

THE LAXMI CASE: LANDMARK JUDGEMENT AND ITS ROLE IN SHAPING ACID ATTACK LEGISLATION

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Citation: 2014 Scc (4) 427

Petitioner: Laxmi

Respondent: Union of India

Court: Supreme Court of India

Date of Judgement: 10th April 2015

Bench: Justice Madan B. Lokur and Justice Uday Umesh Lalit

INTRODUCTION

This is the case in which Laxmi a 15 y/o girl born in a middle-class family in Delhi survived an acid attack and filed a public interest litigation against the Union of India. Laxmi filed the case in 2013. The Supreme Court rulings placed some limitations on the sale of acid and the victim was awarded with compensation. The sale of acid in shops was not prohibited before the ruling of the Supreme Court and compensation by government authority was inadequate. It is truly said that in every woman's life, her face is the greatest beauty but in this case, it is fully believed that having courage is a significant beauty that lasts forever¹. In this case, the court's decision changed IPC's legal requirements and classified acid attacks as a separate crime under section 326A². Despite a woman's wish to live a normal life, there is no guarantee that society would treat her as a regular person because of their looks post-acid attack. Hence, to prevent acid attacks the state should harshly punish the offenders.

FACTS

Laxmi v UOI is a landmark case concerning acid attack survivors in India. As there were no

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¹ Samridhi Bhatt, 'Laxmi vs. Union of India: A case Analysis and Application of Jurisprudence' Legal service India < <https://www.legalserviceindia.com/legal/article-5332-laxmi-vs-union-of-india-a-case-analysis-and-application-of-jurisprudence.html> > accessed 12 September 2024

² Indian Penal Code, 1860 sec 326A

specific laws in 2005 when this incident took place and due to the delay in court proceedings the victims were made to suffer a lot. Laxmi was the victim of the Acid attack in 2005 and later filed a PIL in the Supreme Court of India demanding stricter laws to be implemented for the sale of acid and to give justice to those who have survived acid attacks. The case starts with the fact that Laxmi was a 15 y/o girl to whom A boy named Naeem asked her to marry him but she refused to marry him and so because of the denial, Naeem attacked her with acid. She faced a lot of trauma and physical pain due to such an attack on her. Even after so many surgeries, she could not get her face back. Initially, when the case was filed in sessions court the court charged the culprit u/s 120B³ and 307⁴ of Indian Penal Code. An appeal was filed by the accused in the Delhi High Court Challenging the decision made by the sessions in 2005. But Laxmi was not satisfied with the court's decision hence she filed a PIL in the Supreme Court of India with an NGO demanding a complete ban on the sale of acid attacks, Stricter laws against acid attacks, new compensation scheme for the victims. The case's main focus was the absence of laws controlling the sale of such materials as acid, which were easily accessible and caused an increase in acid attacks.

ISSUES RAISED

- Lack of regulation on acid sales: The primary issue was the availability of acid in the market easily leading to an increase in attacks.
- Inadequate legal framework: There was no specific Provision that addressed acid attacks as a separate and distinct crime.
- Compensation of Acid attack survivors: There was no standardized Compensation for the victims.
- Medical care and rehabilitation: The survivors faced challenges in accessing timely and adequate medical care.
- Violation of Constitutional Rights: The case touched on the issue of violation of fundamental rights of the victim i.e. Right to equality⁵, right to life and personal

³ Indian Penal Code, 1860 sec 120B

⁴ Indian Penal Code, 1860 sec 307

⁵ Constitution of India, 1950 Art 14

liberty⁶, right to freedom of speech and expression⁷ of the Indian Constitution.

ARGUMENTS BY THE PETITIONER (LAXMI)

- Easy sale and purchase of acid in the market was questioned
- The impact of an acid attack is physically, mentally, emotionally and financially on the victim and family.
- The rehabilitation by the government of the acid attack victims was requested.
- The petitioner prayed for stricter punishment and the amendment in statutes relating to the criminal justice system specifying the provision of acid attacks.
- The petitioner also requested free treatment and a fixed amount of compensation for the victim.

ARGUMENTS BY THE RESPONDENT (UNION OF INDIA)

- The sale of acid and other corrosive substances mentioned under the Poison Act, of 1919 would be regulated in the market by the enforcement of the model rule in the respective states and the Union territories.
- The council also mentioned that the model rule included the type of form of acid that can be stored, sold and given license for.
- The counsel from the state of Tamil Nadu mentioned that proper and strict laws will be regularised to keep a check on the sale of acid and other harmful substances.
- The government assured that offences would be made cognizable and non-bailable under the Poison Act, of 1919⁸.

COURTS OBSERVATION

After listening to the arguments presented in the case, The Supreme Court of India observed several points. The court recognised the increasing occurrence of acid attacks. The court

⁶ Constitution of India, 1950 Art 21

⁷ Constitution of India, 1950 Art 19

⁸ The Poisons Act, 1919

highlighted the duty of the state to safeguard its citizens and stressed the importance of Classifying acid attacks as a separate crime in IPC. Moreover, the court emphasized the importance of giving medical care, compensation, and rehabilitation to the survivors. The court stated that due to its hazardous nature, acid should only be sold to individuals with valid requirements, and sellers must keep accurate records of these transactions to avoid its misuse. The court's observation established the foundation for extensive changes, guaranteeing and safeguarding the rights of survivors.

JUDGEMENT

This case led to several amendments in the statutes relating to the criminal justice system:

- Section 326⁹ of IPC was amended by the insertion of section 326(1)¹⁰ and section 326(2)¹¹ which specifically stated the offence of acid attack.
- Section 357A¹² states that the victim Compensation scheme with an insertion of Section 357(3) of the Code of Criminal Procedure, 1973 is modified which ensures compensation to the victim in addition to the fine under sections 326A and 376D of IPC.
- In the Indian Penal Code, section 114B¹³ was inserted which stated the intention and knowledge that the culprit is likely to have under section 326A of IPC.

Where:

Section 326A

“Whoever causes permanent or partial damage or deformity to, or bums or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid¹ 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

⁹ Indian Penal Code, 1860 Sec 326

¹⁰ Indian Penal Code, 1860 Sec 326(1)

¹¹ Indian Penal Code, 1860 Sec 326(2)

¹² Indian Penal Code, 1860 Sec 357A

¹³ Indian Penal Code, 1870 Sec 114B

*than ten years but which may extend to imprisonment for life, and with fine.*¹⁴

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 bums 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.*¹⁵”

Section 357 A- “Victim Compensation Scheme¹⁶”

Section 357B – *“Compensation to be in addition to a fine under Section 326A or Section 376D of Indian Penal Code¹⁷”*

Section 357 C- “Treatment to Victims¹⁸”

Additionally, The Victim Compensation Scheme was notified by the government stating that the victim is entitled to the compensation of a Minimum of 3,00,000 rupees, also court made a uniform approach for payment of compensation. It was highlighted that hospitals including private hospitals can deny the treatment to the victim. In case of inadequacy of equipment in the hospital, the primary treatment should be ensured to the victim and later the victim shall be shifted to the concerned hospital.

It also resulted in a ban on the sale and purchase of acid. Legal service authority was also initiated under the victim compensation scheme.

CASE ANALYSIS

Acid attacks are one of the growing crimes to harass women in society, it has become a

¹⁴ Raman Devgan, 31 October 2022, < <https://devgan.in/ipc/index.php?q=326A&a=1> > accessed 13 September 2024

¹⁵ Indian Penal Code, 1860 < https://www.indiacode.nic.in/bitstream/123456789/15289/1/ipc_act.pdf > Accessed 12 September 2024

¹⁶ Raman Devgan, 31 October 2022 < https://devgan.in/crpc/chapter_27.php#s357B > accessed 13 September 2024

¹⁷ Indian Penal Code, 1860 Sec 357B

¹⁸ Indian Penal Code, 1860 Sec 357C

powerful tool in the hands of a male-dominated society to threaten the peaceful existence of women. The court's essential rulings to enforce tougher regulations on acid sales played a key role in combating the rampant accessibility of acid, which resulted in many severe attacks. The decisions created a framework for controlling acid sales, decreasing abuse, and guaranteeing accountability, the court also offered to give compensation to survivors and medical assistance also recognising the requirement for the same.

Furthermore, the rehabilitation must prioritize giving access to psychological help to the survivors, the effect of legal revision which categorizes acid attacks as a distinct offence in the Indian Penal Code, will only be apparent with effective implementations.

CONCLUSION

In conclusion, acid attacks have emerged as a form of violence targeting women in society. It gradually evolved into a potent weapon used by a male-dominated society to endanger the peaceful lives of women. Prior to this decision, the victims endured significant hardship because of the absence of clear legislation and the slow pace of the legal process. Nevertheless, Laxmi's PIL brought the Criminal Amendment Act of 2013, offering hope to acid attack victims in India by holding the power to transform the landscape of acid attacks.¹⁹

¹⁹ Armaan Arora, 'Laxmi v. Union of India and Others, 2013: The Acid Attack case', 2020 <<https://yimfindia.org/wp-content/uploads/2020/07/18.pdf>> accessed 14 September 2024