



Acid Attack Survivors: Disability in Indian RPWD Act 2016

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ABSTRACT

Acid attacks are mostly intended towards women 80 % of the victims are women. The major causes at the back of such an act include family disputes, refusal to proposals, not responding to romantic advances, land or monetary disputes, domestic violence, and suspicion of infidelity. The Rights of Persons with Disabilities Act was passed by both Houses of Parliament of India in December 2016 and is now in force. The inclusion of acid attack victims in the list of disabilities in the RPWD Act 2016 will pave the way for employment opportunities for such individuals, some of whom have taken state governments to court to press for advance compensation. The inclusion has justified since acid attack victims face various psychosocial challenges including social stigma, which hinders them from full and effective participation in society.

Keywords: Acid attacks, disability, legislation

Acid attacks becoming common across the globe. It is most common in South Asia - Bangladesh, India and Pakistan. India is among the countries where the highest number of acid attacks happen. The highest number (3,512) of acid attacks have been reported in Bangladesh between 1990 and 2013 whereas the United Kingdom registered the highest per capita number of acid attacks. There is 250 to 300 acid attack reported in India every year, but the real figure is probably much more than that. In India, increasing day by day. As per the National Crime Records Bureau (NCRB), in the years 2011, 2012 and 2013 83, 85 and 66 cases of acid attack being reported respectively, but in 2014 the number shot up to 309, almost four times the average number of acid attack cases in the preceding years. In 2015, 249 cases were reported from all over India. Acid Attack Survivors are the people (mostly women) who became the victim of the crime of acid throwing. It is the most offensive form of gender-based violence against women (Wecapable.com).

According to the Rights of the Persons with Disability (RPWD) Act 2016, an acid attack victim means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance. The most common types of acid used in these attacks are sulfuric and nitric acid. Hydrochloric acid is

sometimes used but is much less damaging. Aqueous solutions of strongly alkaline materials, such as caustic soda (sodium hydroxide), are used as well, particularly in areas where strong acids are controlled substances.

The acid attack can cause a negative impact on various areas of the life of the survivors e.g physical, psychological, social, economic. The acid attack can cause hearing loss, pulmonary disorders, temporary or permanent blindness, disfigurement and scarring. The acid may penetrate through the skin and is capable of dissolving muscles, skin and even bones. It may even dissolve the eyelids, lips and nostrils rendering them non-functional (Gulrez, 2016; Nair, 2014). Survivors of acid attacks are socially excluded, become socially isolated, have to face various prejudices or discrimination and stigma by society; psychosocial problems distress is their common experiences. Considering the long-lasting impact of acid attack, it has been identified as a disability after the amendment of the Persons with Disability Act, 1995, and the implementation of the Rights of the Persons with Disability (RPWD) Act, 2016.

The Schedule of the Act talks about acid attack victims under Item 1. A (e) and defines them as:

“(e) “acid attack victims” means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.”

Item 1. A e of the Schedule covers two categories: the specific category being “a person disfigured due to violent assaults by throwing of acid” and a general category “a person disfigured due to violent assaults by similar corrosive substance”.

This allows survivors to get a disability certificate. Those with benchmark disabilities, i.e. those who have 40% or more ‘disfigurement’, are entitled to reservations in government jobs.

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They are also entitled to other benefits under Chapters VI and VII of the Act, including free education for their children. RPWD Act 2016, allows 4% reservation for persons with disabilities in government jobs. For the job quota purpose, acid attack survivors are clubbed under the locomotor disability category which gets 1% reservation.

The number of recognized disability conditions has been increased from 7 to 21 in the RPWD Act 2016. The new list of recognized disabilities include three blood disorders and acid attack survivors have also been included in the list. Following are the disability conditions included in the RPWD Act 2016:

1. Blindness
2. Low-vision
3. Leprosy-cured persons
4. Hearing Impairment (deaf and hard of hearing)
5. Locomotor Disability
6. Dwarfism
7. Intellectual Disability
8. Mental Illness
9. Autism Spectrum Disorder
10. Cerebral Palsy
11. Muscular Dystrophy
12. Chronic Neurological conditions
13. Specific Learning Disabilities
14. Multiple Sclerosis
15. Speech and Language disability
16. Thalassaemia
17. Haemophilia
18. Sickle Cell disease
19. Multiple Disabilities including deaf-blindness
- 20. Acid Attack victim**
21. Parkinson's disease

Inclusion of Acid Attack Victim into the RPWD Act 2016 complied with the Supreme Court of India verdict in December 2015 which directed all states and Union Territories to consider acid attack survivors as disabled people, a direction likely to help rehabilitate women who become victims of such attacks (Sinha, 2015). Another background is India signed the United Nations Convention on the Rights of Person with Disabilities (UNCRPD) and subsequently ratified the same on October 1, 2007. The UNCRPD proclaims that disability results from an interaction of impairments with attitudinal and environmental barriers which hinders full and active participation in society on an equal basis. Further, the convention also mandates the signatories to change their national laws, to identify and eliminate obstacles and barriers, and to comply with the terms of the UNCRPD. In this regard, the Government of India initially undertook the amendment of laws such as the Persons with Disability Act, 1995 (PWD Act 1995). The Rights of PWD Act, 2016 (RPWD Act 2016) replaced the PWD Act 1995 to comply with the UNCRPD.

Acid attacks continue to alarming rise and are a major threat for women in India, with survivors often struggling to make ends meet. The new government Act giving acid attack survivors recognition as physically disabled officially and

providing opportunities through reservation. The move was long overdue. The Act has been called a game-changer for people with disabilities in India. Among the important aspects is that the number of disabilities has been increased from seven to 21. For the first time in India, acid attack survivors or acid attack victims have been recognized in the disabled category.

In India, laws exist to prevent the sale and easy availability of harmful chemicals, yet acid attacks are common. Unlike other weapons which are illegal to keep without a licence in India and hard to find Acid is easily available in the market and easy to acquire. The life of a survivor is greatly affected after such attacks. By including acid attack victims in RPWD 2016, the government has recognized them as deserving of help and aid. Some of the problems faced by acid attack survivors are :

- Permanent scarring of the face and body
- Deafness
- Loss of vision
- Loss of ability to communicate and eat
- Respiratory problems
- Social difficulties
- Psychological difficulties
- Economic difficulties

This Act would have a huge impact on the like of acid attack victims. and indeed a great move towards a better world for persons with disabilities also to note that it is a great achievement for the long-standing disability rights movement in India. The Supreme Court judgments, as well as the rights under the Disabilities Act, require Governments to ensure these rights are well-publicized. The genuine implementation of these rights is necessary to ensure the legal, statutory and constitutional rights of acid attack survivors are guaranteed. Health and mental health professional along with other professional and non-professional members of the society also has the obligation to take it in true spirit and find out the ways and means to ensure equal right and dignity to the survivors.

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