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D.A.R.

# A Ray of Hope

## Acid attack victim seeks justice from SC

Myra Imran  
Islamabad

An acid attack in 2003 that completely disfigured 19-year-old Naila Farhat's face has failed to take away her spirit to live as she bids to seek justice with the first hearing in the Supreme Court due to take place on November 13. According to her, her teacher's friend Irshad Hussain attacked her with acid on way back from school in 2003 when she was only 13. The family was punished for refusing the proposal from Irshad, a tailor by profession. Naila's teacher and Irshad's friend Muzhar Hussain grabbed her while Irshad sprayed acid on her to make her life permanently miserable. They might not have thought that the little girl would live and appeal to the Supreme Court against the decision of the High Court that recommended releasing the culprit if he pays the compensation money. "My family and I are determined to knock every possible door until we get justice," said the lively Naila, who is from Layyah.

Naila will be the first acid attack survivor to take her case to the

Supreme Court level. In majority of such cases, culprits manage to get away without being punished, as acid attacks are frequent in rural areas where legal system usually favours the mighty and the powerful.

Naila was a bright student and used to top in every class. She now cannot see with her left eye and the attack has also severely affected her other eye. "My mother wanted me to become a doctor," she said adding that the support of her mother and father kept her going through out the chaotic six years. "I am lucky in the sense that my relatives and family friends gave all out support to me and encouraged me to approach the court despite pressure from the other party to withdraw my case," said Naila while sitting behind a sewing machine.

Despite passing through immense physical and psychological sufferings, she has not stopped studying. She is a student of Allama Iqbal Open University and is also learning stitching and 'paranda' making from another acid bum survivor.

Legal Coordinator for Acid Survivors Foundation Sana Masood told 'The News' that Irshad was given 12-year

imprisonment and 1.2 million fine by the sessions court. "But when the culprit appealed in the High Court, the court ordered his release if he agreed to pay the fine," she added.

Highlighting issues related to Naila's case, Sana said that presently there was no such law that could provide right justice to an acid attack survivor. "There is a provision of life imprisonment for perpetrators of such crimes in Domestic Violence Bill, but that has not been passed yet," she pointed out.

Citing an example of Bangladesh, she said that Acid Crime Prevention Act was passed in Bangladesh in 2002 that stipulates the death sentence as a maximum penalty for an assault. "And to control the easy availability of commercially used acid, including Sulphuric acid, the Acid Control Act has been enacted in Bangladesh, which mandates licenses for sale and purchase of acids, with offenders facing a maximum of 15-year punishment as well as fines." However no such Act has been passed in Pakistan.

"The issue of acid violence is addressed under the Domestic Violence (Prevention and Protection) Act 2009,



but it does not give death penalty to the perpetrator therefore what Naila can ask for is maximum penalty under the existing law as the court deems fit," said Sana. Whatever be the punishment, no one can bring back the happy days of Naila's life when she was just a bubbly student of class eight. All we can do is wish her good luck for her first hearing in the Supreme Court.

13/11/09

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**PRESENT:**

**MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ**  
**MR. JUSTICE CH. IJAZ AHMED**  
**MR. JUSTICE KHILJI ARIF HUSSAIN**

**HUMAN RIGHTS CASE NO.12912-P OF 2009**

(Press clipping published in Daily News dated 12.11.2009,  
Acid victimization)

**Attendance**

On Court Notice : Mr. Khadim Hussain Qaisder, Addl. AG Pb  
Mr. Muhammad Saleem, DPO Layyah

Voluntary : Syed Zulfiqar Abbas Naqvi, ASC  
Appeared : Ms. Voloria Khan Yousafzai, ASF  
with Ms. Naila Farhat (Victim)

Date of hearing : 20-11-2009

**ORDER**

**IFTIKHAR MUHAMMAD CHAUDHRY, CJ.** It is informed by Syed Zulfiqar Abbas Naqvi, learned ASC that judgment of the High Court whereby relief was given to the accused involved in the commission of the crime, in which the face of Mrs. Naila Farhat has been completely defaced by throwing acid on her, has been set aside vide judgment dated 13<sup>th</sup> November 2009 in Criminal Appeal No.174 of 2009.

2. It is informed that one Acid Survival Foundation being established by Voleria Khan Yousafzai, is looking after her and she is being rehabilitated. Ms. Voleria Khan explained that presently organization is pursuing 23 legal cases whereas treatment of 74 victims is going on. She

further informed that surgery of 226 victims has been conducted by his organization during three years.

3. We appreciate the efforts of the above named foundation/NGO but at the same time, we expect from the Government of Pakistan to provide free of cost treatment to such victims because on account of prevailing technology their de-faced figures can be brought to some extent in the original shape, due to which they can more comfortable life and become acceptable in the society.

4. In daily news dated 12.11.2009 an article titled "A Ray of Hope" has been published. A perusal whereof indicates that in Bangladesh a law "Acid Crime Prevention Act 2002" has been promulgated wherein the sentence of accused involved in such cases is to the extent of death. We consider it appropriate to observe that the Government of Pakistan through Women Division may also take into consideration for promulgation of identical law on the subject. However, meanwhile restriction must be imposed upon the acid sellers who though are running this business under license but terms and conditions are not being followed by them strictly.

5. As Ms. Voloria Khan pointed out that there are 23 legal cases which her organization is following and facility of surgery

has also been provided to 226 acid victims, it seems that the crime of throwing acid on the ladies is increasing day by day, therefore, law enforcing agencies are required to check the same. The Government of Pakistan shall also take steps for rehabilitation of such like victims. However, as in an appeal referred herein before matter has been disposed of and appeal filed by the mother of victim has been accepted, therefore, no further action is called for except observing that let the Government take necessary steps in this behalf in view of the observation made herein before.

6. We appreciate the efforts of Acid Survival Foundation working in Pakistan for rehabilitation of such like victims and hope that in future they would work more vigorously to provide treatment to the acid victims, for their rehabilitation.

Instant case is disposed of.

Islamabad

20<sup>th</sup>. November, 2009.

Not approved for reporting.