

ACID ATTACKS AND ROLE OF INDIAN JUDICIARY

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Acid attacks are on rise in India over the last decade. Acid is an easily available weapon, which makes it an ideal tool for the perpetrator for the purpose of ruining the life of victim. Here, the reader shall be informed legislation governing acid attacks. Judiciary in India acts as the guardian protector of the Constitution and the fundamental rights of the people. The researchers will mainly discuss the role of judiciary by focusing on the landmark judgments and decisions. In the last, it will give some suggestive measures to combat such a heinous crime.

Introduction:

Acid violence involves the intentional acts of violence in which perpetrators throw, spray, or pour acid on the victim. It causes immediate damage, disfigurement, pain and long lasting medical complications for victim. Though acid attack is a crime which can be committed against any man or woman, but if we see various cases, it has a specific gender dimension as most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. A number of women are affected by the acid attacks.[1]

The data, released by the home ministry, show that arrests and prosecution have had no deterring effect on the crime which kept on rising year on year, making it a problem of social attitude than a law and order issue. The years 2011, 2012 and 2013 witnessed 83, 85 and 66 cases being reported respectively, but this number shot up to 309 in 2014 – almost four times the average number of acid attack cases in the preceding years. Uttar Pradesh topped the list with 185 cases till November 2014, followed by Madhya Pradesh with 53 cases. Among the seven UTs, acid attack cases were reported only from Delhi, which witnessed 27 such cases last year. The number of persons arrested is only 208 as against 309 cases reported. While in UP there were no arrests in at least 66 cases, in Delhi only 7 persons were arrested in 27 cases. In the preceding three years 336 persons were arrested in total 234 cases.[2]

Legislation in India

Indian Penal Code, 1860

The criminal Law Amendment Act, 2013 provided for the insertion of Sections 326A and 326B into the Penal Code which deal with, inter alia, criminalizing the act and attempt of causing any injury with acid. This Amendment was the first attempt to explicitly, include provisions relating to acid attacks in a statute. Prior to this Amendment, any such attack was punishable under Sections 320 (“Grievous hurt including causing emasculation, privation and disfigurement”), 322 and 325 (“Voluntarily causing grievous hurt, punishment”) and 326 (“Causing grievous hurt by dangerous weapons or means”) of the IPC. In certain extreme cases, Section 307 IPC (“Attempt to Murder”) is used and in cases leading to the death of the victim, Section 302 IPC (“Murder”) is used.

Section 100: If there is an act of throwing or administering acid or an attempt to throw or administer acid, which causes reasonable apprehension in the mind of the accused that grievous hurt will be caused; the right of self-defence is available.

Section 166 A (3) : As per this provision, if a police official fails to record the information provided to him regarding the commission of a set of cognizable offences including Section 326A and Section 326B which deal with acid attacks, he/she shall be punishable with 6 months to 2 years of imprisonment and a fine

Section 166 B: According to this provision, if a person in charge of a hospital obliged to provide treatment free of cost under Section 357C refuses to provide such first aid and treatment, they shall be punished with a term of imprisonment of up to 1 year, or be subject to a fine, or both

Section 326 A: Section 324 or 326 of the Code, Whoever does any act of throwing acid or using acid, in any form on the other person with the intention of or with knowledge that he is likely to cause such person Permanent or partial damage or deformity disfiguration or disability to any part of the body of such person shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to Life and shall also be liable to fine which shall be a minimum of Rs. 2 Lakhs and may extend to Rs 5 lakhs The offence shall be cognizable, Non-bailable and non-compoundable.

Explanation: The term “acid” and “acid attack” – as defined in Section 3(a) and (b) of the prevention of offences (by acids) Act 2008

Section 326 B: Attempt to throw or use acid in any form on the other person - Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused Permanent or partial damage or deformity disfiguration or disability to any part of the body of such person, shall be punished with imprisonment of either description for a term which shall not be less than 7 years and shall also be liable to fine to a minimum of Rs 1 lakh.

Role of Judiciary:

Initially the perpetrators of acid attacks were not effectively prosecuted. Prior to Criminal Law Amendment Act 2013, cases were registered under different sections of the Indian Penal Code (IPC) particularly the sections relating to hurt, grievous hurt, grievous hurt by corrosive substances and attempt to murder and murder. Compensation was hardly ever awarded to the victims of vitriolage and even if given was grossly inadequate.

In *Balu v. State Represented Inspector of Police*[3], a husband who had thrown acid on his wife was ordered to pay a meagre amount of Rs 2,000. The deceased was given in marriage to the accused as second wife. The accused entertained suspicion that she developed illicit intimacy someone and under this suspicion he poured acid on his wife. The case was committed to Court of Session and necessary charge was framed, whereby the sole accused stood charged under Sec.302 of I.P.C., tried, found guilty as per the charge and awarded life imprisonment along with a fine of Rs.2,000/-. The appeal was dismissed by the Madras High Court. Such a meagre amount of compensation of only Rs.2,000 cannot be said to be sufficient.

Syed Shafique Ahmed Vs. State of Maharashtra [4]

In this case the accused voluntarily caused grievous hurt to his wife and one another person by throwing an acid on their persons causing disfiguration of the face of and loss of vision of right eye of the wife and thereby committed offence punishable under Sections 326 as well as that under 324 of the Indian Penal Code. The accused was charged under Section 326 and 324 of the IPC and was awarded Rs5000 as fine and 3 years imprisonment. This case again shows that the punishment that is often awarded does not take into account the deliberate and gruesome nature of the attack and rests on technicalities of injuries.

Awadhesh Roy vs. State of Jharkhand[5]

In a case before the Jharkhand High Court the victim was standing with her friend at a Bus where the accused came and poured acid over her head and face. The accused had a photograph of the victim and was blackmailing her but she refused to accede to his demands. The victim suffered burn injuries over the left side of her eye, neck and chest and had to be hospitalized. A case was registered under Sections 324, 326, 307 IPC. The police investigated the case and finally submitted a chargesheet against the appellant under the aforesaid sections. The learned 2nd Additional Sessions Judge, Dhanbad held the appellant guilty under Section 324 IPC and convicted and sentenced him to undergo RI for three years. The appellant's conviction was upheld by the Hon'ble High Court. No compensation whatsoever was awarded to the victim.

Ramesh Dey and Ors. vs. State of West Bengal, Decided on 16/5/2007[6]

The accused Ramesh and Mrityunjay used to tease Padma in several manner. Ramesh had a grudge against Padma for her refusal to marry him. In this case the accused had made a previous abortive attempt to throw acid on the victim and succeeded on a second attempt. The accused along with two others went to the victims' house and threw a bottle of acid on the victim outside her house where she, her mother, her aunt and her little son were sitting. The victim, her mother, her aunt and her son sustained injury. The learned Trial Judge after considering all the materials on record found no difficulty in passing the impugned judgment of conviction and sentence. The additional sessions Judge awarded imprisonment for life and a fine for Rs. 5000 under Section 302 and 34 of the IPC. The appellants were also convicted under S. 324/34 IPC and sentenced to R.I. for one year and to pay a fine of Rs. 1,000/- each in default to suffer S.I. for two months. Both sentences were to run concurrently. The High Court on appeal however, set aside the conviction and sentence against the other two accused by stating that there was no evidence to show they had a common intention and their presence with the accused on the scene of the crime was not enough. In this case the court has just provided a fine of 5000 that is of no value for such a heinous crime,

Landmark Cases of large amount of Compensation

State of Karnataka by Jalahalli Police Station vs. Joseph Rodrigues S/o V.Z. Rodrigues (Decided in the Hon'ble High Court of Kerala on 22/8/2006):

Haseena a young girl hardly aged 20 years, who had finished computer course while studying B.Com., Ist Year, was working in a computer office called Neha Computers of which the accused was the proprietor.

Similarly the witness Bindu was also working there. After about one year eight months as the said office incurred a loss, Haseena left the same and started working at Satish Industries situated at H.M.T, Layout. It is alleged that the accused started pestering her to leave the new job and start working in the house for which he would provide a computer. This offer was rejected by Haseena. It is alleged that on a number of occasions the accused came to her house and repeated his offer. For which Haseena informed him that as she is working in Satish Industry comfortably, she does not want to leave the job. Enraged by the same, it is alleged that about 20 days prior to the incident the accused threatened her with dire consequences for not accepting his offer. According to prosecution on 20.4.1999, as usual Haseena left her house at about 8 a.m, to attend the work at Satish Industry. On that day she took a lift from one Krishna an elderly neighbour who had his Industry called Mahaveer Industries near Satish Industry. According to Haseena at about 8.25 a.m. when she was near the gate of Satish Industry, the accused came on a motorcycle holding a plastic jug and on coining near Haseena, he splashed the contents of the jug on her and went away. On falling of that liquid (now proved to be Sulfuric Acid) she received severe burn injuries on her face, eyes, neck, chest, hands and legs. She also received burn on her clothes. When she cried out due to pain, people nearby came and took her first to H.M.T. and then to Ramaiah and lastly to Victoria Hospitals. Due to the burns, her entire face was burnt and has become totally scarred, both eyes are damaged and she has lost the eyesight in both eyes, her upper lip is dissolved, apart from other injuries on her left arm, abdomen, both the thighs. The accused was convicted under Section 307 of IPC and sentenced to imprisonment for life. A compensation of Rs. 2,00,000/- in addition to the Trial Court fine of Rs3,00,000 was to be paid by the accused to Hasina's parents. This was a landmark case as it was the first time that a compensation which was quite a large sum was given to the victim to meet the medical expenses including that of plastic surgeries. However, no compensation was awarded for the after effects of the attack such as loss of income etc.

State to bear all expenses of her medical treatment including plastic surgery etc.

State vs Parmod on 5 July, 2014

In this case the victim was returning to home from her job when the accused attacked her with acid. When she reached near kudakhatta gali Telmill, Nabi Karim, accused Parmod was already standing there, to whom she knew previously. As soon as accused passed through her, he had poured acid upon back portion of her body and when she turned back, she saw that accused was running towards Laxman Puri chowk. Due to acid, she started feeling burn itching and her clothes were also

burnt and she started crying due to pain. In the meantime her mother- in-law Rani Devi also reached there and brought her to the hospital. It was alleged that at about three months ago, accused had misbehaved with her; accordingly, she had made a complaint at police station Pahar Ganj. At that time accused had threatened her that he would disfigure her face by throwing acid upon her. It was alleged that accused had poured acid upon her with an intention to kill her. Upon her statement FIR was registered for the offence punishable under Section 307 IPC. During investigation, investigating officer seized the burnt clothes of victim. Accused was arrested on April 20, 2012. Pursuant to his disclosure statement, efforts were made to recover the container of acid but it could not be recovered. As per MLC, victim had sustained grievous burn injuries.

The court said that it is very difficult for the victim to forget the trauma to which she had undergone particularly when the burn marks are still in existence, which must be reminding her about the incident every day. Admittedly, it is not possible for any institution to remove the scars of unfortunate incident from the mind of victim, but being the welfare State, it is the duty of State to make all sincere efforts to remove every scar of the incident from her body. **Thus, State i.e. Government of NCT of Delhi is directed to bear all expenses of her medical treatment including plastic surgery etc. Secretary, DLSA, Central District shall provide all necessary assistance to the victim to ensure that State shall provide all financial help to the victim in her treatment.**

The court sentenced the convict Parmod rigorous imprisonment for a period of seven years and a fine of ` 50,000/- in default further simple imprisonment for a period of six months for the offence punishable under Section 326 IPC. Benefit of Section 428 Code of Criminal Procedure, if any, be given to the convict.

Thus in this case the court looked up the situation deeply. Although the fine imposed on Parmod, the accused is only a meagre amount of Rs 50,000 but the court assured to expenses of medical expenses to the victim through the State .

A New Jurisprudence on Compensation, Punishment and Regulation of Acid: *Laxmi v Union Of India*[7]

The victim of a gruesome acid attack, Laxmi, has filed a writ petition in the Supreme Court of India in May, 2006 in which the Law Commission of India has been arrayed as the Respondent No.2.

Laxmi (15yearsold) was working as a sales representative at New Janta Book Depot, Khan Market

and has studied up to class 8. She liked a boy named Raj Kamal who was her classmate in school. Another boy named Naeem Khan Guddu, was employed in her neighbourhood. The accused Naeem Khan placed the proposal of marriage before her family but Laxmi resisted the same because of the large gap between their ages. Thereafter, the accused started pressurizing Laxmi for marriage and to maintain telephonic ties with him which was either evaded or turned down by her. On 22.04.2005 at about 10:30 am, when she was going towards Khan Market from her house, the accused attacked her with acid.

On injured Laxmi implicating the accused, the latter was arrested. A criminal case of attempt to murder was registered and the two accused — Rakhi and Guddu — were sentenced to 7 and 10 years imprisonment, respectively, by the Trial Court. Later the accused went in appeal in the Delhi High Court where the Court directed the appellant to pay a sum of Rs 3 lakhs as fine which is to be forwarded to victim Laxmi as compensation under the provision of Section 357(1)(b) Cr.P.C. It was further recommended that the case of victim Laxmi be considered by the Delhi Legal Services Committee for appropriate compensation which can be paid to her on behalf of the State Government under the victim compensation scheme as applicable to the National Capital territory of Delhi. The appeal was dismissed.

Public Interest Litigation: In 2006, Laxmi filed a PIL in the Supreme Court urging for regulation on sale of acid. Law Commission of India and National Commission for women were the three respondents in the Writ Petition. In her plea, she had sought framing of a new law or amendment to the existing criminal laws like IPC, Indian Evidence Act and CrPC for dealing with the offence, besides asking for compensation.

By way of present writ petition, the petitioner has sought:

1. An amendment to the Penal Code wherein a section is introduced regarding acid attacks;
2. It further demanded a complete ban on sale of acid;
3. Rehabilitation Scheme for victims of acid;
4. Free medical treatment for survivors.

Outcome:

The Court on 11 February 2011 issued directions to all the State Governments to indicate what steps they have taken to allocate resources for providing compensation to victims of acid attacks under the abovementioned amendment made to Code of Criminal Procedure

regarding Section 357A. It also directed that as one of the matters of concern in regard to acid attacks is the free availability of acid, the Central Government and the State Governments may also consider making appropriate provision for regulation of sale of acids so that it is not easily or readily available to offenders.

Amendment in Laws: In the meantime the Criminal Law Amendment 2013 was passed by which new Sections 326A and 326B were inserted into the Indian Penal Code.

Regulation of Sale of Acid: S.C. gave the following directions regarding regulation of acid:

In the States/Union Territories, where rules to regulate sale of acid and other corrosive substances are not operational, until such rules are framed and made operational, the Chief Secretaries of the concerned States/Administrators of the Union Territories shall ensure the compliance of the following directions with immediate effect:

- Over the counter, sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.
- All sellers shall sell acid only after the buyer has shown:
 - (a) a photo ID issued by the Government which also has the address of the person.
 - (b) Specifies the reason/purpose for procuring acid.
- All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.
- No acid shall be sold to any person who is below 18 years of age.
- In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to Rs. 50,000.

The educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, who are required to keep and store acid, shall follow the following guidelines:

- A register of usage of acid shall be maintained and the same shall be filed with the concerned SDM.

- A person shall be made accountable for possession and safe keeping of acid in their premises.
- The acid shall be stored under the supervision of this person and there shall be compulsory checking of the students/ personnel leaving the laboratories/place of storage where acid is used.

The concerned SDM shall be vested with the responsibility of taking appropriate action for the breach/default/ violation of the above directions. The concerned SDM may impose fine upto 50,000 on any person who breaches above provisions.

Compensation: During the pendency of this petition, the Code of Criminal Procedure, 1973 was amended and section 357A was inserted by Act of 2009 which requires every State Govt, in coordination with the Central Government, to prepare a scheme for providing funds for purpose of compensation to the victims or their dependants who have suffered loss or injury as a result of crime and who require rehabilitation.

The Court gave the following directions regarding compensation:

The acid attack victim shall be paid compensation of atleast Rs.3 lakhs by the concerned State Government/Union Territory as the after care and Rehabilitation. The court also said that out of the compensation amount of Rs 3 lakh, Rs 1 lakh will be paid within 15 days of the occurrence of the attack being brought to the notice of the state government. The balance of Rs 2 lakh shall be paid by the state or Union Territory concerned as expeditiously as possible and positively within two months of the incident, adding that the compliance of the order has to be ensured by the Chief Secretaries of the states and administrators of the UTs respectively.

Medical treatment, aftercare and rehabilitation : Insofar as the proper treatment, aftercare and rehabilitation of the victims of acid attack is concerned, the meeting convened on 14.03.2015 notes unanimously that **full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims.**

No hospital/clinic should refuse treatment citing lack of specialized facilities:

First aid must be administered to the victim and after stabilization, the victim/patient could be shifted to a specialized facility for further treatment, wherever required. Action may be taken against hospital/clinic for refusal to treat victims of acid attacks and other crimes

in contravention of the provisions of Section 357C of the Code of Criminal Procedure, 1973.

Certificate that the individual is a victim of an acid attack: The Court also issue a direction that the hospital, where the victim of an acid attack is first treated, should give a certificate that the individual is a victim of an acid attack.

Criminal Injuries Compensation Board: in case of any compensation claim made by any acid attack victim, the matter will be taken up by the District Legal Services Authority, which will include the District Judge and such other co-opted persons who the District Judge feels will be of assistance, particularly the District Magistrate, the Superintendent of Police and the Civil Surgeon or the Chief Medical Officer of that District or their nominee. This body will function as the Criminal Injuries Compensation Board for all purposes. A copy of this order be sent to learned counsel appearing for the Secretary in the Ministry of Home Affairs and the Secretary in the Ministry of Health and Family Welfare for onward transmission and compliance to the Chief Secretary or their counterparts in all the States and Union Territories. The Chief Secretary will ensure that the order is sent to all the District Magistrates and due publicity is given to the order of this Court.

Supreme Court's post-Laxmi jurisprudence: Include acid attack victims in disability list

This direction is issued by a Division Bench comprising Justice MY Eqbal and C Nagappan in the case of *Parivartan Kendra & Anr vs U.O.I & Ors on 7 December, 2015*: This writ petition was filed in public interest under Article 32 of the Constitution of India, the petitioner (Parivartan Kendra; a registered NGO) seeks to highlight the plight of the acid attack victims and the inadequacy how the compensation payable to the victims as per the orders of the Apex Court in Laxmi vs. Union of India (in Writ Petition (Crl.) No.129 of 2006). Petitioner also highlights the lack of a legal guarantee to free medical care, rehabilitative services or adequate compensation under the Survivor Compensation Schemes.

Background of this Writ Petition: The petitioner highlighted the plight of two dalit girls of Bihar, who were attacked around midnight of October 21, 2012 by four assailants who threw acid on the face and bodies of the girls while they were sleeping on their rooftops.

Outcome : The court said that the guidelines issued by orders in the Laxmi's case are proper, except with respect to the compensation amount. We just need to ensure that

these guidelines are implemented properly. Keeping in view the impact of acid attack on the victim on his social, economical and personal life, we need to enhance the amount of compensation. We cannot be oblivious of the fact that the victim of acid attack requires permanent treatment for the damaged skin. The mere amount of Rs. 3 lakhs will not be of any help to such a victim. We are conscious of the fact that enhancement of the compensation amount will be an additional burden on the State. But prevention of such a crime is the responsibility of the State and the liability to pay the enhanced compensation will be of the State.

The enhancement of the Compensation will act in two ways:-

1. It will help the victim in rehabilitation;
2. It will also make the State to implement the guidelines properly as the State will try to comply with it in its true spirit so that the crime of acid attack can be prevented in future.

Having regard to the problems faced by the victims, this Court in the case of Laxmi v. Union of India & Ors by an order dated 18.07.2013, enhanced the compensation, stating that, "at least Rs.3 Lakhs must be paid to the victims of acid attacks by the concerned Government". Therefore, a minimum of Rs.3 Lakhs is to be awarded by the Government to each victim of acid attack. ***In the present case, a minimum amount of Rs. 6 Lakhs has to be awarded to the sisters.***

In peculiar facts of the case, we are of the view that ***victim Chanchal deserves to be awarded a compensation more than what has been prescribed by this Court in the Laxmi's case.*** Disposing of the present writ petition, ***the court additionally direct all the States and Union Territories to consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.***

Sri Debaprasad Halder vs The State Of West Bengal & Ors on 16 August, 2016^[8] The petitioner is a victim of acid attack and had suffered loss of sight in one eye. He was also required to undergo medical treatment including surgical procedure for repair of the wounds suffered by him. It has been argued on behalf of the State that the petitioner is entitled to get compensation of Rs.50,000/- in view of the schedule appended to the Victim Compensation Scheme notified on 1st November, 2012. Relying on the Apex Court's decision in the case of Laxmi vs. Union of India & Ors. (2014) 4 SCC 431, Mr. Srivastava, learned Counsel appearing for the petitioner, submits that compensation payable to a victim of acid attack cannot be less than of Rs.3,00,000. Question which falls for decision in this

writ petition is whether the petitioner is entitled to get compensation under the Victim Compensation Scheme under Section 357A of the Code of Criminal Procedure and, if so, to what extent.

Judgement: Relying on Laxmi v UOI and Sabana Katun , this writ petition was disposed of directing the respondent authorities more particularly, the Chief Secretary of the State of West Bengal to pay a total sum of Rs.3,00,000/- to the writ petitioner, an acid attack victim, and out of the said amount a sum of Rs.1,00,000/- be paid within fifteen days from the date of communication of this order and thereafter the balance amount be paid within two months thereafter as prescribed by the Apex Court in its order passed in connection with Laxmi vs. Union of India & Ors. In the event the payment schedule is not adhered to by the respondent authorities the amount shall carry interest of 15 per cent per annum from the date of accrual of liability till the date of payment.

The State vs Ajay Bharti @ Pandit on 30 May, 2014

As per the story of the prosecution , deceased Bimla Rani w/o Lal Singh had left Lal Singh in the year 2006 and started living with accused Ajay Bharti. It is also alleged that accused Ajay Bharti was of suspicious nature and he suspected that Bimla Rani is having relations with Ravi. On the date of occurrence , he took Bimla Rani(deceased) to Japanese Park for roaming and allegedly throw acid on her from where she was shifted to BSA hospital by unknown persons .

The witness Pappu Sahni was known to accused Ajay Bharti and they used to meet frequently as both of them used to ply rickshaw in the area of Rohini and were good friends . He deposed that when accused Ajay Bharti went to his native village in Bihar, at that time Bimla Rani (deceased) started living with a person namely Ravi. When accused Ajay Bharti came back from Bihar, he came to know about the said fact and accused Ajay Bharti and Bimla started quarreling with each other on the ground that Bimla Rani had started living with Ravi . He further deposed that on 20.1.2006 at about 9/9:30 pm at Rithala Metro station, when he was waiting for some passengers, accused Ajay Bharti came along with his rickshaw to him and at that time he was frightened . He noticed that there were burn marks with acid on the hand and shirt of accused Ajay Bharti. Accused Ajay Bharti told him that he had poured acid on Bimla Rani (deceased) and have received burn injury on his hand. As per the story of the prosecution he is the witness before whom accused made extra judicial confession about the crime. He was cross examined by the learned counsel for the accused.

Judgement: After considering the entire facts and circumstances of the present case and the discussion made herein above, the convict Ajay Bharti Pandit was sentenced to Life Imprisonment alongwith fine of Rs 2000/- for offence u/s 302 IPC. In default of payment of fine, he shall undergo S.I for two months.

DEATH SENTENCE: PREETI RATHI CASE

Preeti, a nursing graduate from Delhi, had landed at Bandra terminus in Mumbai by Gareeb Rath Express where some unknown assailant threw acid on her face. The attacker patted on her shoulder from behind and as she turned, he threw acid on her face. No one could catch him despite the station being crowded and he succeeded in escaping. 23-year-old Preeti had stepped in Mumbai for the first time to join the Colaba Naval Hospital 'INS Ashwini' as a staff nurse, her first job. She passed away on June 2, after battling for her life for a month. Parts of her throat and lungs had been destroyed after she accidentally swallowed the acid sloshed across her face. Her statements later published in local newspapers, though full of grief at her current plight, also emphasised the centrality of the means of livelihood to a woman's life. Even when she was battling for her life, her first thought on gaining consciousness was about her job, safety of her younger sisters and concern for her parents' health. Before slipping into coma she scribbled on a paper not to shift her to a bigger hospital as it would be expensive. That was the last conversation she had with her father, it shows her concern for her middle class parents.[9]

Ankur Panwar was arrested a year later. The accused, Ankur Panwar, a hotel management graduate, lives next door to the Rathis in the Bhakra Beas Management Board (BBMB) Colony in New Delhi. Police officers claimed that he had confessed to have procured concentrated sulphuric acid from a workshop near his residence. He also told the police that he travelled to Mumbai in the same train as the Rathi family and attacked Preeti as she alighted at the Bandra Terminus station. After the attack "He did not go to his parents' home, but headed to the home of a cousin in Gurgaon. He lied to his parents that he had gone to Haridwar for a job interview at a hotel," said Himanshu Roy, Joint Commissioner of Police, Crime. He added Panwar was employed at a hotel in Ahmedabad at the time of the arrest.[10]

Panwar was allegedly spotted in the CCTV footage of the Nizamuddin Railway Station. The police said he was jealous of Ms Rathi's success and frustrated by his family goading him about being unemployed while lauding Ms Rathi as a success. So he allegedly took the same train to Mumbai that the Rathis were on, attacked the young

woman, and then boarded another train departing Mumbai.[11]

Ankur Panwar had thrown acid at Preeti because he was jealous of her as his father often compared him with her. Ankur, who has a diploma in catering from a Bhubaneswar college, was then unemployed, while Preeti had just got a job at the Army Medical College in Colaba as a nurse. Out of jealousy and anger, Ankur decided to disfigure her and he attacked her in brutal manner by throwing acid on her. Apart from Rathi, her aunt Sunita and a passer-by too sustained injuries in the attack.[12]

Judgement: In a landmark judgement on Sep 09, 2016, special women's court judge AS Shende sentenced 25-year-old Ankur Panwar to death for a fatal acid attack on 23-year-old nurse Preeti Rathi at Bandra terminus in May 2013. The court also imposed a fine of Rs 5000 on Panwar and directed that it be given to parents of the victim. This is the first time that a convict in India has been sentenced to death for an acid attack. India is also only the second country, after Bangladesh, to have done so. Under Bangladesh's Acid Crime Suppression Act, attackers can be sentenced to death.[13]

"A strong message needs to be sent to the miscreants of such crimes against women that such crimes shall not be tolerated," recorded a special women's court. "This crime is first of its kind in India," Judge Anju S Shende, said on her last day at the City Civil and Sessions Court. "If the rising trend towards such crime is not checked at its inception, it will have monstrous effects on society, and soon it will spread widely." [14]

In a 150-page order, the court said, "Without a shadow of doubt, this (crime) falls in the category of the rarest of the rare case. The incident is extremely gruesome, revolting, and horrifying. This court is not in the knowledge of any case in which a crime of this nature has been committed and the accused is sentenced, till date. Therefore, deterrent punishment is the need of the hour. Being fully aware of the nature of the death penalty, the court has reached the conclusion to award the death sentence to the accused." [15]

Conclusion: The Constitution of India provides for a single integrated judicial system with the Supreme Court at the apex, High Courts at the middle (state) level and District Courts at the local level. It also provides for an independent and powerful judicial system. Judiciary in India acts as the guardian protector of the Constitution and the fundamental rights of the people.

The approach of the judiciary when dealing with cases of acid attacks should be strict like in the cases of rape.

Strict guidelines should be implemented in trials of acid attack cases as well for the purposes of protection of the dignity of the victim, provisions for ample compensation and adequate legal aid to the victim. There is a ray of hope by the recent decision special Women Court Judge AS Shende sentenced 25 yeras old Ankur panwar to death for fatal acid attack on 23 old Preeti rathi in May 2013. This is the first time that convict in India has been sentence to death for an acid attack. "A strong message needs to be sent to the miscreants of such crimes against women that such crimes shall not be tolerated," recorded a special women's court. "This crime is first of its kind in India," Judge Anju S Shende, said on her last day at the City Civil and Sessions Court. "If the rising trend towards such crime is not checked at its inception, it will have monstrous effects on society, and soon it will spread widely."^[16] There is ardent need for reforms in laws and judiciary. Judici ary is our protector so it shall punish its offenders in such a detterent way that the society shoud never such heinous crime again.

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[14] <http://www.thehindu.com/news/cities/mumbai/court-cites-reasons-for-death-penalty-in-acid-attack-case/article9126630.ece>

[15] Ibid.

[16] <http://www.thehindu.com/news/cities/mumbai/court-cites-reasons-for-death-penalty-in-acid-attack-case/article9126630.ece>

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