



GROSS VIOLATION OF WOMEN’S HUMAN RIGHTS THROUGH ACID ATTACK

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Abstract

Offence related to Acid Attack commit gender related violence a form of unfairness under the regular on the suspension of all forms of unfairness against specific gender. Crime related to Acid attack is a basic social wrong year by year commits against women. It is defined as the act of pouring acid mala fide intention on the body of the victim to grieves hurt or cause death. The intensity of this crime has change non- government organization related to social issues, legislators, judiciary as well as researchers to identify the solution of this social wrong. The problems are being intended to victim purpose of reading. 1st, Upgradation of the position of victims by the amendment of the laws and strictly follow the rules for satisfaction of victims. 2nd, Concentration on the reasons of women victimization specifically in acid attack. 3rd, After the happening of the incident for the smoothly live their life. The victims of acid attacks are mainly women or girls. 70-80% of the victims are between the age of 14 to 30 years and 30-40% of the cases are related to issue such refusal of love, marriage², etc.

Keywords

Acid Attack, Victim, Violation of Human Rights, Women, Crime, Accused, Compensation

Introduction

Mainly crime related to Acid attack against women that think about and keep going the discrimination of women in society and as such is prescribed by international law, in which culprits shoot or flow acid on victims face and body. Crime against woman is a expression of literally diversity in between men and women in the society. Women play an important role in every society. Every woman has her own job and duty in the current society in which man are regrettably still the powerful gender, We can't be unable to remember that a woman's life is a lot of more complex comparison with the life of man.

Acid attacks happen at larger quantity sales on place where factories use acid in their fabricate activities. With the help of the government, employment and other productions users of acid can play main role for restriction of the criminal use of acid.

The crime of acid attack is heinous in nature which effect the whole life of the victim depressed. The main objective of acid attack is to end the person's life. Commonly the victims of acid attacks are women. First for the major issues related to corelation problem. The main reason of acid attack is tapered people who cannot face refusal in their life. The number of acid attacks are growing generally every day and now it's time to make concentration on this problem and take major steps for women safety.

Motive

In India, the majority of acid attack victims were inclined to matter related to love, physical exploitation, ex-accomplices revenge, relationship outside the valid wedlock, demanding dowry, inappropriate activities, dispute related to property and alternate reasons, mentality of criminals³.

Frustrated

The main reason of women and girls are the common victim of acid attack are denial for marriage and not agree for sex with male. And some other factors are -

- Refusal of sexual advantage
- Rejection of proposal of marriage
- Demand of dowry

Egoistic

- Women empowerment
- Personal conflict regarding intimate relationship and sexual rejection

Seductive

- Gender Discrimination - Position of woman in the society in comparison to man is not equal.
- Religions Conflicts - Both males and females have been victims of acid attacks for refusing to convert to other religion⁴

Legal Provisions

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² www.ncrb.gov.in

³ www.mssv.ac.in

⁴ www.ijlmh.com



There is no such specific Act relating to acid attack. But, the amendments in criminal laws in 2009 and 2013 added the sections 100(7), 326A and 326B of Indian Penal Code, 1860 and sections 357A, 357B, 357C of The Criminal Procedure Code, 1973.

1. **Section 100(7) of IPC, 1860** - Section 100(7) of IPC is related to private defence under Chapter 4 named General Exceptions. This section may extend to cause death in exercising to right of private defence of own body and body of any other person. This section is added with the amendment by 13th Act of 2013, u/s.2. The Section stated that A person for protecting himself or any other person from acid throwing or attempt to throw by accused can cause any act may extend to death for exercising the right to private defence if he has reasonably apprehension that the acid can cause grievous hurt on the result of such act⁵.

2. **Section 326A of IPC, 1860** - Section 326A of IPC is related with the provision of offence which relates with Willingly cause grievous hurt by help of acid, etc. under Chapter 16 named Offences Affection the Human Body. This section is added with the amendment by 13th Act of 2013, u/s.5. The Section stated that If any person on the any part of body or more than one parts of body of victim permanently or temporary causes grievous hurt or damage the body by injuries with the help of acid by throwing or directly gives to that person or by any other way for the mela fide purpose or have familiar that the consequences of that act is causing hurt or damage the victim's body is must be punished for imprisonment of minimum ten years but may extend to whole life according to situation and impose fine also.

Such fine must be fair and sensible for the treatment and expenses of medical of victim. The fine imposed by this provision must be paid to the effected person⁶.

3 **Section 326 B of IPC 1860** - Section 326B of IPC is related with the offence of Willingly throwing or attempting to throw acid under Chapter 16 named Offences Affection The Human Body. This section is added with the amendment by 13th Act of 2013, u/s.5. The Section stated that If any person throws or trying to throw acid or directly gives or attempt to give or by any other way with mela fide intention for permanently or temporary cause grievous hurt or damage the body by injuries of victim must be punished for imprisonment of minimum five years but may extend to seven years according to the situation and must be pay fine also.

Explanation 1. – For the purpose of section 326A and this section, “acid” means all things which are acidic or corrosive in nature or burning character, that's results are permanent or temporary injuries on victim's body⁷.

Explanation 2. – For understand the provision of 326A, The injuries or abnormality shall not be required to be permanent⁸.

4 **Compensation for acid attack victim** - Section 357A, Section 357B of Criminal Procedure Code, 1973 are related to provide relief in the form of compensation to the victim or her parents who face the financial and mental problems for her treatment as a result of the acid attack and who need rehabilitation of Section 326A of The Indian Penal Code, 1860 by the state government with the help of central government. Section 357B provide the compensation to the victim in addition to fine given under section326A of IPC. Section 357A is added with the amendment by 5th Act of 2009, u/s.28 and Section 357B is added with the amendment by 13th Act of 2013, u/s.23⁹.

5 **Treatment of Victims** - Section 357C of The Criminal Procedure Code, 1973 deals with the treatment of victims of acid attack. All hospitals, public or privates shall immediately, give the emergency treatment, without any cost, to the victims of acid attack under the provision of 326A of the I.P.C., 1860, and inform to police authority without wasting the time. Section 357C is added with the amendment by 13th Act of 2013, u/s.23¹⁰.

Case Laws

Jalahalli Police Station v/s Joseph Rodrigues, Karnataka H.C. 2006¹¹

A girl named Hasina reject the job opportunity for the reason of Acid attack. She losses her physical fitness. Due to acid attack she losses her eyes and also disfigured her face and change the colour of the face. The accused was held guilty under the provision 307 of IPC and convict for imprisonment for life and the also court impose fine on accused and direct him to pay to the victim in a form of compensation of Rupees 2,00,000/- and extra to the fine amount of Rupees 30,000/- was paid by the accused to her parents.

Ravinder Singh v/s State of Haryana, S.C. 1975¹²

⁵ Section 100(7) Indian Penal Code, 1860

⁶ Section 326A, Indian Penal Code, 1860

⁷ Hakim & ant. v/s State NCT Delhi 2021 CRL.A. 365/2021

⁸ Section 326B, Indian Penal Code, 1860

⁹ Section 357A and 357B, Criminal Procedure Code, 1973

¹⁰ Section 357C, Criminal Procedure Code,1973

¹¹ LAWS (KAR)-2006-8-15

¹² 1975 AIR 856



A husband throw acid on her wife due to rejecting the demand of divorce. The reason of divorce is husband also involve in relationship outside the legally valid wedlock. The consequences of the attack, the victim had many injuries and face and other parts of body of the victim was burned, Due to the above reason the death was caused of the victim. The accused was punishable under the provision of 302 IPC, 1860.

Laxmi v/s Union of India, S.C. 2014¹³

A lady named Laxmi, 26 years old is victim of acid attack at Delhi near Tughlaq road where she was waiting for someone. Two accused come and throw acid on her. The reason of acid attack is she reject the proposal of marriage given by one of them accused. Acid had disfigured her whole face. For the Laxmi's treatment seven surgeries were happened and still four more surgeries required for make recover her natural face. She belonging to poor family and she is not able to pay her medical expense approximately Rs. 25,00,000/-.

Laxmi is not disappointed due to the incident and she is a role model of the women who are victim of acid attack. She did not loess her confidence and fight against the incidents of acid attacks with the help of 27,000 signatures campaigning file a petition in the Supreme Court for controlling the sales of acid. She requesting through her petition for enacting new laws and amending the existing laws related to acid attack and mainly dealing with compensation. Under her petition she prayer that impose the totally ban on sale of acid because the number of women victims of acid attack increasing day by day in the country. The Supreme Court issues guidelines related to sale of acid through her petition.

Now she is a director of Chhanle foundation. This foundation helps the victims of acid attack in whole of India. In 2014 by the USA first lady Michele Obama she was award by international women courage award. And by the NDTV she was selected for NDTV India of the year.

Conclusion

Acid attacks violence that is reported in almost whole of the world is mostly gender based. Acid attack incidents increasing in India day by day, law is made by legislation is a position sigh but the inadequacies faced prima facia needs to be addressed. The position of laws related to acid attack are very weak. The government should take more effective steps for sale of acid over the country. Buyer has been produced a government authorised identity card and must be attend the age of 18 years. The shopkeeper should inspect the register before the Sub-Division Magistrate (SDM) within prescribed period of his maintenance of acid stock and for improper record maintenance or not inspect the record before the authority within prescribed time, a fine can be imposed up to Rs. 50,000/-. The institutions public or private where the acid is mostly used and the point where acid is sailed in major quantity must be maintain a register for entry of uses and sale of acid and must be inspected by SDM time to time¹⁴. The crime related to acid attack is a series crime. The crime of acid attack is increasing day by day so, the government should take proper steps and enact the new laws amend the existing laws according to situation, those are more effective to control the acid attack and providing the relief to the victims.

¹³ 2014 4 SCC 427

¹⁴ Laxmi v/s Union of India and Others, (2014) 4SCC 427 Para 9-11