

are not properly implemented. The Criminal Law (Amendment) Act, 2013 has brought positive changes in the laws against acid violence. Prior to the Act, no provision of strict punishment was there to punish the culprits and either no or a compensation of a very meagre amount was used to be given to the victim. The amendment made special laws to punish the culprits and also provided for the provision of providing medical aid to the victim.

There is no doubt that women constitute an important part in the society. They are responsible for giving birth to a life but unfortunately, they are made to lose their lives in name of different brutalities committed against them. Whenever a woman decides to raise her voice against her substandard position in the patriarchal society, she is shunned by different means; either by acid, physical abuse or by burning her to death.

In this scenario, it also becomes the responsibility of our society to contribute towards the prevention of such heinous crimes of acid attack as well as for rehabilitation and protection of acid attack victims so that they do not feel isolated and re-gain their confidence.

In this backdrop, it is significant that a project for 'Acid Attack Victims' may be formulated under the NALSA (Legal Services to Victims of Acid Attacks), Scheme, 2016 to underline the social, medical & economical issues of the acid attack victims as well as to create awareness amongst the public about the laws/provisions meant for protection & rehabilitation of acid attack victims.

Objectives

- To understand the various aspects related to acid attack victims
- To strengthen legal aid and representation for victims of acid attacks in availing the benefits of the various legal provisions and schemes for compensation
- To enable the victims of acid attacks to get access to medical facilities and rehabilitative services;
- To create and spread awareness about the entitlements of the victims of acid attacks
- To identify possible strategies and mechanisms for program implementation and monitoring
- To undertake research and documentation to study the various schemes, laws etc. to find out the gaps, the needs and to make suggestions to the appropriate authorities.
- To connect the acid attack victims with the welfare schemes of Central/State Government meant for their protection & rehabilitation
- To ensure involvement of Public agencies/NGOs to organize meaningful and comprehensive programmes for acid attack victims.
- To connect with acid attack victims for their vocational/education training
- To extend assistance in providing jobs in Private/Public sectors

Plan of Action

- Each DLSA shall ensure that legal aid shall be provided to all victims of acid attacks on a priority basis in order to enable them to get the benefit of the Victim Compensation Scheme.

- Each DLSA in consultation with the concerned departments shall organize training programmes/workshops for Panel Lawyers and PLVs to sensitize them about the schemes and benefits meant for the protection and rehabilitation of acid attack victims.
- Comprehensive awareness programs/campaigns shall be organized by District Legal Services Authorities of Haryana to create awareness at large amongst the public with regard to various aspects related to acid attack victims and several issues associated with them.
- The District Legal Services Authority (DLSA) shall explore each and every possibility to join hands with the renowned NGOs working for the rehabilitation and reformation of acid attack victims.
- A team of female Panel Lawyers and Para Legal Volunteers shall be formed at district level for door-to-door campaigning to identify the acid attack victims and to aware their family members about the various welfare schemes of Central/State Governments meant for their care and protection.
- Each DLSA shall identify new strategies and mechanisms for effective and meaningful implementation of the NALSA (Legal Services to Victims of Acid Attacks), Scheme, 2016.
- Each DLSA shall extend all possible assistance to the acid attack victims in providing job opportunities in public/private sectors.
- Each DLSA shall take up the matter with Technical Educational Institutes and NGOs of credible reputation for providing vocational & educational training to acid attack victims.
- Each DLSA shall take up the matter with the Chief Medical Officer at district level to provide proper medical facilities to the acid attack victims during their treatment as well as for their counseling.
- Each DLSA shall ensure that Panel Lawyers and PLVs manning Front Office/Legal Services Clinics have good knowledge of all the schemes/benefits meant for betterment of acid attack victims so that the same may be apprised to acid attack victims and their families for their social and economical support.
- Each DLSA shall collect the information/data/schemes with regard to acid attack victims at district level from the concerned Courts/Police Stations/Welfare Department, Haryana from time to time.
- Each DLSA shall have a list of government approved hospitals to extend medical facilities to the acid attack victims.
- Each DLSA in coordination with the concerned Welfare Department, Haryana at district level shall compile data with regard to welfare Schemes of Central/State Governments meant for betterment and rehabilitation of acid attack victims.

HARYANA STATE LEGAL SERVICES AUTHORITY

Plot No.9, Sector-14, Panchkula
Phone/Fax : 0172-2583309, Toll Free No.:1800-180-2057
E-mail : hslsa.haryana@gmail.com, website : www.hslsa.gov.in



“Living in the Shadows”

A Project for Acid Attack Victims



by
Haryana State Legal Services Authority

Introduction

Over the last decade India has been witnessing an alarming growth of acid attack especially on women. Acid violence is a heinous crime committed usually against women, with an intention to disfigure or kill her. It can also be called as the gender based violence against women. According to the National Commission of India acid attack is "any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfiguration to any part of the body of such person". A study revealed that 78% of the reported acid attack case is for refusal to marriage or a rejection of romance.

The most common types of acid utilized in these assaults include sulphuric, nitric, and hydrochloric acid. Attack through acid rarely kills but it causes severe physical, psychological and social scarring. With the passing of 'The Criminal Law (Amendment) Act, 2013, and the guidelines by the Supreme Court of India, the regulations have become stricter. But the survey of 2014 showed 300% increase in the total number of acid attack cases reported. Our legal and medical systems have also proved very weak while dealing with such cases.

The latest report of the NCRB (2016) recorded 283 incidents and 307 victims under Section 326A (acid attack) and Section 326B (attempt to carry out an acid attack) of the IPC. Of these, 26% (76 incidents) and 27% of the victims were from West Bengal.

Causes

The main causes behind attacks are:

- Family disputes; domestic violence; relationship conflicts
- Refusal of indecent proposals or unacceptable propositions
- Land or money disputes; business conflicts
- Vengefulness and status jealousy
- Suspicion of infidelity
- Theft or robbery
- Mistaken identity; accidental; collateral
- Nemesis : perpetrator inflicts self-injury
- Sex crimes, rape, and sodomy leading to the victim's death in worst cases

Consequence of Acid Attack

Acid has a devastating effect on the human body, often permanently blinding the victim. The aftermath being the inability to do many everyday tasks such as working and even mothering are rendered extremely difficult if not impossible. Consequently the victim is faced with physical challenges, which require long term surgical treatment, as well as psychological challenges, which require in-depth intervention from psychologists and counsellors at each stage of physical recovery. The victims are often left with no legal recourse, limited access to medical or psychological assistance, and have no means to support themselves:

- **Physical Consequences:** Throwing acid on a person's face, it rapidly eats the eyes, ears, nose and mouth. Acid can quickly destroy the eyesight. The most notable danger for acid victim

is breathing problem. The depth of injury depends on the strength of the acid and duration of contact with the skin. Acid attack dissolves the bones, ears, eyes etc. after the acid attack, it is difficult for the victim to lead a normal life due to their physical deformities.

- **Psychological Consequences:** Acid attack victims suffer mental health issues even after recovery. Acid attack victims have a higher level of anxiety, depression due to their appearances.
- **Medical Consequences:** Medical effects of acid attack are extensive. As the majority of acid attacks are aimed at the face, several articles thoroughly reviewed the medical implications for these victims.
- **Social Consequences:** Most of the acid attack victims are being ignored by the society, relatives and even their family members. They feel isolated and lonely. It is very difficult for them to survive in the society.

Laws in India

In India, there is no specific law which deals with the acid attack. Section 326-A and 326-B have been added in the Code *Vide* Criminal Law (Amendment) Act of 2013 with the object of making specific provisions for punishment in case of causing grievous hurt by use of acid etc. or voluntarily throwing or attempting to throw acid causing permanent or partial damage, or deformity to, or burns or maims or disfigures or disable any part of the body of that person.

According to the Section 326-A of Indian Penal Code "*Acid*" includes any substance which has acidic or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability. The long term consequences of these attacks may include blindness, as well as permanent scarring of face and body, along with far-reaching social, psychological, and economic difficulties. Section 326-A and Section 326-B of Indian Penal Code includes punishment which is given to an accused which read as follows:

- Section 326-A lays down the punishment for *acid throwing*. The minimum punishment is 10 years imprisonment. It can extend up to life imprisonment with fine.
- Section 326-B lays down the punishment for *attempted acid throwing*. The minimum punishment is 5 years imprisonment. It can extend up to 7 years imprisonment with fine.

Compensation and Medical treatment

Section 357-B the compensation payable by the State Government under Section 357-A shall be in addition to the payment of fine to the victim under section 326-A of the Indian Penal Code.

Section 357-C. 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 326-A, 326-B, 326-C, 326-D or section 326-E of the Indian Penal Code, and shall immediately inform the police of such incident.

"Relief and Rehabilitation of Women and Children Acid Victims"

- Haryana Government has notified a scheme namely "Relief and Rehabilitation of Women and Children Acid Victims" to provide ad-hoc relief or medical reimbursement and rehabilitation services to girls, women and boys upto 18 years acid victims.
- Under the said Scheme, the acid attack victim of the State would be entitled to receive free of cost 100 per cent medical treatment from amongst any of the Government or Government approved Hospitals.
- The severe acid victim would be treated in disabled persons' category as certified from the Medical Board of the concerned district. Monthly financial assistance of Rs.8,000/- to acid victims who come in the definition of disability under Section 2 (i) of the Persons with Disabilities (Equal Opportunities Protection of Rights of Full Participation) Act, 1995 would be provided by the Social Justice and Empowerment Department. Apart from this, the victim of acid attack would be given preference in allotment of fair price shops by the Food and Supply Department.
- Referring to the financial assistance to be given under the scheme, a sum of Rs. one lakh would be paid to acid victim within 15 days of occurrence of such incident (Rs.25,000/- as ad-hoc relief immediately by the concerned Deputy Commissioner to the acid victim which would be recouped by Women and Child Development and the rest amount of Rs.75,000/- within 15 days by the Women and Child Development) to facilitate immediate medical attention and expenses in this regard.

Landmark cases related to the Acid Attack

- **Laxmi Vs. Union of India 2014 4 SCC 427:** This is a landmark case, in this case, the petition filed by the Laxmi (Acid Victim). The Supreme Court passed an order to put ban on selling of acid in shops. For preventing acid attacks, the Supreme Court has completely prohibited the counter sale of the chemical unless the seller maintains a recording of the address and other details of the buyer, and the quantum. Dealers can now only sell the chemical after the buyer showed a government issued photo identity card and after specifying the purpose of purchase. The seller should submit the details of sale to the local police within three days of the transaction. Acid should not be sold to any person under 18 and all stocks must be declared with the local sub-divisional magistrate (SDM) within 15 days. Undeclared stocks could be confiscated and the defaulter fined up to Rs.50,000/-. Acid attack is now a non-bailable and cognizable offence.
- **Parivartan Kendra Vs. Union of India 2015 (13) SCALE 325:** In this case, court took a consideration that despite orders and directions of the same court in the Laxmi case, acid still readily available to most of the population in India. In this landmark judgment Supreme Court issued a direction that the State Governments/UT should seriously discuss and take up the matter with all the private hospitals in their respective State/ UT to the effect that the private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries.

The success of any law is determined by its implementation. Most stringent of laws will be of no avail if they