



ACID ATTACK SURVIVORS IN THE LIGHT OF RPWD ACT 2016- A CRITICAL STUDY

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ABSTRACT:

The Rights of Persons with Disabilities, Act (2016), an important step in the history of Indian Constitution, implemented for the upliftment of Individual with Disabilities. This law protects disabled person's rights in all aspects of their lives, including social life, education, and employment. The number of recognized disabilities has risen from seven to twenty-one, with acid attack victims becoming one of them. The (RPWD) Act of 2016 addresses some of the long-standing requests of disabled people in India. According to the National Crimes Record Bureau (NCRB) 2016 annual report revealed that there were 283 acid attacks reported in India. A total of 307 people were affected by these incidents. West Bengal topped the list with 76 incidences and 60 survivors out of all the states. In government jobs, this Act allows for a 4% reservation for persons with disabilities. Acid attack survivors are lumped into the loco motor disability category for work quota purposes, which receives a 1% reserve. This study aims to critically examine the Acid Attack victim in the lights of (RPWD) Act 2016, based on research articles, reports, literature reviews etc. As it is adopted by the govt of India recently, there are a smaller number of studies were found and no study have been conducted on the Acid Attack Victims in the Light of (RPWD) Act 2016.

KEYWORDS:

ACID ATTACK SURVIVORS, RPWD ACT, RIGHTS, MAJOR SHIFTS, PROVISIONS.

INTRODUCTION

Every year, India has the maximum number of acid attacks in the world, and despite the Indian regime's and the Supreme Court's efforts, the crime is on the increase. This growth can be related to India's patriarchal mindset as well as the country's ineffective legal system, which fails to provide victims with effective remedies. Acid attacks are common in any country, indicating that the country has failed to safeguard its citizens against this type of injury. Some countries, including India, have taken stringent efforts to combat acid assaults, with many of them succeeding. Acid attack is the most heinous, indescribable, and dehumanizing act ever perpetrated against a woman. Acid attack is one of the most terrible crimes against humanity, resulting in total debilitation, loss of prospects and income, and even social requisitioning. The consequences are not transient, but rather permanent and persist for the rest of a person's life. She is not only physically and psychologically harmed, but also financially, emotionally, and socially isolated. Society is unable to accept the looks and blemish are connected with the woman. *Acid attacks are now classified as a separate offence under sections 326A and 326B of the Indian Penal Code, which was amended in February 2013. The first data available following the amendment were from 2014, when 349 incidents were recorded from across India. (Bajpai,2015; Singh,2015). More than 50% of the cases were between the ages of 30, and with the 18–28 year age group being the most common. Behind the reason of attack was a difficulty with a relationship. Acid attacks victims were all*

deformed, with 78.8% having vision problems. In eight cases, blindness was experienced on both sides. The victims are primarily from metropolitan areas, accounting for 65 percent of the total. Over 90% of the victims had a facial burn of more than 2%. (Singh et.al.2018).

ACID ATTACK SURVIVORS:

Acid attacks are a big problem across the world, and in most cases, children are victims of acid attacks. When acid is thrown towards the victim's face or body with the intened to burn and spoil them. The majority of the victims are young women, many of whom are under 18 of the age, who have denied the sexual approaches or marriage promises. The act of throwing acid upon a person's body "with the goal of harming or disfiguring [them] out of jealousy or retribution" is known as an acid attack or vitriol age. So many problems are handled by acid attack victims are:

The face and body are permanently damaged. Deafness, Seeing problems, Communication and eating skills are harmed. Respiratory problems, social problems Economic problems, as well as psychological problems.

TABLE 1: CASES OF ACID ATTACKED IN INDIA (2010-2019)

ACID ATTACK VICTIMS IN INDIA (2010-2019)

Year	Numbers of victims Reported
2010	80

2011	83
2012	106
2013	122
2014	309
2015	222
2016	167
2017	244
2018	228
2019	240

Source: Kannadasan, 2015; National Crime Records Bureau (India), reports of 2010-2019

THEIR POSITION IN (RPWD) ACT, 2016:

The Rights of Persons with Disabilities Act (2016) was adopted under Article 253 of the Indian Constitution, as well as Union List item No. 13. There was a huge need for such an Act in India because there was no complete law that could identify and execute the Rights of Persons with Disabilities (RPWDs). This Act is considered comprehensive, and it attempts to give those with disabilities in India with equal opportunity. The number of different categories of disability has been raised from seven to twenty-one. The Central Government will have the power to expand this list of disabilities.

MAJOR SHIFTS:

The Indian government passed the Act, Persons with Disabilities (PWD) in 1995 (Equal Opportunities, Protection of Rights, and Full Participation) After major protests and petitions. The victim of acid attack and the burn survivors were not mentioned in this act. RPWD act (2016) did not adequately recognize burn survivors, but it provided protection to a subset of burn survivors. The legal provisions will have to be examined in order to cover burn victims under this act. The (RPWD) 2016 Act, has been in effect for nearly a year. In India, the Act has been addressed as a game changer for Persons with Disabilities. One of the most significant changes is the increase in the number of infirmities from seven to twenty-one. However, few people are aware of these changes. For the first time, survivors of acid attacks have been classified as disabled. A person who has been subjected to a ferocious attack as a result of acid or another caustic chemical being thrown at them is referred to as an acid attack victim. In maximum cases, acids or destructive chemicals are thrown at the face, resulting in skin roasting, tissue damage, and in some circumstances, bone dissolution in some severe attacks. The (RPWD Act) 2016 supersedes the (PwD Act) 1995, and the RPwD Guidelines 2017 outline how the provisions should be carried out. The following are the most important changes:

- Improved terminology definitions and operationalization

- Given the importance on the Rights of Persons with Disabilities
- Discrimination-prevention measures
- Give emphasis on inclusive approach to education and work
- The procedure for naming a limited guardian, as well as
- The section on violations of the rules and the punishments for them.

RIGHTS OF ACID ATTACK SURVIVORS IN (RPWD) ACT, 2016:

This Act ensures all the rights of Persons with Disabilities and acid attack survivors are included under 21 disabilities. There are so many rights mentioned, such as:

- The (RPWD) Act of 2016 allows 4% reservation in government jobs for People with Disabilities. Acid Attack victims are endured into the Locomotor Disability type for job quota purposes, which receives 1% reservation.
- The government must ensure that acid attack survivors have the same right to equality, a dignified existence, and respect for their personal integrity as everyone else.
- Survivors of acid attacks will be allowed to live in the community.
- The government must take steps to safeguard acid attack survivors against torture, cruel, inhuman, or humiliating treatment.
- The government must take steps to protect Acid Attack victims from all kinds of abuse, violence, and exploitation, as well as to stop such abuse, violence, and exploitation.
- The government will develop schemes and programs, including low-interest loans, to help acid attack survivors find work, particularly for vocational training and self-employment.
- Such matters relating to employment, no government entity shall favor against Individuals with Disability.
- The government shall, by notification, establish insurance systems for their disabled employees.
- The government and local governments must make every effort to confirm that all educational institutions recognized by them to provide Inclusive Education to Persons with Disabilities.
- The government must promote disabled people's right to an appropriate standard of life so that they can live independently in the community.
- For entrance to institutions of higher education, those with benchmark disabilities would be offered a five-year age relaxation.
- Persons with a Benchmark Disability who believes s/he needs high support, or any person or Organisation acting on his or her behalf, might apply to an expert for high support, which will be notified by the competent government.

MAJOR OBSERVATIONS AND THEIR

SIGNIFICANCE:

The Rights of Persons with Disabilities (RPWD) Act, 2016 is a milestone for Persons with Disabilities. In a single life they feel the both sides of world. They feel the normal life as well as the crucial side of life. They are unable to share the tragedy with others. *Some publics of the society might show empathy and compassion, but most of the people does not accept them as a member of the society and they are pass rude, painful and offensive comments on them (Goswami, 2020; Handa, 2020).* People with Disabilities wanted additional reservation and the inclusion of other disabilities in the law, therefore the government of India passed a Disability Bill in 2012. On December 28, (2016), the President gave his approval to the Rights of Persons with Disabilities Bill, which had been enacted by both houses of parliament. In this study, the investigator reviewed the Perception of Acid Attack Survivors on RPWD Act, 2016 and found some points that are very relevant to explore this study. Discuss the points below:

- Victims of Acid Attacks have been added in the list of (RPWD) Act, 2016. In India it is very Unfortunate to said that, Acid Attacks have been on the risen in the past few years. Girls and women are frequently attack by male person and severely disfigured due to such attacks. The continuous rise of acid attack cases makes us question the efficacy of the prevailing laws and implementation of these for fencing such attacks.
- When a person who “purposefully insults or intent to humiliate a person in any place within public view” is punishable with custody as mentioned by this act. This provision definitely ‘intends’ to protect the dignity and self-respect of the acid attack victims.
- They are very happy for ensuring their reservation in the government organizations. Acid attacked victims are often looked down on by society including their close friends and family members. Their life is limited within the four walls of their room out of fear, humiliation, and detrimental comments by people. In a situation, where people do not even tend to accept the presence of acid attack victims, the question of appointing them to work or appreciating them for a start-up is out of the question. Thus, in such a scenario, the RPWD’s initiative of reserving seats for them is a step that should be highly applauded. It will not only ensure them being self-reliant but will also boost their confidence to face the stereotypical mentality of the society and bring reforms to it by being role models.
- According to (RPWD) Act 2016, special courts will be established in every district. These Special Courts will handle cases relating to the violation of the rights of the RPWD Act, But the reality is different. Till date this provision has not been able to be accomplished fully thus, making it a provision be present only on paper.
- A massive number of Children with Special Needs (CWSN) do not get suitable education in India. This act recommends that all Children with Special Needs gets compulsory and free Education from the age of six to eighteen years. But sometimes schools deny admitting the child due to lack of infrastructure, special educator, educational equipment, etc. In fact, the students out of humiliation and inferiority complex get discouraged to attend schools. Therefore, mere laying of provisions in an act is not sufficient to get ‘all’ students including the differently-abled or the acid attack victims to get enrolled in educational institutions. There is the need for material, human and ideational resources suiting to the needs of ‘all’ children to get the things done on real ground.
- For vocational training and self-employment, the government will develop schemes and programs, including low-interest loans, to make them independent. This provision is in the interest of the differently-abled, as financial barriers are often a major concern over their admission to higher education or start a start-up.
- The government offered a five-year age relaxation for entrance to higher education institutions. Due to their certain limitations, it is not possible for them to complete their course on time as like the regular students. Such a provision is a great step to ensure equity of treatment towards them.

CONCLUSION:

Acid attacks have hit every country on the planet. Acid attacks are common in affluent countries such as the United Kingdom and the United States, as well as developing countries like Bangladesh, India, and Pakistan. Though the majority of attacks occur on Asia and Africa’s continents. Contempt the fact that protocols exist in India to prohibits the sale and easy access of hazardous chemicals, acid assaults continue to occur. After such events, a survivor's life is drastically altered. The Indian government has been recognized acid attack victims as worthy of care and relief by putting them in (RPWD) Act in 2016.

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