is mostly a subject of concern especially in the realm of human rights of women around the globe. Since the adoption of the Universal Declaration of Human Rights till date almost all the Covenants, Conventions, Declarations of human rights in general and on women denounced any type of practice of discrimination, and, advocates for the free exercise of the various rights guaranteed both nationally and internationally. The CEDWA Declaration in no uncertain terms recognizes in its preamble that "violence against women which have led to domination over and discrimination against by men" must end.

Of all the gender-based violence directed against women, one of the most recent horrific crimes is acid attack which is increasing alarmingly. Men, who have been jilted, have had their advances spurned, or are involved in a dispute, will permanently mutilate women by throwing sulfuric, hydrochloric or nitric acid on their faces or genitals causing excruciating pain leading to many disabilities such as making them blind, hearing impaired, making them to look ugly and or finally leading them to loose their life<sup>2</sup>. Many a times the culprits who throw acid are rarely convicted in view of the leniency in the existing criminal provisions, the crime rate of acid attack against women is alarmingly increasing day by day.

### Concept and Definition of Acid Attack

Acid Attacks are taking place in India against house wives and Girls. The figures reported may look insignificant in the face of a billion population of the country; the rate of victims is increasing alarmingly. Many a times, majority of the cases are not reported especially in the rural and semi-urban areas due to lack of proper knowledge or not able to receive proper cooperation and coordination from various sectors of the society including the investigating agencies of the State. At present in the entire country, the State of Karnataka tops the list with a huge number of women victims of acid attack followed by other states.

An acid attack on body would dramatically change the life of a person in many ways and means. Many a times the survivors of an acid attack are forced to give up their education, their occupation and other important activities in their lives. This is because recovering from the trauma takes up most of their time and the disfigurement they have to bear debilitates and handicaps them in every conceivable way.

No established definition is there to describe an acid attack. It is normally described as of throwing acid of any kind that is sulfuric acid, hydrochloric acid, nitric acid, phosphoric acid, carbolic acid, batter fluid or any other substance which has a burning affect by a person on another person especially by men against women in most cases.

According to UNICEF, Acid Attack means a man throws acid (the kind found in car batteries) on the face of a girl or woman.<sup>34</sup>

#### Treatment of and aftermaths of Acid Victims

Normally it is difficult to treat acid victims. The immediate treatment many a times offered is that an acid victim is asked to clean the face or any part of the body with clean water or apply immediate substances such as urine or any other liquid which has anti-acid curative nature. It is difficult to cure many a times. A number of plastic surgeries are required to treat them. Even after rounds of plastic surgeries there is no guarantee that they will be cured completely. Many a time acid seeps into the skin and eats the flesh and spoils the bone and melts the body completely. It requires multiple surgeries and except super specialty hospitals, ordinary and Government hospitals are not equipped in the country to treat such patients. If medical treatment is not administered immediately at least in less than twenty four hours, it may be difficult to remove the scars on the body. In many cases, since the super specialty hospitals are not in handy, the victims have no other alternative except to bear the wrath of the attack silently throughout their life.

According to a consultant plastic surgeon Satish H.V., the doctors are also not fully aware of the therapeutic remedies and admit that in several cases, the victims never recover as fully as they were before the acid attack took place on their body<sup>4</sup>.

#### Legal Scenario:

There is no specific law to sternly deal with the offenders of Acid Attack at present in

the country. The cases are registered only in the existing provisions of the Indian Penal Code, 1860 under grievous hurt which has normally the following ingredients, viz., firstly, emasculation; secondly permanent privation of the hearing of the either ear, thirdly, permanent privation of the sight of either eye; fourthly privation of any member or joint; fifthly destruction or permanent impairing of the power of any member or joint; sixthly permanent disfiguration of the head or face; seventhly fracture or dislocation of a bone or tooth and lastly 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 the ordinary pursuits.

Accordingly basing on the various aspects of grievous hurt, the cases against culprits of Acid attacks are normally registered under the following sections of the Indian Penal Code. They are section 322 (voluntarily causing grievous hurt); Section 324 (Voluntarily causing hurt by dangerous weapons or means); Section 325 (punishment for voluntarily causing grievous hurt); Section 326 (voluntarily causing grievous hurt by dangerous weapons or means) and lastly, Section 307 (Attempt to murder). In almost all the sections, the punishment varies from three years to seven years normally including that of a huge amount as fine. The last section though constitutes as a non-bailable offence and the punishment may extend up to ten years or life imprisonment depending upon the circumstances, the lack of seriousness by the investigating officials in understanding the plight of the victims leading them to escape easily from the clutches of law.

### Acid Attack and the Situation in Karnataka

No doubt Acid attack against women is growing in India slowly. Among the various States, the State of Karnataka is reported to have huge number of cases in the last one decade. Till now there are at least around one hundred reported victims suffering in Karnataka. There may be many more victims suffering silently which are unreported. The Karnataka High Court in a 19 year old Haseena's case not only imposed life imprisonment to the attacker but also asked him to pay an amount of 2 lakh rupees as compensation to the victim.

Taking into consideration of the magnitude of the problem the State of Karnataka has framed a Scheme called as "Suraksha Scheme" upon the directions of the High Court. In fact the Government of Karnataka is the first and only state which has a scheme formulated for the rehabilitation of the Acid victims.

Considering the seriousness of the problem and the anguish expressed by the judiciary, the National Commission for Women took up the issue seriously and came out with a draft bill to press the Union of India to pass a Prevention of Offences by Acids Act, 2008. The main aim and objective of the draft bill is to develop penal, civil, labour and administrative sanctions in domestic legislation to punish, redress the wrongs caused to women who are subjected to acid attack. It also advocates the rehabilitation measures and other treatment measures and to regulate the sale of acid and other corrosive substances.

The main aim of the proposed legislation is to amend the existing provisions of the Indian Penal Code to include specific

clause directly dealing with Acid Attack and to bring in changes in the Indian Evidence Act especially Section 114 B to include a new clause as presumption as to acid attack and to bring in necessary changes in the Criminal Procedure Code to bring in amendments to insert new provisions in the appropriate sections to make acid attack as a non-bailable offence and there should not be any provision to get bail until the case is disposed of by the Court.

The legislation mainly concentrates on the establishment of National Acid Attack Victim's Assistance Board with a Chairperson and five other members out of which three should be women members.

### Conclusion

There is no doubt that a strong arm of law is needed to prevent the crimes against women especially from the most heinous attack of acid. As said by Sanjay Sharma, Additional Sessions Judge in Young Delhi Girl's overzealous lover's case, the throwing of acid certainly reduces the victim to nothing but a moving mass of bones and flesh<sup>1</sup>. In this type of cases whatever the punishment that is given including that of a death sentence in no way comparable for the life that she needs to suffer as a victim of acid. As rightly pointed out by the Session's judge, the act of an acid attacker cannot compensate the victim for trauma which she needs to suffer and injuries which will have a permanent mark on her soul and body. Hence taking into consideration of the plight of women and the need to protect them being a party to the Convention on the Elimination of Discrimination of Women and many other related human rights documents of women in particular and human rights in general, the Union of India need to come

forward wholeheartedly to support the move of the National Commission for Women in introducing a separate legislation to compensate the victims and to bring in necessary legislative enactments in the criminal provisions of the country to prevent such mala fide acts of men against the most beautiful creation of God that is women.

Apart from taking the legal steps, it is the need of the hour that the Union and the State governments should also take specific steps to introduce human rights education as a compulsory subject, especially that of the women's rights and the significance of atrocities that are committed against women. Whatever may be the legislation that is adopted, unless and until the State takes special care to educate the society and uplift

the economic status of women, her human rights cannot be realized so easily and many a times they have to walk to the burial ground silently without knowing from whom to seek the counsel.

1. Declaration of the Elimination of Violence against Women, UNGAOR, 3d Comm...48<sup>th</sup> Session, Res.48/104/UN. Doc A/48/629(1949); also see Radhika coomarasamy & NLisa M.Kois "Violence Against Women" in Women and International Human Rights Law; Kelly D. Askin and Doreen M.Kening (eds.), 1999 p.179.
2. See BBC.Org 1999).
3. <http://www.webster.edu/~woolfm/acidattacks.html> visited on 15.2.2007
4. [http://www/UNICEF.Acid Attack.org](http://www/UNICEF.AcidAttack.org); visited on 22.2.2008
5. The background paper prepared by the NCRWC for the workshop on 23<sup>rd</sup> February 2008
6. Times of India ; 3<sup>rd</sup> October, 2007; also see [http://timesofindia.indiatimes.com/Lifer\\_for\\_acid\\_attack\\_on\\_woman/articleshow/2491646.cms](http://timesofindia.indiatimes.com/Lifer_for_acid_attack_on_woman/articleshow/2491646.cms) visited on 28.2.2008

