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VITRIOL AGE: THE CAUSE AND EFFECT



Deepika Bhatnagar
Reader, Shri Vaishnav Institute of Law Indore.

Short Profile

Deepika Bhatnagar is a Reader at Shri Vaishnav Institute of Law Indore.



ABSTRACT:

Vitriol Age is a heinous crime. In the present scenario India is facing this violence against women. This crime is having significance with the person's life. There are many laws under criminal laws but still failure in controlling this crime.

KEYWORDS

Acid attack, female victim, Heinous, Intention

INTRODUCTION :

In India, Women constitute half the total population in the society, but this is also a harsh reality that, women have been ill and badly treated in the society from many years. Violence against women in the society is usually unreported because of Fear and stigma that often prevents women from reporting incidents of violence.

A woman facing many types of cruelty and Violence day by day and violence is divided into several broad categories. Among them one of the most heinous and dangerous crime committed against women that is Vitriol age means acid attack.

Crime word is very much fascinated to that, person who is having the sick mentality. Over the last decade, India is witnessing the gender based violence in the colour of acid attack and this is an alarming growth in the criminal activities. The Acid Attack especially on women heinous crime with ill intension against any woman. Crime is having very much significance with the person's life and whenever any crime committed by a criminal the many questions arise that who are responsible for such crime? To whom we can blame? And the answer is, we all human being because crime has not been created by God, it is the created by human being which we are facing as a heinous crime.

The word Crime and act of criminal activity is not new for we people but the new way is surprising us. Many years ago in the urban areas, people use acid for household purpose, but now a days the work of acid has reformed and changed his way and now a days it also used for damaging the life of people.

UNICEF defines "Acid attack is a serious problem all over the world, even children are become victim of acid attack in many cases. In an Acid attack, acid is thrown at the face or body of the victim with deliberate intent to burn and disfigure. Most of the victims are girls, many below the age of 18, who have rejected sexual advances or marriage proposals."

Vitriol age is defined as the act of throwing acid onto the body of a person with the intention of injuring or disfiguring out of jealousy or revenge.

Acids which are used for damaging the others human being life is divided into two main classes:

Strong acids are very corrosive and cause severe skin burns, examples are hydrochloric acid, nitric acid, and sulphuric acid. Also called mineral or inorganic acids.

Weak acids are mildly corrosive and normally do not affect skin, examples are acetic acid (vinegar), citric acid (citrus fruit juice acid), and tartaric acid (used in making mayonnaise). Also called natural or organic acids.

Sulphuric and Nitric Acids are very common in the Acid Attack. Sometimes the Hydrochloric Acid is also used for this crime but this is less damaging.

Vitriol age also called in general language is acid throwing, acid attack or a vitriol attack which is a form of violent assault. The violent assault must have the negative intension to disfigure any human being, torture or kill someone. The main object of this paper is to understand the concept of Vitriol Age and what are the causes and effects of this violence.

Factors

There are many reasons for Vitriol age or Acid attack. This attack is not committed against women alone, it is committed even on men, women, children, and adult. However, maximum cases are found against women only. The following are some of the reported reason for the acid attack.

- 1.Revenge for any past incidence occurs between victim and offender,
- 2.The refusal of an offer of marriage proposal,
- 3.The refusing to have a sex or relationship,
- 4.Failure of a girl to bring a dowry to her husband,
- 5.Business disputes,
- 6.Domestic fights, disputes over property,
- 7.Committing Robbery, hate or jealous, 8.extra affair,
- 8.Political rivalries,
- 9.Rarely it is accidental, that is presence of victim at the scene.

Acid used as Weapon

The question arises in the mind that, how a person can get acid easily from the market for destroying another person's life? The answer is very simple that, the biggest reason behind is that, in India the concentrated acid is cheap and easily available in the market, for as low as Rs. 16-25 per litter. Because of cheapness, it is easily available in all places and person can get it easily.

The acid throwing is the most vicious form of crime in the society. Acid attack has its steep rise in past few years and as usual the most of the victim are women and only women.

This heinous crime has been taking place across different parts of country. Man has chosen an alternative form of action to exploit the life of women.

- 1.In Pakistan, female students have had acid thrown in their faces as a punishment for attending school.
- 2.Acid attacks due to religious conflicts have been reported in Tanzania.
- 3.South Asia, acid attacks often occur as revenge against a woman who rejects a proposal of marriage, or a sexual advance.
4. Cambodia, women attack other women over access to males. This form of female-on-female violence has also been seen as a result of gender inequality, because women in these countries are socially and economically insecure and inferior without a male partner.
- 5.Acid attacks related to conflicts between criminal gangs occur in many places, ranging from the United Kingdom to Indonesia.
6. In the UK such attacks are believed to be socially, politically and religiously motivated.

Attacks against individuals because of their social or political activities, or due to their religious beliefs. These attacks may be targeted against a specific individual, due to their action control activities, or may be perpetrated against random persons merely because they are part of a social group or community.

Acid attacks in India: Statistical Data

1. India's incidence rate of chemical assault has been increasing in the past decade, with a high 27 reported cases in 2010.
2. January 2002 to October 2010, 153 cases of acid assault were reported in Indian print media.
3. 174 judicial cases were reported for the year of 2000.
4. 34% of the analyzed print media in India cited rejection of marriage or refusal by women of sexual advances as the cause of the attack and dowry disagreements have been shown to spur acid attacks.
5. Land, property, and/or business disputes accounted for 20% of acid 1990s; Bangladesh has been reporting the highest number of attacks and highest incidence rates for women with 3,512 assaults in India from 2002 to 2010.

Effects

The most notable effects of an acid attack are the lifelong bodily disfigurement.

Perpetrators of these attacks throw acid at their victims, usually at their faces, burning them, and damaging skin tissue, often exposing and sometimes dissolving the bones.

The long term consequences of these attacks may include blindness, as well as permanent scarring of the face and body, along with far-reaching social, psychological, and economic difficulties.

Blindness, as well as permanent scarring of face and body, along with far-reaching social, psychological, and economic difficulties.

The skull is partly destroyed /deformed and hair lost.

Ear cartilage is usually partly or totally destroyed, deafness may occur.

Eyelids may be burned off or deformed, leaving the eyes extremely dry and prone to blindness. Acid directly in the eye also damages sight, sometimes causing blindness in both eyes.

Nose can become shrunken and deformed; the nostrils may close off completely due to destroyed cartilage.

The mouth becomes shrunken and narrow, and it may lose its full range of motion. Sometimes, the lips may be partly or totally destroyed, exposing the teeth. Eating and speaking can become difficult.

Scars can run down from the chin to neck area, shrinking the chin and extremely limiting range of motion in the neck.

Laws concerning Acid attacks

Indian Penal Code was amended on the 2nd of April 2013 with the passing of The Criminal Law (Amendment) Act. 2013. The amendment was related to the introduction of the new sections 326A and 326B which are dealing with Acid violence. But in the Acid attack victims are not directly compensated for the pain and injury. Existing provisions with regard to compensation for acid victim are not sufficient. The new Sections 326A and 326B read as follows:

Section 326A: Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or

with the knowledge that, he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine.

Provided that, such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim.

Provided further that, any fine imposed under this section shall be paid to the victim.

Section 326B: Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine

There are some sections related to compensation also

Section 357B: Has been newly inserted in Cr PC which reads as "The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code."

Free Medical Treatment

Section 357C: Has been newly inserted whereby all hospitals, public or private are required to provide first aid or medical treatment free of cost. The section reads as:

"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."

Other than above in cases of acid attack a presumption is incorporated in the Indian Evidence Act as Section 114B. The proposed Section 114B of the Indian Evidence Act shall read as under:

Presumption as to acid attack- If a person has thrown acid on, or administered acid to, another person the court shall presume that such an act has been done with the intention of causing, or with the knowledge that such an act is likely to cause such hurt or injury as is mentioned in Section 326 A of the Indian Penal Code.

This section was introduced to give wide perspective to acid attack. Acid Attack was recently introduced as a separate offence under the Indian Penal Code through Criminal (Amendment) Act, 2013.

Legal Effect of Acid Attack

The scope of the definition of section 326 is very narrow and it does not deal adequately with the issue of acid attack because

1. It does not cover the various kinds of injuries inflicted because of an acid attack,
2. The section does not cover the act of administering acid attack, i.e., planning it,
3. The section also does not specify who the fine should be awarded to,
4. The section does not punish the intentional act of throwing of acid if no injuries occur.

Prevention

For preventing acid attacks

1. The Supreme Court has completely prohibited the over the counter sale (OTC) of the chemical unless the seller maintains a recording of the address and other details of the buyer, and the quantum.
2. Dealers can now only sell the chemical after the buyer showed a government issued photo identity card and after specifying the purpose of purchase.
3. The seller should submit the details of sale to the local police within three days of the transaction.
4. 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.
5. Undeclared stocks could be confiscated and the defaulter fined up to Rs.50, 000. Acid attack is now a non-bail able and cognizance offence.

Cases related to acid attack

1. Sonali Mukherjee's case of 2003 in Jharkhand for protesting sexual harassment.
2. Muhammad Razaq's case in Jammu & Kashmir in 2014 for an acid attack on his wife for not bringing enough dowry.
3. After the leading case of Laxmi vs UOI, the Supreme Court passed an order to put ban on selling of acid in shops.
4. Devanand vs. The State a man threw acid on his estranged wife because she refused to cohabit with him. The wife suffered permanent disfigurement and loss of one eye. The accused was convicted under Section 307 and was imprisoned for 7 years.

CONCLUSION

Vitriol age attack having long life consequences on the victim who faces torture, permanent damage and other problems for the rest of her life. Their living life becomes traumatized, embarrassed to walk out of their house and carry out simple tasks, cannot get married etc. Even if, the person wants to lead a normal life then there is no confirmation that society itself will treat them as normal human beings. The Crime of an Acid attack is day by day increasing so instead of making such useless law the government should take appropriate action which actually will help the victim. Even they are not compensated for the pain and humiliation.

The people of India has become so hardened heart as well as black that they didn't even think before pouring acid on the face of innocent women and not about their family members. There is also a need to build awareness among people who sell acid. India is trying to grapple with the problem of acid attack but there attempt will fail unless some awareness has been raised among them.

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