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LAXMI V. UNION OF INDIA [(2014) 4 SCC 427] – CASE ANALYSIS – FAIR COMPENSATION TO ACID ATTACK VICTIMS

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ABSTRACT

It is always said that women are physical and mentally weak. But this case proved this statement wrong. The landmark case of Laxmi vs. Union of India and Ors This case breather all notion of believing a myth that women are the weaker gender and the deep-rooted pattern of society to treat women as material.

This landmark case of Laxmi v. Union of India redefined justice in India by transforming unbearable personal suffering into a beacon of constitutional hope. What began as a young woman's cry for justice against an acid attack evolved into a movement that reshaped the nation's understanding of equality, dignity, and the right to life. For the first time, the intervention of the Supreme Court under Articles 14, 15, and 21 of the Constitution extended the meaning of 'right to life' beyond mere existence and embraced the right to live with dignity, safety, and rehabilitation. The directions regarding regulation of acid sale, free medical treatment, and a uniform victim compensation scheme brought out an empathetic vision of the law, whereby humanity guided justice.

Through this judgment, specific penal provisions like Sections 326A and 326B IPC (now Section 124 BNS) and stronger mechanisms under the BNSS and Poisons Act came into being in India, ensuring deterrence with compassion. Laxmi v. UOI, therefore, represents the victory of resilience over cruelty and changes in law from retribution to restoration. It reminds us that the true purpose of the legal system is not only to punish the wrongdoer but to heal the wounded spirit. Put simply, this case transformed tears into legislation and pain into policy, restoring faith in justice with a human heart.

Keywords: Acid Attack, Victim Compensation, Right to Life and Dignity, Judicial Activism, Restorative Justice

INTRODUCTION

“He changed my face, not my heart. He threw acid on my face, not my dreams”.

This is the inspiring words of Laxmi – acid attack survivor. In most of the places, women are considered as weak and they are vulnerable to attack.

Acid attack is one of the most horrifying crimes. It not only gives physical pain but it also disfigures the face and body of the victim which reduces the confidence of the person to come out and live a normal life. Acid attack laws in India have been amended after the case of Laxmi v. Union of India.

In this case, Laxmi, who was a strong acid attack survivor, filed a PIL against the Union of

India, which resulted in the publication of recommendations for the benefit of acid attack survivors. The Supreme Court's ruling placed limitations on the vending of acid and awarded the victim compensation.

The Criminal law amendment 2013⁸²⁸ has introduced amendment in many provisions criminal law which classified acid attack violence as offence punishable with life sentence and fine.

FACTS OF THE CASE:

1. This case is set on an acid attack victim, Laxmi, who filed a PIL in 2006, a minor of 16 years of age, an acid attack survivor.
2. Laxmi Agarwal, a budding girl suffered a most horrifying incident of her life at the age of
3. 16.
4. A man named Naeem Khan was working in Laxmi's neighbourhood, he proposed to her and she rejected him,
5. She didn't disclose this to her parents as she was feared that they will blame her.
6. After a span of 10 months, on a day, he again approached her through a message but she did not respond;
7. While going outside, with the blink of an eye, she was attacked with the throwing of acid on her face.
8. The crime was committed unanimously by three people, Naeem, his older brother and his girlfriend.
9. She was helped by a man named Arun Singh who admitted her in the hospital and called up her parents while the police too arrived in the hospital.
10. She was admitted to Ram Manohar Lohiya Hospital, wherein she was diagnosed and her medical report showed that she suffered approximate 25% acid burns in the upper part of the body i.e. face, chest, eyes etc.
11. She filed a complaint against the culprit and the case went on to the sessions court of Delhi.

12. Naeem was arrested by the police after four days of the incident.
13. The sessions court convicted the accused under Section 307 (Attempt to murder) and Section 120B (Punishment related to criminal conspiracy) under the Indian Penal Code (IPC).
14. The accused filed an appeal in the High Court of Delhi contending that the judgment of the lower court was wrong.
15. The Delhi High Court affirmed the judgment of lower court later on, gave bail to the accused after a month. Additionally, "Section 357(1) (b) of the Criminal Procedure Code", ordered the blamed to recompense the victim an amount totaling Rs. 3 lakhs in damages.
16. This impugned order by the Delhi high court compelled the victim to file PIL {Public interest litigation} before the Supreme court of India for prohibiting the easy availability of acid in the market, introducing amendment in the current laws on the acid attack which may result into death of the victim, insertion of provisions on victim Compensation scheme, proper health care facilities to be provided on urgent basis (free health care services) and rehabilitation to the victims.

ISSUES RAISED:

1. Can restrictions on selling acid in the open market can be made?
2. What are the regulations can be framed for the sale of acid?
3. What amendments can be made to the existing laws of Indian Penal Code and Criminal Procedure Code to make acid attack as separate offence and provide proper punishment?
4. How much compensation has to provide to the victims of acid attack and what are the rehabilitation schemes to be made to the victims?

⁸²⁸ Act 13 of 2013, s. 3 (w.e.f. 03-02-2013).

LAWS INVOLVED:

- The Constitution of India, 1950
- The Indian Penal Code, 1860
- The Criminal Procedure Code, 1973
- The Poison Act, 1919

ARGUMENTS OF THE PETITIONER

1. The petitioner contended that act of throwing acid happens due to easy availability of acid. The cost of a bottle of acid ranges from 30 to 40 rupees only and while buying acid no reason has been given by the buyer.
2. The counsel for the petitioner argued that the only way to prevent acid attack is by imposing complete prohibition on sale of acid.
3. The petitioner also argued that amendments have to be made in the existing provisions of IPC, CrPC and Indian evidence Act.
4. The counsel for petitioner stressed on providing fair and proper compensation for the victims of acid attack and to make proper guidelines for them.
5. The petitioner also contended that the existing rules for offence of acid attack is considered as generalized occurrence and not as specified occurrence and asked for harsher and more rigorous penalties to be applied to those who perpetrated these horrible crimes.
6. The petitioner further stressed that the law should be up to date and provide severe punishment to the accused.
7. The petitioner asked the government for rehabilitation and free care for the victims of acid attack.
8. For the victim who suffered mental trauma and physical pain after the commission of the brutal offence, with the hope to get her face back which was destroyed by the acid attackers, it is tragic to see that in our country for such offence there are no separate laws which could provide punishments to

such accused and justice to the acid attack survivors rather than opting for section 307 of the Indian Penal Code to punish accused of his wrongdoing, it is the need for the society to provide significant amendments in the penal code and procedural law.

ARGUMENTS OF THE RESPONDENT

1. It was asserted that the Central Government will implement the model guidelines, according to the learned solicitor general.
2. The regulations for the distribution of acid and its other forms will be covered under the Poison act to all the state and union territories.
3. Also, the regulations will include other forms of acid and its distributions in the various private and government sectors, it will also regulate the authorization and permission for the distribution of the acid in the market.
4. It was contended that the punishments for such an offence under the poison act will be non-cognizable and non-bailable.
5. He further submitted that it is the subject of the state to make provisions and regulation of the sale of acid but they would convene a meeting of the Chief Secretaries of the Governments concerned and the UT's administrators to make a consensus.
6. The counsel argued that since there was recurrence of the acid attacks, there is necessity of regulation of retail sale and that the new set of rules would be framed under Poisons Act, 1919 that the acids such as nitric, sulphuric and hydrochloric are sold in retail of strength so that it does not harm the humans.
7. They also maintained that the model standards would cover a variety of topics, such as the kinds of acids that can be kept and sold (liquid and crystallized), the granting of licenses, and individual gains. Institutions

engaged in education or research, hospitals, businesses, government agencies, or activities in the public sector.⁸²⁹

JUDGMENT

The SCI considered the entire matter with utmost importance and made a few observations into it. The court scrutinized the three pleadings put forth by the petitioner to bring about essential changes to the current scenario of acid attacks, the treatment and the compensation received by the victims.

With regard to first and second issue, the Supreme Court of India has directed the Home Secretary, Ministry of Home Affairs, Government of India to convene a meeting of the

Chief Secretaries/ Secretaries of the state Governments concerned and the Administrators of the Union Territories to discuss enactment of effective provisions for the proper regulation of the sale of acid in the states/ union territories.

Till the states/union territories didn't regulate the sale of acids and other corrosive substances and ensured its operationality, the SCI issued the following guidelines to be followed:

1. "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."
2. "All sellers shall sell acid only after the buyer has shown:
3. A photo ID issued by the government which also has the address of the person;
4. Specifies the reason/purpose for procuring acid"

5. "All stocks of acid must be declared by the seller with the Sub-Divisional Magistrate
6. (SDM) concerned within 15 days."
7. "No acid shall be sold to any person who is below 18 years of age."
8. "In case of undeclared stock of acid, it will be open to the SDM concerned to confiscate the stock and suitably impose a fine on such seller up to Rs 50000."
9. "The SDM concerned may impose fine up to Rs 50000 on any person who commits breach of any of the above directions."
10. "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:"
11. "A register of usage of acid shall be maintained and the same shall be filed with the SDM concerned."
12. "A person shall be made accountable for possession and safe keeping of acid in their premises.
13. "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."
14. "The SDM concerned shall be vested with the responsibility of taking appropriate action for the breach/default/violation of the above directions."

With regard to third and fourth issue amendments were added to the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC) and the Indian Evidence Act. Before the current amendments were made, the victims could only get remedy under section 320, 322, 323, 324, 325, 326 of the IPC. These sections pertained to the suffering of 'grievous hurt' and not acid attack in particular. The IPC and CrPC were amended by the Criminal Amendment Act in 2013 to recognize acid attacks as an offence

⁸²⁹ Laxmi V. Union of India and Ors – Case Analysis, LawBhoomi, <https://lawbhoomi.com/laxmi-vs-union-of-india-and-others/> (Last visited on Dec 3, 2025).

with strict punishments as well as fair compensation to the victims.

The court ordered for the enactment in the Indian Penal Code, 1860 and the amendments were made with the insertion of Sections of 326-A and 326-B (Crimes Against Women and Children). The court further satiated the petitioners by saying that while the petition was still pending, the amendments were made in the Criminal Code of Procedure, 1973 by insertion of Section of 357B and 357C and it looks after the needs of the acid victims of cost of compensation, medical treatment, etc. The court discussed that there were 309 acid attacks in the year 2014 by the affidavit submitted. The Victim Compensation Scheme has been enacted throughout all the states and union territories as the court held that they have been informed of.

The court further said that on the Issue of banning of acid sale across the counter, “we direct the Secretary in the Ministry of Home Affairs and Secretary in the Ministry of Health and Family Welfare to take up the matter with the State Governments/Union Territories to ensure that an appropriate notification to this effect is issued within a period of three months from today.”⁸³⁰

The court penned down its judgement by considering the last matter related to acid attack victim, it shall be looked into by the District Legal Services Authority and this would consist of the District Judge and other person who the District Judge feels suitable should serve as the assistance, in particular the District Magistrate, the Superintendent of Police and the Civil Surgeon or the Chief Medical Officer as it has been set up to look into such instances and that the contention of setting up if Criminal Injuries Compensation Board was dropped because it would lead to “multiplicity of authorities”.

226TH LAW COMMISSION REPORT:

The Law Commission of India, in its 226th Report (July 2009) titled “The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime”, was submitted to the Supreme Court during the pendency of the proceedings filed by Laxmi, an acid attack survivor. The report highlighted the alarming rise in acid attacks, particularly against women, motivated by jealousy, revenge, rejection of love or marriage proposals, denial of dowry, or refusal of sexual advances. The Commission observed that attackers often act out of a sense of wounded pride – unable to accept rejection, they seek to “destroy the body of the woman who has dared to stand up to him.”

The report poignantly brought out the sufferings of the victims of acid attacks, pointing out how such attacks result in lifetime physical, emotional, and social complications for the victim. Many survivors live with feelings of worthlessness and in isolation due to their disfigurement, often experiencing job challenges and social ostracization. The Commission identified key issues including inadequate punishment, insufficient compensation, high medical expenses, slow judicial procedures, and limited scope of the existing definition of grievous hurt which could not effectively reflect the severity of an acid attack.

In the wake of these lacunae, the Law Commission suggested the incorporation of a new Section 326A in the IPC as a special provision to deal with acid attacks, along with its correlative Section 114B in the Indian Evidence Act for raising a presumption concerning acid attacks. It also suggested the enactment of a Criminal Injuries Compensation Act to ensure adequate compensation to victims. The Criminal Law (Amendment) Act, 2013 gave effect to these suggestions by adding Sections 326A and 326B to the IPC, thereby recognizing acid attacks as specific and serious offenses under Indian criminal law.

⁸³⁰ Laxmi v. UOI, available at: <https://www.casemine.com/judgement/in/5790b247e561097e45a4e2a3> (Last visited Dec 3, 2025).

JURISPRUDENCE EVOLVED FROM THIS CASE:**Separate provisions for the punishment of acid attack:**

The Criminal Law (Amendment) Act 2013 was enacted which inserted section 326A and 326B in the Indian Penal Code, 1860 which provide separate punished for the offender of acid attack.

326A. Voluntarily causing grievous hurt by use of acid, etc.

326B. Voluntarily throwing or attempting to throw acid.⁸³¹

Separate provisions for the punishment for non treatment of victims:

The Criminal Law Amendment Act 2013 has inserted Section 166A and 166B in the Indian Penal Code 1860 which provides punishment to public servant for not obeying directions with regard to acid victim and also punishment for non-treatment of victims.

166A. Public servant disobeying direction under law.

166B. Punishment for non-treatment of victim.⁸³²

Fair compensation and rehabilitation facilities to the victims of acid attack:

The Criminal Law Amendment Act 2013 has inserted section 357B and 357C in the Code of Criminal Procedure 1973 provides for compensation and treatment for the victims of acid attack.

357B. Compensation to be in addition to fine under section 326A or section 376D of Indian Penal Code.

357C. Treatment of victims.⁸³³

Minimum amount of compensation has been fixed:

Through the directions of this court earlier in this case, the minimum compensation of Rs. 3,00,000 per acid attack victim has not been

fixed by many states and UTs. Therefore, the court ordered the State Legal Services Authority to look into it and ensure that the payment of the minimum compensation of Rs. 3 lakhs is given to each acid victim. The court also directed that full medical service should be provided and private hospitals should also indulge themselves in this activity of free treatment, and the free treatment includes not only the “physical treatment” but also providing with “medicines, food, bedding, and reconstructive surgeries.”. The court emphasised on the points that were given after the meeting was held and stated that the states and the UTs should be Inclined to It. That is, to provide specialized facilities after the victim is stabilized. No hospital should refuse treatment stating the unavailability of specialised facilities. If any hospital does not comply, they would be punished under Section 357C of the CrPC, 1973.

Vitality of the judgment:

It is to be considered that earlier the act of committing the offence of acid attack was covered under the ambit of grievous hurt under section 320 of IPC but after this judgment, it provided light to those survivors who have been suffering from so many years due to lack of separate laws and social orders.

The laws which were inserted in the form of provisions for prosecuting the culprits were highly absurd, a loophole that exists in the society one or another way hampered the concept of equity and good conscience. The reality of suffering the pain of acid and the impact of such an offence on the life of an individual is a much deeper concept than the meaning of grievous hurt as mentioned in IPC.⁸³⁴

Therefore, there was a dire necessity to provide the laws, particularly for such odious offence. The victims of acid attack survivors breathed a sigh of relief after seeing this judgment and directions from the Apex court. This judgment

⁸³¹ Ins. By Act 13 of 2013, s. 5 (w.e.f. 3-2-2013).

⁸³² Infra

⁸³³ Ins. By Act 13 of 2013, s. 23 (w.e.f. 3-2-2013).

⁸³⁴ “ Laxmi vs. Union of India: A case Analysis and Application of Jurisprudence” , available at : <https://www.legalserviceindia.com/legal/article-5332-laxmi-vs-union-of-india-a-case-analysis-and-application-of-jurisprudence.html> , Last visited on Dec 3, 2025.

set a precedent for other contingencies which may arise further.

CASES CONSIDERED OR FOLLOWED THIS DECISION:

After this decision various cases as Parivartan Kendra & Anr vs. U.O.I, Shabana Khatun vs. State of West Bengal & Ors, The State of Maharashtra vs Ankur Narayanlal Panwar, followed by further cases were considered by the Apex Court with the greater intensity of seriousness towards the offence caused to the victims. It changed the whole scenario of seeing the acid attack cases because of the amendment in laws.

Parivartan Kendra & Anr V. Union of India (2015)⁸³⁵

Parivartan Kendra is the name of an NGO that exercised its constitutional right under Article 32 and filed a writ petition. Despite the judgement in Lakshmi v. Union of India, the concern raised in this case was the deteriorating status of acid attack victims. The complaint was filed following an acid attack on an 18-year-old Dalit girl who had previously been sexually harassed and verbally abused. Four people spilled acid on her face while she was sleeping. Both she and her sister were injured while sleeping together. Medical treatment was delayed, and the family's expenses were so high that they were in debt. The NGO emphasised issues such as the inadequacy of 3 lakh rupees for sufferers, the necessity of medical efficiency for a speedier recovery, and additional medical incentives such as free check-ups, medication costs, and so on.

The Court ruled that the government had failed to handle the problem of acid attacks despite numerous laws being passed, and inadequate funding is also one of the reasons. Compensation of at least 3 lakh rupees was mandated. Within three months, the victim and her sister were to get ten lakh rupees and three lakh rupees, respectively.

Shabana Khatun vs. State of West Bengal & Ors.⁸³⁶

The Respondent forced Plaintiff Shabana to drink acid. They tied legs and opened her mouth to pour a bottle of carbolic acid and later poured in her body that caused severe injuries to her. The hospital charged large expenses for treatment that was out of the reach of the Plaintiff's family. They filed a case to provide free treatment to her daughter and compensation of ₹3 lakhs from the Respondent. The precedent case of Laxmi made the High Court provide ₹3 Lakh compensation to the victim and free treatment in the hospital.

The State of Maharashtra vs Ankur Narayanlal Panwar⁸³⁷

A 23-year-old nurse who worked at a Mumbai hospital. The accused approached her for marriage, but she declined because she wanted to advance her career. He couldn't take the rejection any longer and threw acid at her when she was on the train. She drank a few drops by accident and died as a result. She was admitted to the hospital for a month, but she died. It should be noted that, as it was found to be a particularly exceptional case, it was heard by a Special Court presided over by a female judge, Justice A.S. Shinde. She was surprised that the acid attack was so heinous that the victim died as a result of it. Given the nature of the offence committed, the court felt a deterrent sentence for the accused was necessary in this case. The court sentenced the culprit to death and levied a Rs 5000 fine on the offender which was to be paid to the victim's parents.

RELEVANT AND AMENDED PROVISIONS

Constitutional foundations:

Article 14 – Equality before Law

Article 14 of the Constitution ensures that all persons are equally protected by law and are entitled to equal protection of the laws.⁸³⁸ In

⁸³⁵ (2016) 3 SCC 571.

⁸³⁶ W.P. No. 34704 (w) of 2013.

⁸³⁷ CRIMINAL APPEAL NO.139 OF 2017.

⁸³⁸ The Constitution of India 1950, art. 14.

Laxmi v. Union of India, the Supreme Court highlighted that due to the fact that acid attacks were not specifically dealt with and relief provided to victims is inconsistent, such practices deny equal protection to them. The women victims, who are targeted as a majority, were without one uniform remedy or rehabilitation programme and hence denial of their right to equality. Thus, the Court asked the government to frame appropriate laws on compensation and other schemes to uphold the principle of parity and equal justice for acid-attack survivors.

Article 15 – Prohibition of Discrimination

Article 15(1) prohibits discrimination on the basis of religion, race, caste, sex, or place of birth.⁸³⁹ Acid attacks are primarily gender-based crimes based on misogyny, jealousy, or rejection in marriage or love proposals. The inability of the State to provide adequate legal safeguards was held to be a form of indirect gender-based discrimination. The judgment explained that acid attacks are gender-specific violence which frustrates Article 15 and imposes a positive duty on the State to prevent such crimes, regulate corrosive substances, and provide protection and rehabilitation of women.

Article 21 – Right to Life and Personal Liberty

Article 21 protects the right to life and personal liberty⁸⁴⁰, interpreted widely to include life with dignity, health, and security. The Court in Laxmi specifically held that acid violence is a serious violation of the right to life because it completely demolishes the integrity of a victim's body and her social existence. In a bid to expand the purview of Article 21, the judgment has widened the duty of the State not only in ensuring the survival of life but in the provisioning of immediate medical care, psychological support, and social rehabilitation, thereby transforming the right into a legally enforceable entitlement for survivors.

Article 32 – Right to Constitutional Remedies

It gives the Supreme Court the power to enforce fundamental rights.⁸⁴¹ Exercising this right, the Court issued binding directions to regulate acid sale by Union and State Governments, put in place compensation schemes, and declare free medical treatment for victims compulsorily. This recourse to Article 32 highlighted judicial activism on the part of the Court in supplying the deficiencies in legislation and administration whenever there is a threat to fundamental rights and underscored judicial obligation to make the constitutional guarantees of protection tangible for the victims.

The Bharatiya Nagarik Suraksha Sanhita, 2023

Section 395 – Order to Pay Compensation⁸⁴²

Section 395 of the BNSS corresponds to Section 357 of the CrPC, which deals with payment to victims of offences. Sub-section (1) states that when a court imposes a sentence including a fine, then it may order the whole or any part of the fine to be applied by way of payment for defraying prosecution expenses, compensation for loss or injury, providing restitution to heirs in cases of fatal accidents, or paying compensation to bona fide purchasers in cases of theft-related offences. Procedural safeguards for carrying out sub-section (1) ordering or issuing are given in sub-sections (2)–& (5), enabling appellate courts or revisional courts to order or issue compensation and ensuring adjustment in such compensation, if ordered in subsequent civil proceedings.

The purpose of this provision is to integrate victim compensation within the sentencing process, promoting restorative justice alongside retributive punishment. In the case of Laxmi v. UOI, since the courts had viewed compensation given to an acid-attack victim as grossly inadequate, Section 395 assumes prime importance in granting immediate monetary succour. It enables courts to guarantee that the

⁸³⁹ The Constitution of India 1950, art. 15(1).

⁸⁴⁰ The Constitution of India 1950, art.21.

⁸⁴¹ The Constitution of India 1950, art. 32.

⁸⁴² The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 395

fine levied on the offender goes directly to the victim or their dependents. Furthermore, in conjunction with the Victim Compensation Scheme under the same statute, it creates a multi-tiered compensation system, underlining rehabilitation, restitution, and recovery, rather than mere punitive measures.

Section 396 – Victim Compensation Scheme⁸⁴³

The Victim Compensation Scheme under BNSS continues and strengthens the earlier mechanism under Section 357A CrPC. It stipulates that every State Government, in coordination with the Central Government, shall prepare a scheme for providing funds for the purpose of compensating victims or their dependents who have suffered loss or injury as a result of the crime and require rehabilitation. The District or State Legal Services Authorities are empowered to determine the quantum of compensation based on the recommendation of the court or independently when the offender remains untraced.

This provision ascertains that victims of such heinous crimes get financial assistance, medical care, and rehabilitation on time, even if the conviction or identification of the offender is delayed. It further authorizes immediate relief like first-aid, medical benefits, or interim monetary aid to alleviate human suffering. The amount of compensation payable by the State Government under this provision is in addition to the fine imposed under Sections 65, 70, and 124(1) of the BNS, reflecting a layered compensatory mechanism. This dual mechanism fulfills the spirit of *Laxmi v. UOI*, wherein the Supreme Court directed the creation of a uniform victim compensation fund and summed up that rehabilitation of acid-attack survivors is an inherent part of the right to life and dignity guaranteed by the State.

Section 397 – Treatment of Victims⁸⁴⁴

Section 397 of the BNSS stipulates that in case of sexual offences, acid attacks, and offences

under the POCSO Act, all hospitals, whether public or private, whether run by the Central Government, State Government, local bodies, or any other person shall provide first-aid or medical treatment free of cost immediately and at the same time intimate the police. This statutory obligation, in turn, operates as a legal guarantee for emergency medical assistance, ensuring that no victim is left without treatment in case of financial or bureaucratic obstacles. The provision furthers the humanitarian intention of Section 357C of the CrPC, as it had been, and promotes the constitutional right of life enshrined under Article 21. It institutionalizes rapid reporting and coordination between health care providers and law enforcement agencies. Section 397, read together with Section 200 of the BNS, would ensure an integrated regime for protection, accountability, and welfare of victims, in order to avoid secondary victimization through neglect or delay in medical attention.

The Bharatiya Nyaya Sanhita, 2023

Section 124 – Voluntarily Causing Grievous Hurt by Use of Acid, etc.⁸⁴⁵

Section 124 of BNS corresponds with Sections 326A and 326B of the IPC, which deal specifically with voluntarily causing grievous hurt by using acid or similar corrosive substances. It criminalizes any act of knowingly causing permanent or partial damage, deformity, burns, maiming, disfigurement, disability, or grievous hurt to any person by throwing, administering, or using acid or substances of corrosive nature. The offense covers not only physical harm but also cases of a victim being rendered into a permanent vegetative state. The section prescribes a punishment of imprisonment for a term not less than ten years but which may extend to imprisonment for life, along with a fine.

Importantly, the provision mandates that the fine imposed must be “just and reasonable” to meet the medical expenses for the treatment of

⁸⁴³ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 396.

⁸⁴⁴ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 397.

⁸⁴⁵ The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s.124.

the victim, and the whole amount of fine shall be paid directly to the victim. This is a victim-oriented approach that covers economic assistance and rehabilitation as part of sentencing. The section also defines “acid” to include any substance with acidic or corrosive character or burning nature capable of causing bodily injury leading to scars, disfigurement, or temporary or permanent disability. It further clarifies that the damage or deformity need not necessarily be irreversible, thus widening the ambit of protection. By incorporating these elements explicitly, Section 124 BNS has strengthened the legislative intent that emerged from *Laxmi v. Union of India*, where the stress was on deterrence and victim reparation in cases of acid attacks.

Section 199 – Public Servant Disobeying Direction under Law⁸⁴⁶

It lays criminal liability upon any public servant who knowingly disobeys the directions of law during the course of an investigation or omits to perform mandatory legal duties. It specifically covers three forms of misconduct: (a) compelling unlawful attendance of any person during investigation, (b) violating procedural directions to the prejudice of any person, and (c) failing to record information regarding cognizable offences, particularly those involving grave crimes such as sexual assault, trafficking, and acid attacks (including offences under Section 124 BNS). The punishment prescribed is rigorous imprisonment for a term not less than six months and up to two years, along with a fine.

This provision acts as a vital tool to ensure accountability on the part of law enforcement agencies, specifically in cases involving gender-based violence and acid attacks, where police inaction or delay can have disastrous effects on victims’ rights. Thus, by making such negligence a punishable offence, Section 199 further fortifies constitutional principles of fairness and equality and access to justice under Articles 14 and 21. It maintains the spirit of

Laxmi v. Union of India, wherein the Supreme Court emphasized that police officers owe a duty to register FIRs without any undue delay and extend all assistance to the victim without being prejudiced or showing reluctance on any count. With this section, BNS gives a decisive turn to institutional responsibility, ensuring that the machinery of justice serves as a protector and not as an obstacle for victims of violent crimes.

Section 200 – Punishment for Non-Treatment of Victim⁸⁴⁷

Section 200 of the BNS criminalizes the failure of hospitals or medical personnel to provide treatment to victims of offenses such as acid attacks or sexual crimes. It states that whoever, in charge of a hospital—whether public or private and whether run by the Central Government, State Government, local bodies, or any other person—contravenes the provisions of Section 397 of the *Bharatiya Nagarik Suraksha Sanhita* (BNSS) relating to “Treatment of Victims,” shall be punished with imprisonment extending up to one year, or with fine, or with both. This provision was brought in to introduce accountability and immediate medical response after crimes of grave nature. Earlier, many hospitals would not admit or ask for deposits before conducting treatment, besides causing further agony to victims. The passing of Section 200 provides statutory support for the right to emergency medical care as pronounced by the Supreme Court under Article 21 of the Constitution in *Laxmi v. UOI*. By making this penal liability inextricably linked with the procedural duty under Section 397 BNSS, a failure to comply is not mere administrative neglect but a criminal offence. This is one significant step towards operationalizing the rights of victims in relation to dignity, medical aid, and humane treatment.

⁸⁴⁶ The *Bharatiya Nyaya Sanhita*, 2023 (Act 45 of 2023), s.199.

⁸⁴⁷ The *Bharatiya Nyaya Sanhita*, 2023 (Act 45 of 2023), s.200.

The Poisons Act, 1919

Section 2 – Power of the State Government to Regulate Possession for Sale and Sale of Any Poison

Section 2 of the Poisons Act, 1919 enables the State Government to regulate, within its territorial limits, the possession, sale, and distribution of specified poisons. It allows detailed rules to be framed with respect to the grant of licences for wholesale or retail sale, as well as classes of persons who may be granted such licences, and classes of purchasers to whom poisons may lawfully be sold. The provision further enables the State to prescribe the maximum quantity that can be sold to any individual, require vendors to keep registers of sales, and ensure safe custody and proper labelling of poisonous substances. It also covers inspection and examination of poisons kept for sale, thus providing scope for administrative monitoring and enforcement.⁸⁴⁸

This gained new significance in the context of *Laxmi v. Union of India*, where the Supreme Court held that unrestricted availability of corrosive acids was the root cause for the spurt in acid-attack incidents. The Court ordered all States and Union Territories to exercise tight control over the sale of acid by treating it as a “poison” under this Act, under Section 2. Pursuant to the judgment, States issued notifications to sellers to maintain identity proofs, stock registers, and police reporting systems, and to sell only to persons above eighteen years of age. Thus, Section 2 now works as a statutory mandate for the purpose of preventive regulation, turning what was essentially a commercial provision into an instrument of social protection and one against crime.

Section 8 – Rules

Under Section 8, a general power is vested in the State Government to make rules for carrying out the purposes and objects of the Poisons Act in all matters excepting those covered under

Section 3. It contemplates that all such rules shall be previously published, thus imparting transparency and inviting public participation before bringing into force the rules under this section. All such rules when notified in the Official Gazette have the force of law as if enacted in this Act itself.⁸⁴⁹ It follows from this that the section also requires that all such rules made by the Central Government be laid before both Houses of Parliament and similarly the rules made by the State Government before the State Legislature for modification or annulment. This rule-making power became vital in the aftermath of *Laxmi v. UOI*, where the Supreme Court ordered every State to frame comprehensive rules regulating acid sale and possession under Section 8 read with Section 2. Pursuant to these directions, many States promulgated Acid Control Rules, which prescribed a system of licensing, norms relating to storage, and specified penalties for violations. Section 8 thus serves as the enabling provision whereby judicial directions are converted into enforceable administrative regulations, ensuring that preventive measures against acid attacks have a clear statutory and procedural backing.

STRENGTHS AND LIMITATIONS OF THE JUDGMENT

Strengths

Among the major strengths of the *Laxmi v. Union of India* judgment is its transformative judicial activism. The Supreme Court, beyond mere adjudication, developed a holistic legal and policy framework addressing acid attacks through constitutional, criminal, and administrative dimensions. The Court made an understanding that the victims of acid attacks are a vulnerable class entitled to equal protection and dignified rehabilitation by reading Articles 14, 15, and 21 together. This was a progressive and humane expansion of the right to life as including the right to health, dignity, and rehabilitation.

⁸⁴⁸ The Poisons Act, 1919 (Act 12 of 1919), s.2

⁸⁴⁹ The Poisons Act, 1919 (Act 12 of 1919), s.8.

Another signal strength is the integration of victimology into mainstream criminal justice by the Court. The fact that it has recognized restoration and rehabilitation of victims as a constituent element of justice, although incomplete, is reflected by the orders issuing guidelines to incorporate Sections 326A and 326B under the IPC (now Section 124 BNS) and Victim Compensation Schemes under the CrPC (now BNSS). This shift from punitive to restorative model of justice is reflected here. Using the Poisons Act, 1919 and ordering the States to issue regulations on sale of acid, the Court virtually created a legal preventive mechanism, thereby reducing future harm. This multi-pronged approach—integrating constitutional principle, deterrent in criminal jurisprudence, and regulatory governance—continues the Court's commitment to rights-based jurisprudence.

What also sets this judgment apart is the emphasis on institutional accountability. By making police officers and hospitals criminally liable for negligence or refusal to assist victims, it moved from theoretical rights to enforceable obligations. This has entrenched administrative responsiveness and compelled systemic sensitivity towards survivors.

Limitations

The judgment, however, has certain flaws in its implementation process notwithstanding the far-reaching directions. There was no system of uniform implementation among the States by the Court regarding the regulation of acid sale and disbursement of compensation. Acid is still available at informal markets in many areas, and there is considerable bureaucratic delay in the disbursement of financial assistance to victims. The lack of any monitoring body at the central level has hampered the long-run effectiveness of the directions.

Another shortcoming is that there is no gender-neutral framework; although the casualties of an acid attack are mostly women, sometimes men or children are also targeted and should receive statutory recognition and protection.

Moreover, the judgment, though strong on preventive and compensatory aspects, was less specific about psychological rehabilitation, social reintegration, and employment support, which are crucial in restoring dignity. Lastly, the heavy reliance on judicial directions rather than comprehensive legislative debate raises questions about judicial overreach versus legislative responsibility. Though the intervention by the Court was necessary, long-term change demands sustained legislative, administrative, and social commitment beyond mere judicial mandates.

CONCLUSION

The judgment in *Laxmi v. Union of India* is not a legal precedent alone; it is a voice to many such women whose existence had been silenced by cruelty, yet had their lives rekindled through resilience and justice. The Supreme Court of India transformed the agony of a survivor into a catalyst for national reform, as individual pain became collective conscience. The Court further reiterated that the right to life is not merely to exist but to live with dignity, health, and self-respect by expanding the ambit of Articles 14, 15, and 21. By issuing compassionate directions, the judiciary bridged the gap between law and humanity, ensuring the scars left by acid are met with action and accountability, and not apathy.

Yet, beyond the constitutional text and statutory reforms, *Laxmi v. UOI* remains a reminder of the human cost of gender-based violence and the continuing duty of society to heal, not just punish. The case symbolizes courage—of a woman who fought not for vengeance but for change. It urges the State, judiciary, and citizens alike to uphold justice not as a distant ideal but as a lived experience. In its essence, this judgment enshrines hope—hope that every victim will rise beyond her suffering, that the law will protect before it punishes, and that dignity, once shattered, can still be restored through compassion and courage.

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