

# **THE NATION ROARS**

## **VOL - II**



**P E N   A C C L A I M S**

# **“The Nation Roars”**

**(Volume -2)**

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**Anthology of,**

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## **Preface**

**A thought that has been enduring in mind when becomes real, is truly an interesting and exciting experience. This book is one such cherished work that has its roots in the persuasion of many authors, contributors and also mentors which has now embellished to become the snapshot of the innumerable efforts put in since months. This book serves to reinforce increased awareness, improved interaction and integration among all of us.**

**As the Editor of this book entitled “The Nation Roars (Volume 2)”, I wish to thank all researchers across the globe, who have submitted their contributions. The main aim of this book is to enhance knowledge among researchers, students and the legal fraternity at large and to provide an opportunity for creative research and multi-level consideration of broader issues related to legal insight from both national and interdisciplinary perspective.**

**It has been indeed a pleasure going through the journey of compiling this book. This maiden issue will surely inspire all of us for a new beginning and enlighten the minds of young scholars with hope, confidence and faith.**

**Happy reading!**

**Dr. Pooja Dasgupta  
Chairperson  
Pen Acclaims**

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## **“Crimes against Women in India: Acid attack and Need for a Separate Legislation”**

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**Trichy**

Acid attack is the act of throwing acid on the body of another person with the intention to disfigure, maim, torture or kill. In most of the cases, acid is thrown on the face of the person. This heinous crime not only physically damages the victim but also ends up annihilating their will to live. Although acid attack can be committed against man or woman, in India it has a gender specification. Most of the reported crimes are committed against women who refused the preposterous demands of men to marry them or bring in more dowry or those who wanted to study further or pursue her dreams.<sup>1</sup> In this paper, I would be focusing on the grievous ground reality of this crime in India, the reasons why there is a need for a separate legislation and how it will enable us in our fight against this crime. I'll also put forth the need of awareness and the various ways in which awareness is being generated.

In India acid attack finds a separate mention in the Indian Penal Code, owing to the Criminal Law (Amendment) Act, 2013, in the section 326A and 326B which lays down the punishment for causing or attempting to cause the crime. The special provisions are attracted whether the injury is simple or grievous.<sup>2</sup> Apart from this, section 357-A and 357-B were also added under the same amendment, which deals with the compensation payable by the state government and providing free medical aid. The Supreme Court in the case of *Laxmi vs. Union of India*<sup>3</sup> issued guidelines regarding effective regulation in the easy availability of acid, compensation to the victims of acid attack and the monetary onus of their treatment on the accused. However, the said amendment or rather the law in its present form is ambiguous regarding the penal provision against dealers involved in the unregulated sale of acid, classification of survivors of acid attack under persons with disabilities, adequacy of the compensation to them, employment opportunities, etc. There is a dire need to have a separate legislation regarding acid attack because the addition to the existing laws fails to take into account the gravity of this crime and its aftermath which the victim has to go through. The primary problem lies in the fact that acid is still as ubiquitous as pollution is in this country. Anyone can walk up to the store and buy acid without providing for any proof of their identity and the reason for the purchase. Until and unless the sale of acid is strictly regulated and limited only for its use by the pre-registered education department and hospitals the crime rate would not go down. In this case, mere enactment of the legislation is not enough, the government both at the central and the state level has to be on it toes in implementing the regulations, conducting inspection without notifying the dealer about the same, making sure

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<sup>1</sup> Law Commission of India, *The Inclusion of Acid Attack as Specific Offences in the Indian Penal Code and a law for Compensation for Victims of Crime*, Report No. 226 (July 2009), available at <http://lawcommissionofindia.nic.in/reports/report226.pdf> (Last Visited on February 3, 2020).

<sup>2</sup> *Maqbool vs. The State of Uttar Pradesh*, AIR 2018 SC 5101, (India).

<sup>3</sup> *Lakshmi vs. Union of India*, (2014) 4 SCC 427, (India).

that that acid is being sold to only those institutions which have gone through the required procedure, can be a few steps which the government can take.

Another major problem which the survivor of the attack faces is the sluggish process of the law. After fighting for years they receive some compensation which in any case is not sufficient as they have to undergo treatments and surgeries even after the primary ones, i.e. reconstructive surgeries. Also, there is no provision as to the status of the accused in the case wherein the victim succumbs to her injuries. While the case goes on, the victim has to bear all the expenses. A separate legislation can very clearly lay down the expeditious procedure which the courts must follow and it can also lay down the mandatory compensation which the accused must bear during the proceedings of the case.

Even after the closure of the case, there is another battle which they have to fight, which is getting employed and being able to sustain themselves and their families. In the case of *Yasmeen Mansuree vs. Union of India*<sup>4</sup>, Yasmeen challenged the notification issued by AIIMS for recruitment of staff nurse in which the survivors of the acid attack were not given a quota under person with disability. In this case, Delhi High Court directed AIIMS to consider the appointment against the post of Nursing Officers to examine on merits the case of the petitioner and appoint her as a nursing officer even if requires creating a supernumerary post. It was in the year 2016 that acid attack survivors were included in the list of recognized disabilities under Rights of Persons with Disability Act, 2016. Under RPWD Act, acid attack survivors are clubbed with locomotor disability category which gets reservation of one percent. Though it is a good step initiated by the legislation but it misses to capture the intensity and the graveness of this crime. It fails to recognize the public shunning which the survivors have to face. Therefore, along with this, the new legislation should enhance the employment opportunities for the survivors. It is also important that the society does not discriminate against the women who have braved such a heinous crime. Sheroes Hangout, located in Agra, Uttar Pradesh an initiative by Channav Foundation is one of its kind. It employs only acid attack survivors. Apart from serving food and beverages, this is also a hub for discussion, awareness campaigns or a place where one can simply relax and read. They also display the paintings made by the survivors and the proceeds from the same goes in the medical treatment of the survivors and salaries of the employees. They provide a safe environment for the survivors to build up their skills and act as a starting point in getting employed. For their wonderful work, they were being awarded with Nari Shakti Puruskaar, 2016 by the then president Mr. Pranab Mukherjee. There is a need for more cafés like Sheroes.

Acid attack is considered to be such a heinous crime because it not only disfigures the physical appearance or deteriorates the physical condition but it also corrodes their psychological will.....

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<sup>4</sup> *Yasmeen Mansuree vs. Union of India*, 2019 (1) SLR 423 (India).





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