

**ACID ATTACK IN INDIA: A STUDY OF LEGISLATIVE AND
JUDICIAL PROTECTION TO WOMEN**

**A DISSERTATION TO BE SUBMITTED IN PARTIAL FULFILMENT
OF THE REQUIREMENT FOR THE AWARD
OF DEGREE OF MASTER OF LAWS**

SUBMITTED BY:

Mr. Ashwani Pandey

Roll No.: 1200997016

School of Legal Studies

UNDER THE GUIDANCE

OF

DR. GITU SINGH

School of Legal Studies



BBD UNIVERSITY

SESSION: 2020-21

CERTIFICATE

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I wish her success in life.

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Place – Lucknow

Mr. Ashwani Pandey
1200997016
LL.M. (2020-21)
(CRIMINAL AND SECURITY LAW)

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DR. GITU SINGH

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- State of U.P Vs. Smt. Aqueela and Others (1999 CriLJ 2754)
- Syed Shafique Ahmed Vs. State of Maharashtra

ABBREVIATIONS

AIR	:	All India Reporter
Art.	:	Article
CrP.C.	:	Code of Criminal Procedure/ Criminal Procedure Code
e.g.	:	exempli gratia (for example)
ed.	:	Editor, Edited or Edition
HC	:	High Court
i.e.	:	id est (that is)
Ibid	:	Ibidem (in the same place)
Id	:	Idem (in the same)
Infra	:	Cited below
No.	:	Number
p.	:	Page
Para	:	Paragraph
PP.	:	Pages
SC	:	Supreme Court
SCC	:	Supreme Court Cases
Supra	:	Cited above
Vol.	:	Volume
w.e.f.	:	with effect from

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CHAPTER-1

INTRODUCTION

Acid attacks are becoming a growing phenomenon in India. Acid attacks, more formally known as vitriolage, result in burning and dissolution of the victim's pores and skin, tissues or maybe bones. The victim's physical appearance is tarnished forever, important to the debilitation of her psyche; this generally brings about a secluded life for her. Though acid attack is against the law which can be dedicated in the direction of any man or female, it has a specific gender length in India. Most of the counseled acid attacks had been dedicated on women, particularly more youthful women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. The attacker can not bear the fact that he has been rejected and seeks to break the body of the female who has dared to get up to him. Thus, acid throwing is a very violent crime with the useful resource of the usage of which the offender of the crime seeks to inflict extreme physical and highbrow suffering on his victim. As stated above this kind of violence is often recommended with the useful resource of the usage of deep-seated jealousy or feelings of revenge in the direction of a female.

Acid violence is inflicted on women with the most now no longer unusualplace reasons for attack similar to the refusal of marriage, the denial of sex, and the rejection of romance. The acid is generally thrown at the victim's face. The offender wants to disfigure the survivors and turn their life proper right into a terror. Aside from the reasons stated above the opportunity reasons for acid attacks encompass robbery, land disputes etc.

Perpetrators of the crime act cruelly and deliberately. Acid violence is a premeditated act of violence due to the fact the offender of the crime consists of out the attack with the useful resource of the usage of first obtaining the acid, carrying it on him and then stalking the victim in advance than executing the act.

Furthermore, an acid attack has long-lasting consequences on the life of the victim who faces perpetual torture, eternal damage and exclusive problems for the rest of her life. Survivors generally revel in worthless, afraid and modified and turn out to be social outcasts because of their appearance. They may additionally moreover turn out to be too traumatized and embarrassed to walk out of their house and carry out smooth responsibilities now no longer to say get married, have children, get a job, go to school, etc. Even if they may be willing to

pursue a ordinary life, there can be no guarantee that society itself will address them as ordinary people given their appearance and disabilities after an attack. They may not be able to art work, or be able to find out a job, and consequently usually conflict to survive.

It is therefore it's miles vital to have a take a observe and have a take a observe the severa provisions of the Indian Penal Code to appearance whether or not or now no longer the law as it exists in India is sufficient to deal with the phenomenon of acid attacks. The Researcher has moreover examined the prison recommendations concerning acid attacks in different international locations in advance than giving its pointers and pointers, every for punishing the perpetrators of these attacks and for monetary and monetary rehabilitation of the victim of the attack.

Some of the motives for acid attacks in all three contexts are: the easy and cheap availability of acid; traditional perceptions of women; changing gender roles; influences from the media; and notions of shame, loss of face and absence of honour, revenge and retribution. These attacks seldom kill but result in intense disfigurement and suffering which confine women to their homes, thereby important to monetary hardship, social isolation and melancholy.

According to Thomson Reuters Foundation survey India is the fourth most volatile region withinside the entire global for women to live in. I count on the offences like gang rape, domestic violence and acid attacks are making it true. Especially acid has turn out to be a powerful tool withinside the fingers of this men dominating society to decrease the empowerment of women. It has turn out to be a danger to the peaceful lifestyles of women. Acid is a chemical liquid which has cappotential to consume away the pores and pores and skin and tissues and can burn the bones, lips, ears, and nose and can eliminate her vision power and can really disfigure her withinside the direction of her life. Not nice the physical injuries she suffers even she may additionally moreover undergo melancholy and doesn't want to expose her face to this global and every now and then even commits suicide. Due to the easy availability of the acids or maybe due to lack of particular prison recommendations and stringent punishments it has turn out to be very tough to decrease the acid attacks. But despite the fact that the remedy given with the useful resource of the usage of the law to the ones survivors is far farfar from their medical expenses.

Till 2013 there was no particular law for acid attacks. The IPC Section 320, 322,323, 326,

were to be applied to this crime and the repayment a good way to be furnished to the survivors stands far farfar from their medical expense. As there can be a non-prevent rise in acid attacks there was an urgent need for a specific law for acid attacks. And this hassle came in advance than the court docket docket in *Laxmi v. Union of India*.

In this situation Laxmi a victim of acid attack, at the same time as she emerge as 15 years vintage met with an acid attack with the useful resource of the usage of three men near tughlaq road New Delhi. Her wrong emerge as nice refusing the marriage notion of 32 years vintage man for that she emerge as made to undergo withinside the direction of her life and the remedy she had been given beneathneath IPC emerge as notably tons much less than her medical expense. So, she filed the PIL with the useful resource of the usage of seeking out the present day law or extrade to the prevailing prison recommendations handling acid attacks besides asking repayment for acid attack survivors.

The Honorable Supreme Court in this unique case to regulate the easy availability of the acid came up with a regulation concerning selling and purchasing of the acid. It had made a regulation saying that whilst purchasing the acid one ought to show their picture identity card given with the useful resource of the usage of the government and has to mention the reason of buying it. And the seller of the acid has to put up that to the police station interior three days.

It directed all states and union territories to frame the tips to regulate the sale of acid. After this judgment the Indian Penal Code identified the acid attack and try and do acid attack as against the law beneathneath 326A and 326B of IPC. And Criminal Procedure Code had been given amended and inserted 357A and 357B to compensate the acid attack survivors. And with the useful resource of the usage of extrade to Indian Evidence Act Section 114B emerge as inserted.

1.1 Statement of The Problem

Acid attack violence is a multi-causal problem, with threat factors which include patriarchal structures and domestically particular reasons which include a loss of face or honor and retribution that contribute to the superiority and severity of acid attack violence. An tailor-made socio-ecological model is useful in knowledge this interplay of cultural, societal, situational and personal imperatives that combine to underpin and proliferate acid attack violence in severa cultural settings. This approach argues that no character way is the simplest causative or underpinning problem and it's miles an complicated network of strategies together

in combination, in place of in segregation, which is probably the factors accountable.

1.2 Aims & Objective

The most important purpose of this research is to boom an increased knowledge of acid attack violence and its feature of Criminal Justice Administration in Protection of Survivors of Acid Attack as Specific Offences. Its particular dreams are:

- To choose out and enumerate the different strategies of knowledge acid attack violence which incorporates the dimensions and scope of the hassle.
- To have a examine the impact of shame, loss of face, loss of honor and retribution to check how they impinge upon this form of violence for survivors based mostly on a case have a examine of an acid attack survivor.
- To determine the variouscauses for acid attacks in India depending upon the times.
- To communicate the strategies in which NGOs and the community grapple with and address this violence for survivors.
- To examine contemporary law on acid attack in severa international locations.
- To propose legislative extrade as to prevent acid attack violence.

1.3 Scope and Limitation of The Study:

The device observed in India for dispensation of criminal justice is the opposed device of now no longer unusualplace law inherited from the British Colonial Rulers. The accused is presumed to be innocent and the burden is on the prosecution to reveal beyond lower priced doubt that he is accountable. The accused moreover enjoys the right to silence and can not be compelled to reply. The purpose of the Criminal Justice System is to punish the accountable and defend the innocent. In the opposed device fact is supposed to emerge from the respective versions of the records furnished with the useful resource of the usage of the prosecution and the defence in advance than a unbiased determine. The determine acts like an umpire to appearance whether or not or now no longer the prosecution has been able to display the case beyond lower priced doubt and gives the benefit of doubt to the accused. It is the occasions that determine the scope of dispute and decide largely, autonomously and in a selective manner on the evidence that they decide to provide to the court docket docket. The trial is oral, non-prevent and confrontational.

The have a examine hobbies at drawing the attention toward the Role of Criminal Justice Administration in Protection of Acid Attack Survivors. The research of this concern count has

severa way for collection of statistics but all the way are not accessible. The lack of time and financial further to human reassets is a disadvantage faced for this concern count of research. The statistics available simply is based upon on the records and previous times. Empirical research for the equal is a time taking and tiring way. There are many unreported times as well that can hide the actual data in the course of this kind of research. All the patients or survivors may not be approachable or perhaps in the course of any interview if taken the plea of nice the victim is obtainable wherein it can not form any authenticity of the data accumulated. As the sample duration is simply too big for it and all the patients have their different state of affairs, deciding on a sample is tough and can now now no longer form accuracy. The concern count is not one which has masses of research on it, therefore analyzing the available records are the amazing available way for the research of the concern.

1.4 Hypothesis

The sufferings of the victimare, far graver than the punishment of offenders.

The crook remedy available to an acid attack survivor does now now no longer rationalize her sufferings. The Criminal Justice device lacks to provide appropriate remedy and is a failure.

1.5 Research Question

1. How effective are the prevailing prison recommendations for the suitable crime?
2. How does the police display to be useful to the victim in a state of such heinous crime?
3. What feature does the Judiciary play in supplying justice to the victim?
4. What are the disturbing conditions faced with the useful resource of the usage of the survivors?
5. What is the plight of the survivors?

1.6 Research Methodology

The research approach observed with the useful resource of the usage of me is simplest doctrinal. My research is based mostly on criminal justice control in protection of Survivors of Acid Attack and severa international interpretations. Case prison recommendations, newspaper articles, Periodicals and internet webweb webweb sites may be referred for it.

The reassets for the of finishing touch of this dissertation may be every primary and secondary. Primary to the extent of that the books may be referred. Data may be accumulated from opinions, judgments and legislations. Secondary reassets which include World Wide Web and articles published therein will also be made use of.

Under Doctrinal Data, I plan to collect the following:

Books with the useful resource of the usage of several authors on Indian Penal Code and Criminal Procedure Code is probably referred to.

1. Cases may be noted and, in this regard, books, law opinions and online fabric may be referred to.
2. Various Acts and Legislations handling Criminal Law may be studied.

1.7 Literature Review

The violence of acid attack is not simply a human rights or crook question; but is a systematic emergency as well. Rabindra Nath Karmakar authored ee-ebook 'Forensic Medicine and Toxicology: Theory, Oral & Practical' (2006) is a ee-ebook written preceding to the Criminal Law (Amendment) Act 2013. Along with the medical factors; this ee-ebook enormously narrates India's crook stand on acid attack preceding to 2013. The author narrates the medico crook importance of vitriolage in three groups. (a) Under the number one heading the author mentions that eternal disfigurement of head and face constitutes a grievous damage. (b) Secondly eternal loss of sight of each of the eyes moreover constitutes grievous damage. (c) Under the 1/three magnificence eternal impairment of feature of any member or joint moreover constitutes an offence of grievous damage. Further this ee-ebook moreover highlights the motives within the lower back of or the factors that contribute to the brutal violence of acid throwing as hatred, jealousy, rivalry, enmity, revenge, poor use in the course of riots etc. Being from the medical background, the author exhaustively categorises the consequences of vitriolage as (a) disfiguration of head and face/entire body. (b) contractures, scar formation, limitation of the movement of joints, (c) destroying of garment, (d) eternal loss of sight (e) evidence of splashing or spilling or pouring of acid/exclusive topics on the body (f) large involvement may additionally moreover even reason death. The author moreover mentions about the treatment or first aid that ought to be furnished to the victim right away after the attack. The author mentions the need of washing of the burn additives with water and application of antiseptic ointments to prevent secondary infections. The need to take particular care of eyes with the useful resource of the usage of washing with easy water and application of liquid paraffin is also duly noted in this ee-ebook. While the medical perspectives of such attack are in short but exhaustively cited with the useful resource of the usage of the author; the crook a part of this ee-ebook stands vintage within the moderate of the cutting-edge extrade. The ee-ebook Burning Injustice A Rights Advocacy Manual for Lawyers, Activists and Survivors on Acid Violence in India edited with the useful resource of the usage of Kerry

McBroom and Salina Wilson which states the consequences of acid violence on medical, intellectual, social and monetary grounds moreover emphasizing on its criminalization and repayment for acid attacks. The next literature consequently specializes in a comparative have a examine on the reasons and motives withinside the lower back of acid attack times in four different international locations. 'It emerge as Like Burning in Hell' (2009) is Jane Welsh, Department of Anthropology, University of North Carolina, Chapel Hill authored master's thesis. This art work is a comparative exploration of motives and motives of acid attack violence in international locations like Bangladesh, Pakistan, India and Cambodia. Exploring the vital factors that contributes to the violence of acid throwing, severa high-profile times in Cambodia, Bangladesh and India are also been referred with the useful resource of the usage of the more youthful author. This comparative art work moreover highlights the feature completed with the useful resource of the usage of government further to non-governmental companies in assisting the patients and their families. However, the author further views that the initiatives of these companies are insufficient to address the financial troubles that patients undergo at the time of treatment. Families that aren't financially lots sturdy are left with out a exclusive opportunity, but to compromise with victim's treatment. The intellectual consequences and trauma faced with the useful resource of the usage of patients in crimes like molestation, rape, acid throwing is grave. It may be very tough for the patients to depict the incident, hotel a complaint and fight for justice. Complications to this tough state of affairs are further added with police, very own family and society's wrong mind-set and way of handling such patients. Lack of expertise in handling sensitive troubles like acid throwing often consequences in secondary victimization and aggravates the trauma of the victim. Parvathi Menon and Sanjay Vashistha authored 'Vitriolage & India- The Modern Weapon of Revenge' (2013) is a well written piece of article that covers almost all elements of the brutal violence of acid throwing as a weapon of revenge. Starting with the tragic incident of Laxmi's life the authors keep to focus on a few relevant data on the hassle. The now no longer unusual place reasons of acid violence and the submit attack evil consequences that the patients and their families undergo are also been exhaustively cited in this art work. Moving to the crook scenario with recognize to acid attack, the authors highlights India's responsibility beneathneath the 1993 Declaration on the Elimination of Violence in the direction of Women. This article comprehensively gives with India's crook stand on acid violence pre and submit Criminal Law (Amendment) Act of 2013. Two of the most vital troubles raised with the useful resource of the usage of the authors in this newsletter are 'feature of police withinside the studies of acid attacks' and 'judiciary's feature in prosecuting the perpetrators of acid attack'. This article is

concluded after a brief factor out of acid violence in exclusive South Asian international locations (Bangladesh, Pakistan and Cambodia in unique). Though this newsletter is a success strive in giving a holistic approach on the brutal act of acid throwing, the vital feature completed with the useful resource of the usage of Civil Society Organizations is nowhere been desired with the useful resource of the usage of the authors. However, the inadequacy of repayment furnished to the patients is not genuinely highlighted, but is strongly criticized in this newsletter. Being Reshma The Extraordinary Story of an Acid Attack Survivor Who Took the World with the useful resource of the usage of Storm where the e-ebook is not nice to narrate the tale of perseverance and courage but it moreover highlights the fact that acid attack survivors are often shamed. In a society obsessed on conventional mind of beauty, acid attack survivors are regarded down upon. They get maintain of unfavorable stares, rude feedback and are blamed for their plight. What is even worse is that their scars come withinside the way of them residing ordinary lives. Being Reshma goes beyond the literal scars and talks about the intellectual scars that girl patients ought to bear. It is not nice an account of an acid attack survivor's harrowing road to recovery; it is also about the fight in the direction of any and all kinds of oppression. To provide justice to such patients' severa prison recommendations are amended and required. Law is a dynamic way; that develops with time and civilization of humanity. Amendments play a vital feature in addressing crook gaps and making them more suitable and relevant. The 'Criminal Law (Amendment) Act' (2013), one of the most full-size amendments to the Criminal Laws of India is also reviewed for better knowledge the scope and ambit of the newly inserted criminal law provisions. After the terrifying gang rape incident of December 16, 2012 and the following protests and rallies it emerge as discovered out that violence in the direction of women wishes stringent crook provisions. Under the Criminal Law (Amendment) Act 2013, a present day clause emerge as inserted in Section one hundred of the Indian Penal Code. Under this newly added clause, an act of throwing acid or perhaps an try and throw or administer acid which may be lower priced to cause the apprehension that grievous damage will otherwise be the final results of such act. Under the provisions of Section 166A, the criminal consequences to be faced with the useful resource of the usage of a public servant in case he fails to report any data given to him beneathneath Section 154(1) of the Code of Criminal Procedure, 1973 almost about a cognizable offence punishable beneathneath the provisions of Section 326A and 326B of the Indian Penal Code are in particular furnished. Other vital provision inserted with the useful resource of the usage of the Criminal Law (Amendment) Act withinside the Indian Penal Code are Section 326A and Section 326B. The Criminal Law (Amendment) Act 2013 holds lots full-size almost about imposing criminal

consequences on the perpetrators of acid violence.

Laws and recommendations play a vital feature in controlling deviant behaviour of individuals of a society. Crimes like acid attacks have an impact on now no longer nice the individual concerned, but have a tendency of demanding the easy functioning of the society. Therefore, via this the prison recommendations and recommendations which may be made but do now no longer display to provide good enough justice to the victim is studied upon and the manner our society and device fails to accept the victim as a ordinary citizen spherical them.

1.8 Scheme of Chapterisation

For the gain of knowledge the have a examine has been divided into seven chapters:

The first chapter 'INTRODUCTION' introduces the concern and gives an account of statement of the problem, dreams of the have a examine, research approach and chapterscheme

The second chapter 'ACID ATTACK: VIOLENCE AGAINST WOMEN' develops an notion about the concern. It indicates about violence in the direction of women anywhere withinside the global, acidattack as a violene in the direction of women and severa motives for acid attack.

The 1/three chapter 'LEGISLATIVE APPROACH' emphasizes on the crook provisions for the protection of acid attack patients.

The fourth chapter 'JUDICIAL PERSPECTIVE' locations moderate on the judicial problem and responsetowards the times of acidattack. The remedies furnished to the survivors are cited in this chapter.

The five chapter 'PROTECTION OF WOMEN RIGHTS' gives with the contribution of the police device at the same time as an offence is counseled. The cops are the number one one to beinformed and required to act upon. Theirroleplays an vital part.

The sixth chapter 'REHABILITATION OF VICTIM IN THE SOCIETY' indicates how the society behaves toward the patients of acid attack. The brief case have a examine moreover gives an notion to the plight of the survivor of acid attack and the manner it influences them.

Lastly theseventhchapter 'SUGGESTIONS AND CONCLUSIONS'

BIBLIOGRAPHY-reference of the scholarlywork

CHAPTER 2

ACID ATTACK: VIOLENCE AGAINST WOMEN

Your text will be rewritten by QuillBot. Start by typing or pasting something into this box, then hit the enter key.¹ Furthermore, some of the most common mysteries in our nature are sex, hence, the mother who gave birth to us should have respect. Partners who have become parents should have the honor. The gender that governs some of our physics and much of its influence on our emotional and higher nature, is now not fearing or humiliating us in pleasurable indulgences, but using an incredible sense of understanding. Throughout this regard, women have been elevated to a place of honour in all religions. They are venerated in Christianity and Hinduism, and their rights and privileges are accorded appropriate weight. In the Rig Vedic period, women held a high respect position. Without her cooperation, no significant function could be accomplished.² In the Quran, women's welfare, rights, and duties are given special emphasis..³ Women have always been and will always be what men make them, as has been said. Every spiritual system, however, has a woman at its centre, whose compassion blesses the job of reforming mankind, as any philosophical comparative religion student can see....⁴

In spite of most of these aforesaid statements crime withinside the route of ladies is but on growing fashion now no longer high-quality on the town areas, however furthermore in rural areas.

In this context we make smooth right proper right here the idea of ladies, crime and crimes withinside the route of ladies.

2.1 Women:

The idea of womenor gender elegance for the existing test has been defined. It have emerge as conceptualized, the phrase to signify now no longer high-quality female person as ladies withinside the strict enjoy however furthermore all of the female which embody ladies, ladies and exclusive elderly females.

2.2 Crime:

According to Legal Glossary posted thru way of approach of Government of India defines the

¹Batla, M.L. and Batla, S.: (1978), 'The Maintenance, Marriage and Divorce', Mainstream, p. 15,

²Chabra K.S.: (March 1982), 'Women and the Law', Law Journal of the Guru Nanak Dev University, Vol. 10, No. 1, p. 11.

³ See the Quran, Sura Nissa, IV.

⁴Ali S.A. (1978), 'Islamia History and culture', p. 52.

crime as an offence.

2.three Violence within side the route of ladies:

Although, ladies might also additionally moreover be victims of all styles of crime, be it cheating, murder, theft etc. Yet the crimes wherein high-quality ladies are sufferers and which might be directed particularly within side the route of them are characterized as “Crime within side the route of Women”.

Crime within side the route of ladies can be taken into consideration as an offence within side the route of ladies completed thru way of approach of diverse man or woman inflicting physical, intellectual or the styles of torture⁵ According to director indirect, the scenario is dangerous.

The offences dedicated withinside the research of "crime towards women" are stated as "crime towards women." The term “I offence, (ii) towards women” must be defined. The former pertains to movements which can be illegally prohibited, deliberately carried out, and punished via way of means of the courts, while the latter refers to all offences wherein the sufferer is a minor...⁶

Furthermore, there are three types of crimes committed against women: I sexual offences, II gain-oriented offences, and III customary rules and norms...⁷

2.5.1 The General Assembly Resolution adopting the declaration at the Elimination of crime toward women, furthermore defines crime toward women in comparable phrases because of the truth the CEDAW and the Beijing declaration and platform for action.

2.5.2 2.four Motivation for Violence Against Women

2.5.3 Various reasons are responsible for mentor be crook, violent, abusive and merciless toward women. Three theoretical faculties or crook violence are Psychological school (which focuse son character trends of offenders and victims), Socio-Psychological university (which makes a speciality of impact of outside component on individual’s regular action), and Socio-cultural or Sociological school (which focuses on pressures of social systems on individual). Five essential theoretical propositions of socio-highbrow university are — (1)innate competitive stress is directed to supply of frustration (Frustration Aggression Theory); (2) deviant act is the cease quit end result of childish instincts, distorted emotions and cut up ego of the deviants (Perversion Theory); (3) human beings of low esteem are searching for to decorate their photo inside aspect the eyes of

⁵ Ahuja Ram: (1998) ‘Crime Against Women’, ‘Criminology’, Rawat Publications, Jaipur, p. 215.

⁶ Ashraf Nehal (1997), ‘Crime Against Women’, Commonwealth Publishers, New Delhi,p.6.

⁷ A/RES/48/104, 20th December, 1993.

others and themselves via deviant or violent acts (Self-manner of questioning Theory); (four) deviances a regular reaction to provocation (Provocation Theory); and (5) people take pride in deviant behaviour at the same time as their resentment escalates on attributing malevolent intent/motivations to the actions of diverse people (Motive Attribution Theory) (Ram Ahuja, 1998).

2.5.four

2.5.5 Four essential theoretical propositions of sociological theory are: (1) cultural values and norms aid and facilitate crimes (Theory of Subculture of Crimes); (2) Crime is the cease and end result of lines because of hole among aim and means (Anomie Theory); (3) Violence is used as a device at the same time as an individual lacks belongings for achieving his interests and but desires to be a dominant person (Resource Theory); and (four) violence is behavior which is learnt through direct reveal in through staring at different's behaviour and imitating it. Individuals raised in abusing homes learn that violence can and need to be used toward the weak (Social Learning Theory).

2.5.6 Crime toward women are found to be associated mainly to 5 elements: (1) shape of the scenario in which crime is committed, (2) situational 'facilities' which permit the committing of crime, (3) precipitating component(s) that lead to; crime, (four) lines expert through the offender i.e., his individual problems; and (5) victim's behaviour with the offender an awful lot earlier than the crime is committed against her. A holistic approach to the aggregate of those elements alone will give us the ideal reasons of crimes toward women.

2.5.7

2.5.8 Specifically, 3 elements appear to play a major role in selling a person to devote crimes toward women; (1) offender's records of abuse as a child (like sad upbringing, bodily beating through mother and father and emotional rejection); (2) demanding conditions within the family; and (3) popularity frustrations. The first factor points out that the offender's deviant conduct is mostly learnt from childhood and adolescent critiques of emotional distresses. This posits the thesis of the 'Generational Theory' that developing up in a violent domestic will increase the danger of an individual turning into violent/deviant as an adult.

2.5.9 Women's tolerance of violence is defined in phrases of 'Learned helplessness Theory' and 'Traditional Socialization Theory'. The latter principle refers to lady's imbibing conventional values and 'sex-characteristic ideology' via socialization process that guy is advanced to lady and that lady has no proper to protect. The former principle continues that a few sports get up in a lady's existence with sufficient, regularity due to

which she acquires emotions of depression, helplessness and terrible self-photo and are available to do not forget that she can not get away abuse.

2.5.10 2.5 Theoretical Approaches:

2.5.11 As a long way as Indian situation is worried, withinside the beyond few decades, with growing proof concerning the phenomenon, crime toward women has drawn the eye of numerous worried feminists, human rights groups, social scientists and social paintings practitioners. Many scientists have furthermore tried to examine the phenomenon and feature proposed numerous theories to provide an motive for the same. An assessment of various theories which have been put forward is as follows:

2.5.12

2.5.1 Feminist Theory: The Social Problem Approach: This theoretical perspective emerged within side the course of the peak of the Women's movement in 1970s. Advocates of this theoretical orientation argue that domestic violence is widely described as male coercion of women. The common elements in the ones types of sort of violence toward women are gender and power.⁸ The feminist explanation is based on the idea that all violence is a manifestation of unequal power relationships: Domestic violence is a reflection of men and women's uneven authority in society, as well as their personal relationships...⁹

2.5.1 2.5.1 2.5.1 Family Systems Theory (FST): The women's movement in the 1960s and 1970s coincided with a rising emphasis on family economic policies and social programmes. As a result, the family, which was formerly believed to be a private institution, is now under public scrutiny...¹⁰ Furthermore, in the mid-1960s, medical and sociological "discoveries" of child abuse began to spread the idea that the house or family was not always a safe and non-violent environment...¹¹

2.5.2 2.5.2 Psychological Theory: An Individualized Approach: According to various psychiatric theories, personality problems or early traumatic events

⁸ D. Kurz, "Social Science Perspective in Wife Abuse: Current Debates and Future Directions", Gender and Society, Vol. 3, 1989, pp. 489-505.

⁹ Bela Rani Sharma, Women, Marriage, Family Violence and Divorce, p. 97.

¹⁰ J. Fagan, "Contributions of Family Violence Research to Criminal Justice Policy on Wife Abuse: Paradigms of Science Control", Violence and Victims, (3), 1988, pp. 159-85.

¹¹ D.R. Loseke, "'Violence' is 'Violence' Or is it? The Social Construction of 'Wife Abuse' and Public Policy", in J. Best (ed.) Images of Issues: Typing Contemporary Social Problems, 1989, pp. 14.

predispose certain people to violence.¹² Being bodily abusive is visible as a symptom of an underlying emotional problem. Parental abuse, rejection and failure to fulfill a kid's dependence desires may be the highbrow supply of battering. People with those underlying issues may also furthermore pick out companions with whom they'll re-enact the dysfunctional courting that that they'd with their parents.

2.5.3 2.5.3 2.5.3

2.5.4 2.5.4 2.5.17 Physiological Theory: Another principle emphasizing on man or woman is physiological principle. There are numerous versions of physiological principle. One specializes in evolution and the genetic function that predispose guys to violence. Others emphasize mind structures, chemical imbalances, nutritional deficiencies and hormonal elements together with testosterone. Genetic and hormonal motives provide motives for the more pre-disposition withinside the course of violence in guys than in women, however this doesn't exercising to chemical imbalances or nutritional deficiencies.

2.5.5 2.5.5 2.5.5

2.5.6 2.5.6 2.5.18 Psycho-Pathological Theory: The psycho-pathological version specializes withinside the man or woman tendencies of offenders and sufferers as leader determinants of crook violence. This version consists of evaluation that hyperlinks intellectual illness (i.e., a small form of mentally ill men and women are violent), alcohol (i.e. what one does below the have an impact on of alcohol and other drugs) and precise intra-man or woman phenomenato acts of violence. This principle offers precise motives. According to one, the causes of violence in opposition to women rise up from the offender's highbrow issues (like depressive. impulsiveness uncontrolled emotions, etc.) According to the precise, violence in opposition to women arises out of psychological problems of victims.

2.5.7 2.5.7 2.5.7

¹² M Russel, Wife Assault : Theory Research and Treatment, A Literature Journal of Family Violence, (3), 1998.

2.5.8 2.five.eight 2.five.8 2.five.19 Socio-Psychological Theories: The socio-highbrow version assumes that crook violence can pleasant be understood through cautious exam of out of doors environmental elements that exercising effect on an man or woman offender. This model also examines the styles of ordinary interactions (say, demanding conditions or very very own circle of relatives interactional patterns) which can be precursors of violence. Theories together with the Frustration - Aggression Theory, the Perversion Theory and the Self-Attitude Theory approach crook violence from a socio— highbrow degree of evaluation.

2.5.9 2.five.nine 2.five.nine

2.5.10 2.five.10 2.five.10 • Frustration-Aggression Theory: This principle first said in 1939 through Dollard, et al., derived masses of its crucial postulates from Freudian principle. It explains the device through which aggression is directed to the supply of frustration. Whenever some thing interferes with an man or woman's try to gain a few purpose or quit, he feels pissed off and frustration in flip consequences in a few shape of aggression (John Dollard). After taking numerous criticisms into account, this principle changed into changed. Today it's far recognized that an real show of aggression can be inhibited through every internalized norms of out of doors controls, regardless of the reality that the impulse for aggression can be strong following a few stressful experience. It is likewise recognized that frustrations may be cumulative and that they'll live energetic over an extended length of 'time'. It is also acknowledged that human beings understand frustrations in severa ways, with stated that human beings Perceive frustrations in severa ways, with the ones deemed arbitrary or unreasonable maximum in all likelihood to purpose competitive responses. Further it's far recognized that responses to frustrations may be learned. In brief competitive actions aren't an automated quit end result of frustration, and their incidence is based upon upon severa elements.¹³

¹³Ram Ahuja, Violence Against Women, 1998, p. 203.

- • **Perversion Theory:** The psychoanalysts deliver an motive of violence on the idea of the Theory of Perversion and the Theory of Symptom Formation. They do no longer regard perverts as constitutionally inferior people however preserve that perversion develops from instincts (See, Menachem, Amer, Patterns in Forcible Rape, 1971). According to Freud's early theory (1949), perversion basically way staying electricity withinside the person of childish instincts and behavior on the fee of person behaviour. In the pervert, childish tendencies fail to go through the ordinary manner of integration finally of puberty however aren't transformed into neurotic symptoms. Violence may be the crafted from stronginborn drives or of pathological memories in infancy or early adolescence (Johnson, 1956). In the latter cases, adolescence conceptions of the personal own family participants a number of the sexes as beingaggressive and sadistic andthe concept of pride as a horrible manner, basically performed through remedy from a country of "unpleasure" are carried into adulthood.
- •
- • • 2.5.25 Socio-Cultural Theories: The sociological or socio-cultural version gives a macro-diploma evaluation of crook violence. This version examines crook violence in phrases of socially based inequality, and social and cultural attitudes and norms concerning anti-social behaviour and inter-non-public personal own family participants. Besides the 2 famous theories, viz., the Structural-Functional Theory and the Theory of Sub-subculture of Violence, the Learning Theory, the Exchange Theory, the Anomie

Theory, and the Resource Theory furthermore come beneathneath socio- cultural evaluation.¹⁴

2.5.11 Patriarchy Theory: This idea advanced with the beneficial aid of the use of R.E. Dobash and RDobash (Violence Against Wives, 1979) maintains that during history, violence has been systematically directed closer to girls. Economic and social techniques characteristic straight away and now not right now to beneficial aid a patriarchal social order and really personal circle of relatives structure. Dobash's most important theoretical argument is that patriarchy ends withinside the subordination of girls and contributes to a anciental sample of systematic violence directed in opposition to females.

2.5.12 2.5.12 2.5.12 2.5.26 Cognitive Behaviour Theory: The cognitive behaviour idea postulates that guys batter because:

2.5.13 2.5.thirteen 2.5.thirteen • They are imitating examples of abuse they've got witnessed in some unspecified time in the future of adolescents or withinside the media;

2.5.14 2.5.14 2.5.14 • Abuse is rewarded;

2.5.15 2.5.15 2.5.15 • It allows the batterer to get what he wants; and

2.5.16 2.5.sixteen 2.5.sixteen • abuse is bolstered through sufferer compliance and submission.

2.5.17 2.5.17 2.5.17 2.6 TYPES OF CRIMES

2.5.18 2.5.18 2.5.18 In massive revel in crime in opposition to girls has been labeled into following Parts:

2.5.19 2.5.19 2.5.19 2.6.1 On the idea of Indian Penal Code (I.P.C.)¹⁵

IPC have been categorized crime in opposition to girls into following subgroups

- Dowry loss of lifestyles
- Domestic violence
- Importation of Girls (Up to 21 years of age)
- Sexual Harassment (Referred withinside the beyond as Eve-teasing)

¹⁴"See R.J. Gelles and M.A. Strauss. "Determinant of Violence in the Family", In Burr, Hill, Nye and Reiss (eds.) Contemporary Theories about the Family, 1974, In: M.A. Strauss, The Violent Home, 1974 and Wolfgang and Wiener, Criminal Violence, 1982.

¹⁵N.C.R.B. (MIIA): (2000)'Crime Against Women', Crime in India, p. 155.

- Female Foeticide
- Rape
- Kidnapping and abduction for unique purposes
- Acid Attack

In addition to this, the crime in opposition to girls can be focused beneathneath the subsequent heads furthermore:

(a) Physical Crimes— It way beating, slapping, bruise on frame etc.

(b) Mental or Emotional Crimes—It consists of intellectual torture, humiliation, sarcasm, taunting, teasing, avoidance, antagonism, hurting lousy phrases etc.

(c) Acute Crimes— Such crimes centre round a few touching problems like sex, cash subjects and in regulation Sex consists of sexual sex, using transport manage and private family planning, cash remember quantity consists of spending buying, funding and unique monetary decisions. The word 'acute' implies the crimes which can be sharp and loud.

(d) Habitual Crimes—It will become regular to couples. Such companions apprehend that they'll not agree on advantageous remember quantity and they'll be aware about consequences. Both try and keep away from advantageous regions and problems, in reality so emotional torture may be minimized however, in a few circumstances, at the contrary, it aggravates extra. They go through intellectual torture. After withinside the destiny the problem submerges and the couple begins offevolved offevolved their everyday regular.

According to UNO report (2000) crimes in opposition to girls have been categorized in following headings: (1)Domestic crimes: Dowry deaths, call for dowry, bride burning, accomplice beating, neonates and infants loss of lifestyles of girls like foeticide, neglectof lady infant, lady infant sexualabuse,drowning etc., (2)Rape,(three)Sexual Harassment, (four) Communal Violence,(five) Kidnapping and Abduction of Women, (6) Importation of girls for prostitution.

2.7FORMS OF CRIMES

The manifestation of violent behaviour happens differently. There can be unique types of crimes on the idea of its practicability as approach adopted, consequently which includes beating with naked palms or fists or toes blows, beating with stick or iron rod, kicking the abdomen, beating with utensil or knives and ladles, the throwing any to be had item or now and

again even weapon, burning a few a part of the frame and immoderate sexual call for and sexual perversions, sexual harassment at administrative center like displaying pornography, using vulgar languages and taunting etc.

2.8 CAUSES OF VIOLENCE AGAINST WOMEN

Development at the issue of its modern-day changes in personal life fashion, residing large numerous monetary increase due to urbanization and trade in social ethos contributes, to a violent mind-set and inclinations withinside the course of girls which has ended in an growth in crime in opposition to girls. Such incidents are a remember quantity of extraordinary scenario and its containment is a need in reality so the girls of India gain their rightful percent and stay in dignity, freedom, peace and unfastened from crimes and aspersions.

Some of the viable motives and reasons for incidence of crimes are indoors reputation of girls because of social conditioning, patriarchal shape of society, healthful non-public family surroundings, slack of right training, damaged homes, overcrowding in a single room, an excessive amount of interference via way of way of the parents, too slack of discipline, lack of affection via way of way of parents, cruelty, addition to drugs, illness, modern-day permissive surroundings and private and highbrow dispositions like unemployment and poverty, alcoholism, religion, loss of right and ethical education, marital adjustment and communicate to for of dowry, immoderate expectation of t sexual sex and inefficiency of the crook gadget is likewise liable for the growing fashion of crime in opposition to girls.

2.9 METHODS OF CRIMES

Various types of crime occur in girls's life differently. Methods of crimes probable any aggregate of following - (a) bodily assault, (b) threat to electricity out, (c) breaking people of the family with in-laws, (d) financial threat, (e) threat to head away home, (f) threat to devote suicide, (g) threat to have every special marriage. These strategies of threats frequently end stop end result into crimes.

2.10 EFFECT OF CRIMES OF WOMEN

The outcomes of crimes in opposition to girls are contingent upon quite a number of things which includes the frequency of the abuse, the character of the connection some of the abuser

and the sufferers, the term over which the abuse continued, the age of the victim, the cultural and network attitudes within the course of crimes, and soon. Nevertheless, there are a few now not unusual place skills of the way victimized girls might also additionally need to reply fear avoidance, guilt, disturbances in self-belief and self-efficacy, sexual illness depression, substance abuse, reliving the incidents via memory, suicidal tries and ideation disturbances in ingesting and sleep patterns, tension and worry of encountering this kind of scenario yet again etc.

2.11 ROLE OF VARIOUS LAW/AGENCY TO COMBAT THE PROBLEM OF CRIME AGAINST WOMEN

Many governmental and non-governmental/voluntary companies like crook gadget of the government, NGOs, National Commission for Women, Local, National, Regional and global chief are gambling an important function in putting off and stopping crimes in opposition to girls via public cognizance and education. They are active in providing guide and counseling to sufferers and their families, however crime in opposition to girls despite the fact that continues, consequently there can be a want to comply a few approach to counter this hassle aside from the crook and constitutional treatments which can be already to be had. Some of such techniques can also want to be—

2.11.1 Publicity and Counseling: Publicity campaigns to educate girls in their crook rights is necessary. Another element is that counseling offerings want to acquire to girls in distress.

2.11.2 All Women Police Station: In fact, to address girls's instances "All Women Police Stations" want to be installation.

2.11.three Special Courts: Special Courts want to be installation for fast trial of crime in opposition to girls.

2.11.four Task of Other Agencies: However, regulation can't via way of way of itself trade society. To translate those rights into fact is the project of diverse companies.

2.11.five Creation of receptive climate.

2.11.6 Collection of accurate facts via way of way of investigators and accurate tracking want to be done.

2.11.7 Test instances want to be investigated properly.

2.11.eight A pretty massive community of social defence offerings want to exist within the society.

2.11.nine NGOs can complement the function of presidency efficaciously within the fold of cognizance and in counseling, rehabilitation of sufferers of crimes.

2.11.10 While networks of crook useful resource offerings are to be had in all of the states, there can be a want to make unique offerings extra seen to horrible girls.

Above those, the unfold of crook literacy among girls is distinctly important. Knowledge concerning their rights, regulation and techniques might also additionally need to visit an extended manner within the course of the real workout to their rights via way of way of girls.

2.12 WHAT IS ACID VIOLENCE

Acid throwing furthermore known as an acid assault or vitriol age is a shape of violent assault. It is the planned use of acid or further corrosive substance right away to the frame of every special. The maximum now now not unusual place types of acid used are Sulfuric acid, Hydrofluoric acid, Phosphoric acid, Nitric acid, Hydrochloric acid etc. wherein, Hydrochloric acid may be very now now not often used due to its masses lots much less unstable and negative in nature. The sufferers are overwhelmingly girls and children.

Attackers frequently reason the pinnacle and face an first-rate way to maim, disfigure, torture, blind or perhaps to kill them. Acid burn their face, harm the pores and pores and skin tissues thereby exposing and now and again dissolving even the bones. Most of the assaults take vicinity in public locations or at home.¹⁶ Acid violence rarely kills but motives severe physical, intellectual and social scarring, and patients are often left and now no longer the usage of a jail recourse, constrained access to scientific or intellectual assistance, and without the technique to manual themselves.

2.13 EVOLUTION OF ACID ATTACK

Acid violence is considered to be deliberate use of acid to attack each different human being. Acid violence is a global hazard and a international issue. In the 18th century sulphuric acid have become first time artificial in England on industrial scale and within the year 1740 people started using it for violent attacks within the Western Europe, mainly within the

¹⁶Chauhan, Bala, "Acid test of humanity", Deccan Herald News Service, Bangalore URL: http://archive.deccanherald.com/Content/Aug142007/state_2007081419024.asp

USA, at some point of labor unrests and domestic disputes.¹⁷

However, with the useful resource of the usage of the middle of 20th century violence via acid attacks scaled down within the US and within Western Europe due to stringent felony suggestions and girls empowerment but it gained momentum in unique factors of the world. In overdue 20th century and in early 21st century this form of violence spread in unique factors of the world, specially in South Asia. Since 1960, acid violence has improved in South Asia, South-East Asia, Sub-Saharan Africa, West Indies and Middle East.¹⁸

Acid violence isn't confined to a particular race, religion, or any geographical location. Such attacks rise up almost spherical the arena. Although no genuine facts about real numbers of incidents of acid violence is available, it's miles however, said that more than 1500 times of acid violence are recorded spherical the arena every 12 months. While women and girls are patients in about 80 consistent with cent of acid violence times, about 30 consistent with cent of them are beneathneath the age of 18 years.

While acid violence is every now and then perpetrated thru manner of way of disdained fanatics it is also used to obtain one of a kind objectives, in particular to settle personal or personal family scores. Generally, acid attacks represent a hidden form of violence in the direction of women and children. In many times, there can be gender-based totally definitely acid violence particularly even as sexual advances are spurned or rejected. Sometimes such attacks moreover give up end result from domestic or land disputes Acid attacks had been resorted in the direction of men moreover.

In most of the counties, particularity in beneathneath superior and developing, clean and unrestrained availability of acid, applied in manufacturing and processing of cotton and rubber, considered to be a prime reason of acid violence. Meanwhile, in many countries prevailing prone laws, political corruption coupled with insensitive on the part of administration; socioeconomic and cultural disparities; gender-based inequalities and coarseness in the direction of women are principal factors, contributing to the developing incidents of acid violence in many countries, especially in South Asia.

¹⁷Acid Attack on Women: Repercussions and Need for Law, ISSN 2321-4171.

¹⁸Ibid.

Earlier to the 12 months 1999, times of acid violence had been said in just a few international locations that too in maximum instances in casual manner. However, with the set up order of a London- based totally definitely NGO viz: Acid Survivors Trust International (ASTI) withinside the 12 months 2002, this hazard caught worldwide attention.

ASTI is the most effective corporation it is strolling on the worldwide level to stop hazard of acid violence for the duration of the arena. While strolling with a sequence of its six Acid Survivors Foundations established in India, Nepal, Pakistan, Bangladesh, Cambodia and Uganda, ASTI extends its help thru manner of way of imparting medical expertise and education to the ones partner international locations similarly to permits in raising price range to assist acid attack survivors there.

In the 12 months 2012, the ASTI supported charitable sports activities clearly properly really well worth Pound Sterling. 52,733 in Pakistan, 67,852 in Nepal, 39,608 in Cambodia, 64,824 in Uganda, and 69,488 in Bangladesh. Notably, ASTI is being supported thru manner of way of severa worldwide agencies and international NGOs, such as United Nations Trust Fund to End Violence Against Women (UN Trust Fund) and United Kingdom based totally definitely Islamic Help (IH), which have become established withinside the 12 months 2003 thru manner of way of a set of more youthful human beings to help suffering and poverty-troubled human beings. The most huge kind of incidents related to acid violence are said from the South Asian international locations, in particular from Bangladesh, India and Pakistan.

In India, the number one motives of acid attacks are attributed to domestic violence, marital rejection, dowry desires and suspicion of infertility. The Acid Survivors Trust India (ASTI), which have become fashioned in Kolkata withinside the 12 months 2010 is pinnacle NGO looking after the welfare, rehabilitation, medical and related assist to acid patients withinside the country. ASTI is an accomplice of Acid Survivors Trust International, London.

Curb-on domestic women violence, gender equality, empowerment of women and entire and equal get admission to to reassets and women's entire integration into the formal monetary device similarly to their entire participation in public and political existence are some of the essential steps need to be taken for the eradication of the sinful act of acid violence and one of a kind sorts of violence in the direction of women and girls.

2.14 VARIOUS CAUSES FOR ACID ATTACKS

The most now no longer unusual place and obvious reason for such attacks can be said as "lover rejection", in which the proposer of the marriage, love or sex is rejected thru manner of way of the victim. A have a look at of Indian facts reports, from January 2002 to October 2010 uncovered that victim's rejected love or marriage proposals advocated attacks in 35% of the 110 facts stories, imparting a motive for the attack.¹⁹ Furthermore, according to a report published by the Campaign and Struggle against Acid Attacks on Women (CSAAAW), a leading Indian organisation working on acid violence, sexual harassment or assault in response to a woman or girl refusing such advances or demanding that the violence stop frequently precedes such attacks...²⁰ This reflects the traditional masculine gender perspective of women as "property." The assailant warned victims in India right before the attack that "if he couldn't possess her, no one else could."²¹

This point of view is based on a patriarchal cultural framework, which is at the centre of Indian culture and in which males make all of the decisions. When a girl rejects a male, he sees it as a stumbling block to his reputation and honour, and he tries to fix it by attacking her with acid. Males pour acid over their faces as a show of their masculinity and power to put women in their place..²² By deforming a woman's face, man derives a sadistic pleasure and his male ego is satisfied. Another extraordinary reason for such attacks may be related to dowry and distinct marital disputes. Dowry is the system of giving coins to the husband and his very own own family at the time of marriage with the resource of the use of the bride's very own own family.

Even eleven eleven though receiving dowry has been categorized as an offence and invites imprisonment if practiced; however it's miles a widely practiced custom in India. This custom proliferates the idea of women being monetary encumbrance. It is considered as a duty on the

²⁰Avon Global Centre for Women and Justice at Cornell Law School, the Committee on International Rights Clinic, Rights of the New York City Bar Association, The Cornell Law School International Human 6'1'4 Clinic, The Virtue foundation.(2011). Combating Acid Violence in Bangladesh, India and Cambodia. website: www.ohchr.org/Documents/HRBodies/CEDAW/HarmfulPractices/AvonGlobalcentreaforWomenandJustice.pdf.

²⁰ campaign and Struggle against Acid attacks on women (CSAAAW), Burnt not defeated 21- 2(2007)

²¹ Supra note 1 at 10.

²²AfrozaAnwary,(2003). Acid Violence and Medical Care in Bangladesh: Women's Activism as Carework, Gender and Society, 17, 30

part of bride's very own own family to offer dowry and inflicts social stigma if now now not complied with it. Generally, refusal to pay Dowry or extra money instigates the husband to inn to acid attack on his partner as a form of punishment to the partner's very own own family. In India severa women have claimed that their husbands have attacked them with acid due to this reason.²³ What is the difference between land and property? Disagreements may be one of the primary reasons for the commission of this terrible crime.

According to a review of Indian media accounts, over 20% of the attacks were between unrelated people as a consequence of business disagreements, sales disputes, property issues, or familial revenge...²⁴ In a matter before the Indian Supreme Court,²⁵ The accused modified into the husband of the deceased, Sushila and preferred to kill her and their daughters, Bindu and Nalini to capture the property as he modified into the immediately beneficiary to her estate. He poured acid over her, so one can kill her. He modified into convicted beneath Section 302/34 of the Indian penal Code, 1860. Furthermore, in times of land disputes, a family member often attacks a female orgirl family member of an opponent's personal family as she is the most prone to such attacks and will most in all likelihood emerge as a burden on her personal family, subsequent to the attack. The case of ChennammaDeve Gowda, partner of former Indian Prime Minister H.D Deve Gowda has created sustained and enormous interest on the issue. On 21 February 2001, H.D Lokesh, nephew of the preceding Prime Minister of India, brutally attacked his aunt with acid in a temple over a personal family feud. Newspapers counseled that it modified into an act of vengeance some of the 2 families. One reached the top-most characteristic withinside the u . s . on the identical time as the alternative personal family modified into managing grinding poverty with six children, consisting of physical challenged ones.²⁶ Thus it may be said that men lodge to acid attacks as a way to intimidate ladies and to impose their authority on her. Such type of attacks nurtures his male ego and makes him enjoy that he is dwelling as an awful lot because the image of man created with the resource of the usage of the patriarchal society.

2.15HORRIFYING NUMBERS

²³ Supra note 2 at 21.

²⁴Supra note 1 at 12.

²⁵Ram Charitter and Anr v. State of Uttar Pradesh Cri. App. 766 of 2006 (S.C.)

²⁶Jane Welsh.(2009). "ft was like burning in hell": A Comparative exploration of acid attack violence, Cardina Papers on International Health, 1-115.

While very little information is available on acid attacks in India some studies have referred to an developing style in times concerning acid attack. According to a test 174 times of acid attack were referred to in India in 2000. This was a regular with Capita prevalence of about 1/15 of that of Bangladesh, which has the very exceptional prevalence fee further to the very exceptional extensive type of acid attack times withinside the world. However, sincerely the extensive type of times was drawing near those of Bangladesh.²⁷ Between 1999 and 2004, 35 acid assaults were reported in Karnataka.²⁸ Victims who do not disclose their cases for fear of further violence or societal humiliation are not included in this figure. In this regard, the Campaign and Struggle Against Acid Attacks on Women (CSAAAW) discovered one incidence in Bangalore in July 2004 that was not reported because the victim and her family chose to keep their pain secret.²⁹

According to the CSAAAW, the number of cases in Karnataka had increased to 53 by 2006, with just 9 of these 53 cases receiving verdicts..³⁰ A newspaper report³¹ By 2007, there had been 60 acid attacks in Karnataka alone, with eight extra incidents suggested via February 2007.

Hydrochloric and sulphuric acid had been hired withinside the majority of those incidents, and all the sufferers had been women. The sufferers in Karnataka had been extraordinarily younger women among the a while of sixteen and 25, who had been assaulted via way of means of people they knew. The majority of the assaults took both in public or at home..³²

The sorts of harm suffered by acid attack victims were shown in these cases. Among the injuries include burns, permanent disfigurement, and death. Multiple acid attacks cause the victim to die slowly and painfully. Some victims, like as Hasina, do, however, survive the assault.³³ Shruti (in October 2001) and (in April 1999) are severely deformed, maimed, and

²⁷ Acid Attacks: Bangladesh's Efforts to Stop the Violence, Jordan Swanson, Harvard Health Policy Review Archives, Spring 2002; Vol 3, No 1

²⁸ Burnt Not Defeated, Report by CSAAAW, April 2007, CSAAAW Bangalore publication

²⁹ The Hindu, Another Face of Violence, 15.08.2004

³⁰ The Hindu, PIL filed for steps to curb acid attacks, 20.09.2006)

³¹ The Hindu, The 'acid test': will Government regulate sale of deadly chemicals?, Bageshree S. and M.V. Chandrashekhar, 5 February 2007

³² Deccan Herald News Service, Bangalore, Acid test of Humanity, Bala Chauhan

³³ State of Karnataka Vs. Joseph Rodrigues, Decided by the Hon'ble Karnataka High Court on 22/8/2006

confined to their homes for the rest of their lives..³⁴ Acid attack survivors are physically, psychologically and socially traumatized. The physical extents of their injuries are deep, eternal and characteristic a right away impact on their intellectual fitness and social functionality.

CONCLUSION

Hydrochloric, Sulphuric and exclusive acids all have a catastrophic effect on human flesh. These corrosive substances cause the pores and pores and skin tissue to melt. The bones of patients become exposed and now and again the acid dissolves the bones too. Permanent scars as can be seen in Hasina's³⁵ Case disfigure a human being's body for life. Furthermore, if acid enters the eyes of the victim withinside the direction of an attack, as isn't always unusualplace in acid attack cases, it damages the ones crucial organs absolutely. Many acid attack survivors have out of place the use of one or every eyes.

As a cease end result of disfigurement and disability patients are absolutely debilitated and are pressured to give up their lives, their work, their education. In this regard, repayment to cover crucial surgical approaches for patients who can not assist themselves turns into imperative.

However apart from repayment there are various factors as nicely that the law should be sensitized to with regards to dealing with acid attack patients. In an interview with the Hindu newspaper CSAAW's lawyer, Sheela Ramanathan, cited that acid attack patients had to be dealt with one after the opposite as their situation includes a sequence of "medical complications, social stigma, intellectual trauma, gender bias and a complete loss of livelihood."³⁶ " Medical know-how at the way of remedy is likewise appalling," Ms. Ramanathan said, "(t)right here were conditions while coconut oil has been administered to the troubled place and the individual blanketed in blankets." Such mistreatment has the ability to inflict irreversible harm..³⁷

³⁴ The Hindu, The 'acid test': will Government regulate sale of deadly chemicals?, Bageshree S. and M.V. Chandrashekhar, 5 February 2007

³⁵ Deccan Herald News Service, Bangalore, Acid test of Humanity, Bala Chauhan

³⁶ The Hindu, PIL filed for steps to curb acid attacks, 20.09.2006

³⁷ *ibid.*

CHAPTER 3

LEGISLATIVE APPROACH

The rights of ladies have the originating deliver withinside the constitution of India, for all Indian prison recommendations are emerged from Constitution. The Indian Constitution guarantees equality of reputation and opportunity to men and ladies. The critical rights are enshrined in Part III of the Constitution of India. It must be borne in mind that once the critical rights are infringed, thenatural essential human rights inherent in humans are violated.³⁸

The basic rights of "Gender Equality" and "Right to Life and Liberty" are violated as a result of an acid assault. It is a blatant infringement of the rights guaranteed by the Constitution's Articles 14, 15, and 21.³⁹

The relevant articles of the constitution of India, which bestow legal rights upon women are:

(1) Article 14, which confers the equality in advance than the law or the equal protection of the felony pointers to every character. It now now no longer only prohibits discrimination but moreover makes numerous provisions for the protection of women.

(2) Art. 15(1), which prohibits any discrimination on grounds of religion, race caste, sex or location of birth. However, Article 15 (3) empowers the us of a to make any special provision for women and children.

(3) Articles 21 ensures; 'No character can be deprived of his life or personalliberty except consistent with the procedure established through manner of way of law'. Women have a right to persuade dignified, honorable and peaceful life with liberty.

(4) Article 51 (e), Constitution of India enumerates the fundamental obligation to promote harmony and the spirit of now no longer unusual place brotherhood amongst every body of India transcending religious, linguistic and regional or sectional diversities and to surrender practices derogatory to the respect of women, its right recognition in spirit is an entire lot awaited.

The State shall now now no longer deny to any character equality in advance than the law or the equal protection of the felony pointers in the territory of India. Article 14 is not mere formal

³⁸ Ibid

³⁹ Visakha v. State of Rajasthan, AIR 1997 SC 3011.

equality; it moreover encompasses predominant equality. This approach that equality can not clearly exist on paper. The State has to take positive action including precise measures to ensure equality. As women in India are disproportionately the patients of acid attacks, and acid attacks largely constitute gendered violence, women require precise protection from acid violence beneath law.

In *Bandhua Mukti Morcha v. Union of India*,⁴⁰ The Supreme Court ruled that under Article 21, the right to life implies the right to live in dignity, free of exploitation..⁴¹

As seen above Right to Life in terms of the language applied in Article 21 is available now not best to every citizen of this u . s . , but moreover to a 'person' who may not be a citizen of the u . s . . On this principle, even those who are not citizens of this u . s . and are to be had proper right here really as travelers or in each different ability is probably entitled to the protection of their lives in accordance with the constitutional provisions. They also have a right to lifestyles in this u . s . . Thus, further they've the right to live, so long as they may be proper right here, with human dignity. Just due to the fact the State is beneath a responsibility to guard the lifestyles of every citizen in this u . s . , so moreover the State is beneath a responsibility to guard the lifestyles of persons who are non-citizens⁴². The which means and content material cloth of the fundamental rights assured within the Constitution of India are of sufficient amplitude to encompass in the components of gender equality which incorporates prevention of acid attack. The courts are beneath a constitutional obligation to guard and preserve those fundamental rights. The courts are beneath an obligation to supply due regard to global conventions and norms for construing domestic laws, greater so when, there can be no inconsistency amongst them and there can be a void in domestic law. No person may be deprived of his life or personal liberty except according to approach installation via law. The Supreme Court in a catena of judgments has recognized that the right to life includes the right to be free from inhuman and degrading treatment. As pronounced in *Francis Coralie Mullin v. Union Territory of Delhi & Ors*,⁴³ The Supreme Court held as beneath: "It is implicit in Article 21 the right to protection against torture or cruel, inhuman or degrading treatment this is enunciated in Article 5 of the Universal Declaration of Human Rights and guaranteed by Article 7 of the International Covenant on Civil and Political Rights (ICCPR)." The Supreme Court has

⁴⁰(1984)3 sec 161.

⁴¹*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

⁴²*Chairman, Railway Board v. Chandrima Das*, (2000)2 SCC 465.

⁴³1981 SCR(2)516

held that Article 21 includes the right to health and the right to health services.

3.1 Statutory Provisions

The Indian Penal Code became amended with the useful resource of the usage of the Criminal Law (Amendment) Act, 2013, to include the offence of acid attack interior its ambit. Before the amendment, the felony suggestions governing acid attack included:

Section 320 - Grievous damage: Acid attacks are considered grievous damage as any permanent disfigurement, disability, or destruction of a body detail is included in this section.

Section 325 - The punishment for voluntarily causing grievous damage is a maximum of seven years. No minimum punishment is prescribed.

Section 326 - Voluntarily causing grievous damage via a volatile weapon or each different approach. A "corrosive substance" is specified as being a dangerous means, for that reason acid attacks can be covered. The punishment under this Section is for a maximum length of life imprisonment, or a period up to ten years. There is not any minimum punishment prescribed.

The Criminal Law (Amendment) Act, 2013, made the following changes:

Section 100 - When the right to private defence of the body extends to causing death: An act of throwing acid or administering acid, or an attempt to throw or administer acid which reasonably causes the apprehension that grievous hurt will be the impact of such an attack. Thus, acid attack has been included under the list of grievous crimes beneath which the right to personal defence extends to causing death. This approach that an acid attack is so grave that a survivor may be justified in killing the perpetrator to shield herself from the attack.

Section 326A - Whoever motives permanent or partial damage, deformity, burns, maims, disfigures or disables any detail or additives of the body of a person with the motive or know-how that it's miles in all likelihood to cause such harm or damage, shall be punished with each simple or rigorous imprisonment for a term of at least 10 years, which may amplify to imprisonment for life, and a tremendous. The tremendous shall be paid to the victim, and might be in reality and low-priced to satisfy the clinical charges of victim.

Section 326B - Attempting to throw or administer acid with the motive of causing eternal or partial damage, deformity, burns, maim, disfigure, disable, grievous damage might be imprisonment for at least five years, as tons as seven years, and a tremendous. Acid includes any substance of acidic, corrosive or burning individual that deal is capable of causing bodily harm which leads to scars, disfigurement, temporary or eternal disability. For the features of

every the ones sections, the damage or deformity need now not want to be irreversible.

Section 166A - A public servant who refuses to record any records with reference to an offence under Section 326A and 326B (further to three exclusive sections), might be imprisoned with rigorous imprisonment for a term of at least six months which may amplify up to two years, and be at risk of pay a tremendous.

Section 166B - Whoever is in charge of any hospital, whether or not or now no longer public or personal, run with the useful resource of the usage of the Central or State Government, a close-by body, or any person, and who contravenes Section 357A of the Code of Criminal Procedure, might be imprisoned for a term which may amplify to one year, or with tremendous, or each.

Section 357A governs price of fines to patients of crimes.

The Code of Criminal Procedure become further amended with the useful resource of the usage of the same Criminal Law (Amendment) Act, 2013:

Section 154 - When the records is given with the useful resource of the usage of the lady victim of a crime beneath Section 326A, 326B which may be the sections coping with acid attacks (and exclusive sections of the IPC), the records can be recorded with the useful resource of the usage of a lady police officer or any lady officer.

Section 154(a) offers for special provisions for survivors of offences under Sections 354, 354A, 354B, 354C, 354D, 376, 376A, 376B, 376C, 376D, 376E, or Section 509 of the IPC (sexual harassment, criminal strain to a lady with motive searching a lady in a personal act, stalking, rape and indignant rape). When an Offence beneath the Sections has been committed and the victim has been absolutely or fast mentally or physical disabled, then the Police officer shall, within the presence of a completely unique educator or interpreter record records from the victim at the victim's residence of any region of the victim's choosing. The recording of such records may be video graphed if needed. Section 154(a) seems to have unnoticed acid attack patients as Section 326A and 326B has now not been included. This might be especially complex as in most times acid attack patients be stricken via way of means of large physical disability following the attack. Section 164(5A) (a) makes similar provisions as Section 154(a), for a Judicial Magistrate to record the assertion taking the assist of a completely unique educator or interpreter in times wherein the victim is fast or absolutely mentally or physical disabled, and for the assertion to be video graphed. This assertion might be considered in lieu of examination in chief beneath the Indian Evidence Act. Again, acid attacks beneath Section 326A and 326B have now not been included interior this section.

3.2 Incorporating International Law on Violence Against Women in India

International conventions and norms have been applied in India in times wherein is a lacuna in domestic regulation in case of *Vellore Citizens Welfare Forum v. Union of India*,⁴⁴ it become held that any rule of not unusual international law which isn't contrary to municipal law might be deemed to have been included withinside the house law and might be followed with the useful resource of the usage of courts of law.

However, the incorporation of worldwide law into domestic law is possible handiest while the law does now not come into battle with an Act of Parliament. As held withinside the *Gramophone Co. of India Ltd. v. B.B. Pandey*,⁴⁴ The want of the legislative our our bodies stays perfectly suited and global law handiest fills the gaps in municipal law. Heavy reliance has been placed on various conventions and declarations that have been signed via the authorities body of India regarding the duty of the government to defend women's rights to protection from violence and prevent discrimination. These encompass the Convention on Elimination of All Forms of Discrimination closer to Women (CEDAW) and the Beijing Platform for Action of the Fourth World Conference on Women in Beijing. Article 11⁴⁵ and Article 24⁴⁶ Of CEDAW were said withinside the judgment. The tips mainly almost about the definition of sexual harassment, have borrowed carefully from CEDAW. At the Fourth World Conference on Women in Beijing the Government of India made an valid willpower defend women's rights' through manner of manner of assignment numerous steps, and stated that it would formulate and put into effect national insurance on women. The integration of global law can therefore be an essential catalyst for strengthening the control of justice withinside the location of violence toward women.

India, as a rustic birthday party to CEDAW has the legally binding duty to "get rid of discrimination toward women through manner of manner of any person, organization or enterprise," as enumerated in Article 2(e). State occasions should take appropriate measures to get rid of prejudices and common practices, such as "acid violence", "which might be based

⁴⁴AIR 1996 SC 2715. AIR 1984 SC 667.

⁴⁵ 9 Article 11 of CEDAW states: '1. State parties shall take appropriate measures to eliminate description against women In the field of employment in order to ensure, on the basis of equality of men and women, the same rights, in particular: (a) the right to work as an inalienable right of all human beings; ...(it) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.'

⁴⁶ Article 24 of CEDAW states: 'states Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the right recognized in the present convention.'

absolutely on the idea of the inferiority or the superiority of each of the sexes," as enumerated in Article 2(e). Creating statutes that criminalize the particular sorts of acts that fall within the ambit of "acid crimes", even as essential, and is clearly now not properly sufficient if there is no systematic enforcement of the statutes. Active prosecutions are one of the way to gain the sensible recognition of having rid of discriminatory requirements such as "acid crimes", in an effort to make sure that us of a occasions meet their obligations to "take all appropriate measures to get rid of discrimination toward women [Article 2]. Taking preventative measures, such as promoting gender sensitization and initiatives on stopping dated patriarchal notions essential to get rid of discrimination toward women.

3.3 Supreme Court and High Court Judgments

As India did not have a separate law governing the crime of acid attack, times have been registered beneath particular sections of the Indian Penal Code (IPC) mainly the sections concerning damage, grievous damage, grievous damage through manner of manner of corrosive substances and attempt to murder and murder. However, as referred to earlier, the after effects of an acid attack no matter the reality that the victim survives are super and scar the victim; who is usually a female in the course of her lifestyles every physical and mentally.

In some of the excessive first-class times the accused have been charged with murder, due to the fact the aim of the attacker has been construed as an aim to kill the victim. Even in the ones excessive first-class times however the amount of pleasant which has been levied has often been a mere amount. The victim has moreover often not been given this pleasant through manner of manner of the court.

In a 1998 Maharashtra case Acid have become thrown on a woman, while she have become preserving her two-and-a-half-year-vintage baby, with the useful resource of the usage of her brother-in-law for refusing to give coins to preserve her husband's second wife. She sustained acid burns on the left component of her face, left hand and left breast and every she and her infant daughter out of place their eyesight. The woman subsequently died due to burn injuries. In this case, the brother-in-law have become sentenced with the useful resource of the usage of the Court beneath Section 302 of IPC, to undergo imprisonment for lifestyles and pay a awesome of Rs. one thousand and moreover sentenced to rigorous imprisonment for a month. Under Section 326 of the IPC he have become supplied 5 years of imprisonment other than a

awesome of Rs. 2000/-and 3 months of rigorous imprisonment. Though the accused have become located accountable the located Judge failed to understand that he ought to levy an adequate amount as awesome and offer this awesome to the victim's child, who suffered from the attack in more than one ways.

In a 2002 case,⁴⁷ The accused was suspicious about the person of his partner and inserted mercuric chloride into her vagina, she. died due to renal failure. The accused was charged and convicted beneath Section 302 and 307 IPC. In a few different case in advance than the Hon'ble Supreme Court in 1975, acid was poured on a girl with the useful resource of the use of her husband for refusing to provide him divorce. The husband was worried in an extra-marital affair. Due to the attack, the victim suffered a couple of acid bums on her face and exclusive additives of her body, most important to her death. The accused was charged and convicted beneath Section 302 of the IPC. However, life imprisonment was now not imposed no matter the reality that the victim had died.

In a case in advance than the Madras High Court⁴⁸, A person, suspected his partner had advanced an illicit dating with one among his acquaintances. In that fit of anger, he threw acid on her resulting in immoderate burns and lack of lifestyles of the victim. The husband became convicted beneathneath Sec 302 IPC and 313 IPC (causing miscarriage of a lady without her consent) with life imprisonment and a extraordinary of Rs. 2000. The extraordinary became for this reason all over again a meager amount.

In DevanandVs. The State⁴⁹ Because his estranged wife refused to live with him, a guy splashed acid on her. The woman was permanently disfigured and had one eye removed. The defendant was found guilty under Section 307 and sentenced to seven years in jail.⁵⁰

The Calcutta High Court heard a case recently. ⁵¹ The accused had made a previous abortive attempt to throw acid on the victim and succeeded on a 2nd attempt. The purpose for the crime became revenge due to the fact the victim had rebuffed the overtures of the number one accused Ramesh. The accused alongside others went to the victim's house and threw a bottle of acid on the victim outdoor her house wherein she, her mother, her aunt and her little son

⁴⁷Marepally Venkata Sree Nagesh Vs. State of A.p(2002Cril....13625)

⁴⁸Balu Vs. State Represented Inspector of police decided on 26/10/2006

⁴⁹(1987 (I) Crimes 314)

⁵⁰See also VeerlaStayanarayna Vs State of A.P 2002(Supp)1 SC 489

⁵¹Ramesh Dey and Ors. vs. State of West Bengal, Decided on 16/5/2007

were sitting. The victim, her mother, her aunt and her son sustained injury. The victim Padma died due to large acid burns on the neck, chest, right arm, breasts, legs, knees and scalp. Her aunt acquired 25% burns and her aunt's son acquired 11% burns. The learned Judge furnished imprisonment for existence and a fine for Rs. 5000 under Section 302 and 34 of the IPC. The appellants were moreover convicted under S. 324/34 IPC and sentenced to R.I. for 3 hundred and sixty 5 days and to pay a fine of Rs. 1,000/- each in default to undergo S.I. for two months. Both sentences were to run concurrently. The High Court on appeal however, set aside the conviction and sentence closer to the alternative accused with the useful resource of the usage of putting forward that there was no evidence to show that they had a now no longer unusual place intention and their presence with the accused on the scene of the crime became now no longer enough.⁵²

In *Srimanthula Chinna Sathaiah and Anr. Vs. State of AP*⁵³ Enmity superior among men. The accused modified into suspicious that the other person had falsely implicated him in a case. He moreover suspected that his partner modified into having an affair with the victim's elder son. As a revenge the accused threw acid on the victim, which resulted in immoderate acid burns on the face and body. The accused modified into charged under Section 302 and 34 of the IPC and modified into supplied rigorous imprisonment for life.

In some times which may be targeted in competition to women dowry and property can be the reasons for acid attacks. Property and land disputes and once in a while revenge⁵⁴ may be used as a justification for acid attacks on males. The notion that acid is a easy and green manner of injuring and killing fighters seems to be spreading to giant assaults on each girls and men.

In a be counted earlier than the Indian Supreme Court, The accused come to be the husband of the deceased, Sushila and favored to kill her and their daughters, Bindu and Nandini to capture belongings as he come to be the immediate beneficiary to her estate. He poured acid over her to kill her. She received large burn injuries on massive additives of their our our bodies consisting of the face, chest, neck, etc. According to the Doctor the death come to be due to the corrosive acid burns and shock. The High Court convicted the appellants Ram Charitar and Kishori Lal beneath Section 302/34 IPC, and sentenced them to life imprisonment. The appeal for their acquittal come to be disregarded through manner of manner of the Hon'ble Supreme

⁵²See also *Snit. Bhagwan Kuar Vs Krishna Maharaja* (AIR 1973 SC 1346)

⁵³1998(4) ALD

⁵⁴See *State of Madhya Pradesh Vs. Jhaddu and Ors.* (1991 Supp(1)545)

Court. No compensation come to be supplied to the victims.

In each different case⁵⁵ A nurse and a compounder deliberate earlier than the Madras High Court to throw a aggregate of acid and kerosene over a physician as retaliation for the physician's alleged rape of the nurse. The physician changed into absolutely burned and died due to his injuries. The defendants have been prosecuted beneath sections 302 and 109 of the Indian Penal Code, however have been discovered now no longer responsible because of a loss of evidence. The Supreme Court heard a case recently.⁵⁶ In a dispute a few of the deceased and accused regarding encroachment, the accused poured acid on the deceased and this added on immoderate acid burns resulting in demise. The primary accused come to be charged beneath Section 302 of the IPC and provided rigorous imprisonment for life. Many times in which demise might now no longer stand up get registered beneath the sections related to damage and grievous damage and now not attempt to murder as no intention of killing or facts that the offence might be to cause demise is attributed to the accused.

In a case in advance than the Jharkhand High Court⁵⁷ The victim become repute collectively together with her friend at a Bus Stop in Dhanbad. The Appellant came and poured acid over her head and face. The appellant had a image of the victim and become blackmailing her but she refused to accede to his demands. The victim suffered burn injuries over the left component of her eye, neck and chest and had to be hospitalized. A case become registered underneath Sections 324, 326, 307 IPC. The police investigated the case and in the long run submitted a price sheet in competition to the appellant underneath the aforesaid sections.

The found 2nd Additional Sessions Judge, Dhanbad held the appellant accountable underneath Section 324 IPC and convicted and sentenced him to undergo RI for three years. The appellant's conviction become upheld with the useful resource of the usage of the Hon'ble High Court. No compensation the least bit become provided to the victim. In this situation the court docket docket seem to have been guided with the useful resource of the usage of the man or woman of injuries which in its opinion did now now not amount to grievous hurt.⁵⁸

In one of the most famous cases involving acid attack⁵⁹ The accused threw acid on a girl, Hasina, for refusing his activity offer. This deeply scarred her bodily look, modified the

⁵⁵Wallah and Parimaladevi Vs. State, Decided on 10/4/2003 by the Madras High Court

⁵⁶Barati Vs. State of U.P.(AIR 1974 SC 839)

⁵⁷Awadhesh Roy v. State of Jharkhand

⁵⁸See also Students of A.P.A.O and Miss Anuradha, Student Vs The Registrar, A.P.A.U. N.Sreeniwasa Reddy, Student and Ors. (1997(1) ALT 547)

⁵⁹State of Karnataka by Jalahalli Police Station vs. Joseph Rodrigues S/o V.Z. Rodrigues (Decided in the Hon'ble High Court of Kerala on 22/8/2006)

coloration and look of her face and left her blind. The accused become convicted below Section 307 of IPC and sentenced to imprisonment for life. A repayment of Rs. 2,00,000/- further to the Trial Court nice of Rs 3,00,000 become to be paid through the accused to Hasina's parents. This become a landmark case because it become the primary time that a repayment which become pretty a massive sum become given to the sufferer to fulfill the scientific fees together with that of plastic surgeries. However, no repayment become presented for the after consequences of the assault together with lack of profits etc.

In a case from Delhi⁶⁰ The accused threw acid at the sufferer's face. The liquid splashed on her face produced a few redness (erythema) at the pores and skin over part of her face concerning her top eye-lids. There became no corrosion, of the pores and skin or different deformity. The accused became convicted for inflicting harm below Section 323 of the IPC and a meager first-class of Rs. three hundred at the side of 15 days imprisonment became awarded. This form of punishment for acid assault is in itself a mockery of types and does now no longer think about the gravity of the crime and its after outcomes like trauma which influences the sufferer during her life.

In Syed Shafique Ahmed Vs. State of Maharashtra⁶¹ private enmity together along with his spouse become the motive in the back of a grotesque acid assault via way of means of the husband on his spouse in addition to every other character. This induced disfiguration of the face of each the spouse in addition to that of the opposite character and lack of imaginative and prescient of proper eye of spouse. The accused become charged beneathneath Section 326 and 324 of the IPC and become provided Rs 5000 as first-class and three years imprisonment. This case once more suggests that the punishment this is frequently provided does now no longer do not forget the planned and grotesque nature of the assault and rests on technicalities of injuries. In every other case⁶² due to Enmity acid turned into poured through a mom and son duo over the sufferers. One of the sufferers suffered from more than one acid burns at the entire lower back extending from scapular backbone to iliac crest. The different sufferer suffered Chemical burns at the proper-facet brow simply above medial cease of proper eye forehead and the pores and skin blackened. He additionally suffered from more than one acid burn at the lateral thing of left higher arm and pores and skin turned into blackened aside from different burns. The

⁶⁰State(Delhi Administration) Vs. Mew Singh 5(1969) DLT 506

⁶¹2002 CriL1 1403

⁶²State of U.P Vs. Smr. Aqueela and Others (1999 Cr1LJ 2754)

accused have been convicted beneathneath Section 304 (punishment for culpable murder now no longer amounting to homicide) and 323/34 IPC (punishment for voluntarily inflicting harm with not unusualplace intention), with imprisonment of a 12 months and rigorous imprisonment for one 12 months.

Thus, through the years diverse varieties of acid assaults had been registered beneathneath the sections associated with harm, grievous harm, homicide etc. However, the character and impact of the crime of acid assault may be very awesome and complicated and the Sections regarding harm and grievous harm do now no longer offer an good enough remedy and punishment. Apart from this the police frequently use their discretion to determine what sections ought to be registered withinside the case of acid assaults and this discretion is at instances inspired through gender bias and corruption or is a incorrect assessment.

In maximum of the instances no repayment has been provided. In the ones wherein repayment has been provided the sum is minimum and is completely insufficient to fulfill even the clinical costs. Normally courts simply levy fines with out even giving those to the sufferers. The segment on Compensation withinside the Code of Criminal Procedure ought to consequently honestly spell out that the fines levied ought to take delivery of to the sufferer or their dependents.

The sufferers go through a first rate deal because of a sluggish judicial process, insufficient repayment and manifestly from the after impact of the acid assault itself. Thus, there may be an pressing want to legislate awesome sections withinside the I.P.C. to cope with acid assaults and to setup a Criminal Injuries Compensation Board in India to cope with such instances in an powerful and green manner, to assist the sufferers of acid assault to get repayment for clinical costs and rehabilitation aside from making Section 357 Cr.PC obligatory in positive respects.

After the main case of Laxmi vs UOI,⁶³ The Supreme Court exceeded an order to place ban on promoting of acid in shops. For stopping acid attacks, the Supreme Court has absolutely prohibited the counter sale of the chemical except the vendor continues a recording of the deal with and different info of the consumer, and the quantum. Dealers can now best promote the chemical after the consumer confirmed a central authority issued picturegraph identification

⁶³Criminal Appeal No. 129 of 2006.

card and after specifying the cause of purchase. The supplier ought to post the info of sale to the nearby police inside 3 days of the transaction. Acid ought to now no longer be bought to any character below 18 and all shares should be declared with the nearby sub-divisional magistrate (SDM) inside 15 days. Undeclared shares will be confiscated and the defaulter fined as much as Rs.50, 000. Acid assault is now a non-bailable and focus offence.

Laxmi of twenty-two years old, who turned into an acid assault survivor turned into expecting a bus in Delhi's tony Khan Market in 2005, while guys poured acid on her after she refused to marry certainly considered one among them, leaving her disfigured. Though the fees approximating to Rs. 2.5 lakhs. However, even after four plastic surgical procedures the sufferer's bodily look stays bad and lots of extra surgical procedures might be required to make her bodily look semblance of what it turned into. The sufferer can of route in no way appearance as she did earlier than the assault.

The Supreme Court directed all states to pay acid assault sufferer Rs. three lakhs toward clinical remedy and aftercare rehabilitation and Rs. 1 lakh inside 15 days of an incident and the stability inside months thereafter. Alok Dixit, Founder of Stop Acid Attack says that the coolest factor that has pop out of it's miles the repayment however this is for the women who could be attacked withinside the future.

In every other case *Parivartan Kendra v. Union of India and Ors.*⁶⁴ In this example after running carefully with acid assault survivors an NGO running for marginalized people in Bihar filed this petition withinside the Supreme Court of India to make certain whole rehabilitative offerings and repayment for acid assault survivors. The final results of the case is that Supreme Court issued notices to the nation and union territories for statistics on sufferer repayment and CSAAAW have become competition.

In every other case *Ayushi Dubey and ors. v. State of U.P. and Ors.*,⁶⁵ This petition filed on behalf of Madhuri Prajapati an acid assault survivor. The crew visited and filed the petition. It sought to represent a crew of medical doctors and specialists to study Madhuri. To reimburse the survivors of scientific expenses. To rapid tune the crook trial. To award repayment to her and her mother. In this regard the High courtroom docket surpassed a few sweeping orders and

⁶⁴WP (C) 867/2013.order dated 7/12/2015

⁶⁵WP (C) 68901/2013.

requested to country to make certain all of the payers made withinside the petition.

In *Shaheen v. State of Haryana via its Chief Minister and SP, Panipat and Bala and Yashwinder*,⁶⁶ HRLN filed petition on behalf of Shaheen to regulate the sufferer repayment scheme to offer retroactive unfastened scientific and surgical remedy for acid assault survivors, rehabilitation, and repayment to survivors, to compensate. Shaheen's scientific expenses, to offer on the spot unfastened remedy for Shaheen. The case is pending with the courtroom docket and but to be decided.

CONCLUSION

In India girls are termed worse than cattle. This scenario isn't associated with rural location however in city location also. The hassle this is confronted with the aid of using today's guys is that he can't alternate his attitude of 18th century, his isn't inclined to present respect, protection or safety to the girls because of his feudal attitude. The girls in today's international is overwhelmed mercilessly with out assigning any purpose, she changed into burnt alive because of now no longer capable of imparting dowry to the own circle of relatives of her husband, if girls fails to conform to the rotten patriarchal norms of the society she will face intense effects for that with none fault. However, there are such a lot of legal guidelines that protect girls's rights, however the performance of Indian's judicial gadget isn't hidden. The hassle that girls face is due to the fact she feels that the violence devoted towards her is deserved with the aid of using her because of the steady suppression and oppression from ages. The girls experience ordinary while violence has been meted out to her in own circle of relatives, she constantly feels established to guy for everything, and irony is that she don't even take into account positive acts of guy as violence. Man feels proud in punishing girls for his or her errors because of patriarchal thoughts set and that they have visible their elders try this withinside the house. It is the primary purpose why girls and guy have one-of-a-kind notion concerning crime towards girls.

⁶⁶WP (C) 4046/2014.

CHAPTER-4

JUDICIAL ATTITUDE TOWARDS PROTECTION OF ACID ATTACK VICTIMS

Women constitute an important component in the society. They are responsible for giving birth to a life however unfortunately, they're made to lose their lives in call of different brutalities committed against them. Whenever a girl decides to raise her voice against her substandard position in the patriarchal society, she is kept away from with the aid of using different means; either with the aid of using acid, physical abuse or with the aid of using burning her to death.

Often a crime of honour, acid violence is an inhuman crime which may be viewed to intend the deliberate use of throwing premeditated acid to assault every other human being. The National Commission of India defined acid assault as "any act of throwing acid or using acid in any shape at the victim with the intention of or with know-how that such character is likely to reason to the alternative character everlasting or partial harm or deformity or disfiguration to any a part of the frame of such character" .

In a have a look at performed with the aid of using UNICEF reveals, "Acid assault is a serious trouble all around the world, even children are emerge as victim of acid assault in many cases. In an Acid assault, acid is thrown on the face or frame of the victim with deliberate intent to burn and disfigure. Most of the victims are girls, many beneath the age of 18, who've rejected sexual advances or marriage proposals. Acid assault or vitriolage is defined because the act of throwing acid onto the frame of someone "with the intention of injuring or disfiguring [them] out of jealousy or revenge".

The maximum not unusualplace kinds of acid utilized in those attacks include sulphuric, nitric, and hydrochloric acid. Attack thru acid not often kills however it reasons excessive physical, psychological and social scarring. The victims of acid violence are overwhelmingly girls and children, and attackers regularly goal the pinnacle and face in order to maim, disfigure and blind someone for life and push her in everlasting life of pain and apathy⁶⁷.

⁶⁷Ibid

4.1 Judicial Aspect:

- 4.1.1 Counter sale of acid is definitely prohibited, until and except the seller maintains a file which contains the call of the purchaser.
- 4.1.2 No acids have to be bought to someone who is beneathneath 18 years of age. Proper ID card have to be proven via way of means of the customer on the time of acquiring the acid.
- 4.1.three All the inventory of acids have to be confirmed via way of means of the seller with the involved Sub-Divisional Magistrate within a time of 15 days. If it is now no longer affirmed, then the products will be sequestered via way of means of the Sub-Divisional Magistrate and a fine of Rs. 50000 will be obtruded on him.
- 4.1.4 The acid victim have to be specified a compensation of as a minimum three lakhs from the involved State/Central Government because the aftercare and rehabilitation cost. Of this amount, a sum of Rs 1 lakh will be paid to the victim within 15 days of the phenomenon of such incident to lubricate instant medical concentration and the relaxation 2 lakhs should be given within months as early as possible.

Financial Compensation and different benefits to the victims the constitution of India ensures the right to life and liberty of each individual beneathneath Article 21. This has been interpreted to include the right to live with dignity and could embody the right to live with dignity of all including victims of acid attacks. Article forty one of the constitution lays down that the country shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in instances of unemployment, antique age, sickness and disablement, and in different instances of underserved want. The rehabilitation of the victims additionally turns into an important issue. The ultimate courtroom docket in its order dated 18.07.2013 directed that the acid assault victims will be paid a compensation of as a minimum Rs. three lakhs via way of means of the worried State authorities/union territory because the after care and rehabilitation cost, out of which a sum of Rs. 1 lakh could be paid to the victim within 15 days of the incidence of such incidence to facilitate immediate medical attention and fees in this regard. The courtroom docket additionally directed that in case of any compensation claim made via way of means of any acid assault victim, the problem could be taken up via way of

means of the district prison service authority, which could include the district choose and such different co-opted humans who the district choose felt could be of assistance, particularly the district magistrate, the superintendent of Police and the civil general practitioner or the chief medical officer of that district or their nominee and the said frame could function because the criminal injuries compensation board for all purposes. On 21.08.2015 the crucial victim compensation fund changed into created with an initial corpus of Rs. two hundred crores, the main objective is to sell special financial assistance as much as Rs. five lakhs to the victims of acid assault to satisfy remedy fees over and above the compensation paid via way of means of the nation and union territories, the following objectives changed into to lessen the disparity in quantum of compensation quantity notified via way of means of different states and union territories for victims of similar crimes and to inspire the states and union territories to effectively implement the victim compensation schemes notified via way of means of them below the provision of section 357A of Cr.P.C and continue financial aid to victims of various crimes especially sexual offences including rape, acid attacks, crime against children, human trafficking, etc. On 7.12.2015 the courtroom docket directed that each one the states and union territories must consider the plight of such victims and take appropriate steps with regard to inclusion of their names below the disability list.

In case of Renu Sharma, the Delhi High Court directed the Delhi authorities to provide loose medical remedy to the victim and an employment that correctly considers her educational qualification and medical status.⁶⁸

In case of Amanpreet of Bathinda Punjab, Punjab Social Security minister Razia Sultana had introduced Rs. 8000 according to month as according to country authorities policy. The country authorities has undertaken a comprehensive policy to make acid assault victims self-reliant, financial assistance of Rs. 8000 according to month is provided to the acid assault victim.

The best condition for getting the supply is this that the disability should be as much as the extent of 40% or more, the victim should own the disability certificate.⁶⁹

⁶⁸ In the high court of Delhi at New Delhi W.P.(C) 2229/2016

⁶⁹The Pioneer, Saturday 19, August, 2017 Chandigarh

The Department of Personal and Training (DoPT) has directed all vital authorities departments to make certain that one consistent with cent of every posts be reserved for human beings with blindness and occasional vision; deaf and difficult of hearing; locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid assault victims and muscular dystrophy, the disability ought to be as much as the extent of 40% or more. The flow to decorate reservation quota for the ones with learning disability and acid assault victims comes after passage of the Rights of Persons with Disabilities Act, 2016, and the notification of applicable regulations in this regard.⁷⁰

An additional financial assistance of Rs. 1 Lakh from the Prime Minister National Relief Fund has been approved by Prime Minister Narendra Modi with an aim to provide immediate relief to the acid attack victim. This additional assistance provided from PMNRF will be over and above the amount of the scheme prepared by the National Legal Services Authority (NALSA) in consultation with Centre.⁷¹

4.2 Judicial Order on Acid Attack

- 1.2.1 Supreme Court Order on Acid Attacks in the Criminal Writ Petition 129 of 2006 (Laxmi vs. Union of India) On 6.2.2013, a direction became given to the Home Secretary, Ministry of Home Affairs associating the Secretary, Ministry of Chemical & Fertilizers to convene a meeting of the Chief Secretaries/involved Secretaries of the State Governments and the Administrators of the Union Territories, inter alia, to discuss the following aspects:
 - 1.2.2 • Enactment of appropriate provision for effective regulation of sale of acid in the States/Union Territories.
 - 1.2.3 • Measures for the right treatment, after care and rehabilitation of the victims of acid assault and wishes of acid assault victims.
 - 1.2.4 • Compensation payable to aid victims with the aid of using the State/or creation of a few separate fund for charge of compensation to the acid assault victims.

⁷⁰ The Economic Times, January 28, 2018

⁷¹The Indian Express, February 3, 2017

- 1.2.5 1.2.1 Following the order of 6.2.2013, 3 next orders on 16.four.2013, nine.7.2013 and 16.7.2013 have been exceeded with the aid of using this Court.
- 1.2.6 1.2.2 Various State Governments/Unión Territorías have filed their affidavits. The Unión of Índia filed its final affidavit on 17.7.2013. Along with that affidavit, draft Model Rules entitled "The Poisons Possession and Sale Rules, 2013" (for short "Model Rules") were located on document. Mr. Mohan Parasaran, discovered Solicitor General states that the Central Government will circulate the Model Rules to modify sale of acid and different corrosive materials framed below the Poisons Act, 1919 to all of the State Governments and Unión Territorías within every week from today. He additionally states that Model Rules will include, inter alia, the shape of acids (liquids or crystalline and its concentration) that may be saved and offered, issue of licenses, procurement with the aid of using individuals, educational and studies institutions, hospitals, industries, Government Departments and departments of Public Sector Undertakings. We take delivery of the declaration made with the aid of using the discovered Solicitor General as stated above.
- 1.2.7 1.2.three Insofar because the States and Unión Territorías are involved, we're informed that the States of Maharashtra, Karnataka, Kerala, Haryana, Punjab, Madhya Pradesh, Sikkim and Arunachal Pradesh have framed guidelines to modify sale of acid and different corrosive materials. As regards nation of Meghalaya, we find from the available document that draft guidelines were prepared, a replica of which has been made available to the Court.
- 1.2.8 1.2.four Learned suggest for the State of Tamil Nadu has said earlier than us that within months from today, appropriate guidelines to regularize sale of acid and different corrosive materials will be framed.
- 1.2.9 1.2.five All the States and Unión Territorías which have now no longer but framed guidelines will do properly to make guidelines to modify sale of acid and different corrosive materials in line with the Model Rules framed with the aid of using the Central Government. The States, which have framed guidelines however those guidelines aren't as stringent because the Model Rules framed with the aid of using the Central Government will make vital amendments in their guidelines to bring them in line with the Model Rules. The Chief Secretaries of the respective States and the Administrators of the Unión Territorías shall make certain compliance of the above expeditiously and in no

case later than 3 months from the receipt of the draft Model Rules from the Central Government.

- 1.2.10 1.2.6 The Centre and States/Union Territories shall paintings in the direction of making the offences below the Poíson Act, 1919 cognizable and non-bailable.
- 1.2.11 1.2.7 In the States/Union Territories, in which guidelines to modify sale of acid and different corrosive materials aren't operational, until such guidelines are framed and made operational, the Chief Secretaries of the involved States/Administrators of the Union Territories shall make certain the compliance of the following directions with immediate effect:
- 1.2.12 • Over the counter, sale of acid is absolutely prohibited until the vendor maintains a log/register recording the sale of acid which will contain the details of the man or woman(s) to whom acid(s) is/are offered and the quantity offered. The log/register shall contain the deal with of the man or woman to whom it is offered.
- 1.2.13 • All dealers shall promote acid best after the purchaser has shown:
- 1.2.14 a) a image ID issued with the aid of using the Government which additionally has the deal with of the man or woman:
- 1.2.15 b) Specifies the reason/cause for procuring acid.
- 1.2.16 • All shares of acid have to be declared with the aid of using the vendor with the involved Sub-Divisional Magistrate (SDM) within 15 days.
- 1.2.17 • No acid will be offered to any man or woman who is under 18 years of age.
- 1.2.18 • In case of undeclared inventory of acid, it will be open to the involved SDM to confiscate the inventory and suitably impose fine on such vendor as much as Rs. 50,000/-
- 1.2.19 • The involved SDM may also impose fine as much as Rs. 50,000/- on any man or woman who commits breach of any of the above directions.
- 1.2.20 1.2.eight The educational institutions, studies laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, who're required to preserve and save acid, shall comply with the following guidelines:
- 1.2.21 • A register of utilization of acid will be maintained and the equal will be filed with the involved SDM.
- 1.2.22 • A man or woman will be made liable for possession and secure keeping of acid in their premises.

- 1.2.23 • The acid will be saved below the supervision of this man or woman and there will be obligatory checking of the students/ employees leaving the laboratories/location of garage in which acid is used.
- 1.2.24 1.2.nine The involved SDM will be vested with the responsibility of taking appropriate action for the breach/default/ violation of the above directions.
- 1.2.25 1.2.10 Section 357A got here to inserted in the Code of Criminal Procedure, 1973 with the aid of using Act five of 2009 w.e.f. 31.12.2009. Inter alia, this Section provides for preparation of a scheme for providing price range for the cause of compensation to the victim or his dependents who've suffered loss or injury due to the crime and who require rehabilitation.
- 1.2.26 1.2.eleven 17 States and seven Union Territories have prepared 'Victim Compensation Scheme' (for short "Scheme'). As regards the victims of acid assaults the compensation mentioned in the Scheme framed with the aid of using those States and Union Territories is un-uniform. While the State of Bihar has provided for compensation of Rs. 25,000/- in such scheme, the State of Rajasthan has provided for Rs. 2 lakhs of compensation. In our view, the compensation provided in the Scheme with the aid of using maximum of the States/Union Territories is inadequate. It can't be disregarded that acid assault victims want to go through a series of plastic surgeries and different corrective treatments. Having regard to this problem, discovered Solicitor General recommended to us that the compensation with the aid of using the States/Union Territories for acid assault victims have to be superior to as a minimum Rs. three lakhs because the after care and rehabilitation cost. The suggestion of discovered Solicitor General is very fair.
- 1.2.27 1.2.12 The acid assault victims will be paid compensation of as a minimum Rs. three lakhs with the aid of using the involved State Government/Union Territory because the after care and rehabilitation cost. Of this amount, a sum of Rs. 1 lakh will be paid to such victim within 15 days of incidence of such incident (or being delivered to the notice of the State Government/Union Territory) to facilitate immediate medical attention and fees in this regard. The stability sum of Rs. 2 lakhs will be paid as expeditiously as can be possible and positively within months thereafter. The Chief Secretaries of the States and the Administrators of the Union Territories shall make certain compliance of the above direction.

1.2.28 1.2.thirteen The Chief Secretaries of the States and Administrators of the Union Territories shall take vital steps in getting this order translated into vernacular and publicize the equal appropriately for the information of public at large.

1.2.29 1.2.14 The victim of a ugly acid assault, Laxmi, has filed a writ petition in the Supreme Court of India in May, 2006 in which the Law Commission of India has been arrayed because the Respondent No.2. Though the Law Commission had pointed out to the Court that the reliefs in the petition can't be prayed for from the Law Commission, it has decided to take in the problem suo moto in view of the gravity of the offence of acid assaults.⁷²

The present legal mechanism in place, to deal with such acid attacks (provision in relation to grievous hurts as laid down in Sections 320⁷³, 322⁷⁴, 325⁷⁵ and 326⁷⁶ of the Indian Penal Code) has been seen to be incompetent to deal with the severity of the crime, and need a re-look.

Measures suggested by the Law Commission in his report — Changes in the Law Addition of a new Section into the Indian Penal Code, vide an amendment. The proposed Section 326 A (i) shall read as the follows:

"326. A. (i): - Hurt by the acid attack. Whoever burns or maims or disfigure or disables any part or parts of the body of a person or causes grievous hurt by throwing acid on or administering acid to that person, with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punishable with imprisonment of either description which shall not be less than 10 years but which may extend to 10 Lakhs. Provided that any fine levied under this Section shall be given to the person on whom acid has been thrown or administered." The distribution and sale of acid be strictly regulated and the sale of Acid across shop counters should be banned.

The commission has further proposed the enactment of "Criminal Injuries Compensation Act." This shall aim at providing both interim and final monetary compensation acts of violence like

⁷²Lawcommissionindia.nic.in/reports/report226.pdf.

⁷³ Section 320, IPC: Grievous Hurt

⁷⁴ Section 322, IPC: Voluntarily Causing of Grievous Hurt

⁷⁵ Section 325, IPC: Punishment for Voluntarily causing of Grievous Hurt

⁷⁶ Section 326, IPC: Punishment for voluntarily causing of Grievous Hurt by Dangerous Weapons or Means.

Rape, Sexual Assault and Acid Attacks etc. and should provide for their medical and other expenses relating to rehabilitation, loss earnings etc. Any compensation already received by many victims can be taken to account while computing compensation under this Act.⁷⁷

This component offers with the critical evaluation of the applicable regulation at present, the Law Commission's report, and different untouched issues in relation to acid assaults, and its victims. As added out via way of means of the 226th Law Commission Report, the following issues in relation to the prevailing felony mechanism to address the offence of acid assault in India are as follows

- The definition of grievous harm is now no longer wide sufficient to cover the various kinds of injuries which are inflicted during acid assaults.
- The section (326, IPC) does now no longer cover the act of administering acid.
- The section (326, IPC) gives a wide discretion to the courts as a way as punishment is concerned. The instances on acid assaults in India display that usually inadequate punishment is provided in those instances.
- The section (326, IPC) in the I.P.zero does now no longer punish the international act of throwing of acid if no injuries occur.
- The section (326, IPC) additionally does now no longer specify who the fine must be provided to.
- Instead of simply including acid assault as a specific offence beneathneath the Indian Penal Code, there must be separate completely comprehensive and properly formulate legislation dealing with this offence, to give it a higher felony coverage, and thereby making it difficult for the culprit to slip farfar from the felony clutches.
- The Law Commission has advocated setting up of a Criminal Injuries Compensation Board, However, they've centered on providing handiest interim and Assault, Acid Attacks etc., and must provide for their medical and different charges relating to rehabilitation, lack of earning etc. any compensation already received via way of means of the victim may be taken into account while computing compensation beneathneath this Act. The emphasis is only at the economic issues thereby ignoring the reality that the authorities must now no longer handiest financially assist the victim get the rehabilitation costs, however have to additionally move step similarly and provide for rehabilitation facilities, which might be easily accessible. Further, different rehabilitation mechanisms mechanism/ schemes must be chalked out taking into account the specific desires of the victim.

⁷⁷Books.google.co.in/books?isbn=8190668749, South Asian Society of criminology and victimology International Conference

Most of the victims, even though they are privy to who the culprit of the crime is, remain mum, because of worry of revelation of their identity. The legislation proposed, have to take initiatives to maintain the identity of the victim, or the individual so filling a complaint on their behalf concealed.

• Insertion of latest sections 326 A and 326 A and 326 B.-After section 326 of the Penal Code the following sections will be inserted namely: -

326-A. voluntarily causing grievous harm use of acid etc.-Whoever causes everlasting or partial harm or deformity to or burns or maims or disfigures or disables any component or elements of the frame of someone or causes grievous harm via way of means of throwing acid on or via way of means of administering acid to that individual, or via way of means of using some other manner with the intention of causing or with the know-how that he is likely to purpose such injury or harm, will be punished with imprisonment of either description for a time period which shall now no longer be much less than ten years however which can also additionally increase to imprisonment for life and with fine:

Provided that such fine will be simple and affordable to satisfy the medical charges of the remedy of the victim:

Provided similarly that any fine imposed beneathneath this section will be paid to the victim.⁷⁸

326-B. Voluntarily throwing or attempting to throw acid.-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 burns 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.

Explanation 1.- For the purposes of section 326A and this section acid includes any substance which has acidic or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2.- For the purposes of section state and section permanent or partial damage or deforming shall not be required to be irreversible⁷⁹.

4.3 Compensation

⁷⁸Prof.S.N.Nlighra, Indian Penal Code ,Central Law Publication Nineteenth Edition 2013.

⁷⁹Prof.P.S.N. Mishra, Indian Penal Code, Central Law Publication, Nineteenth Edition 2013.

- Concerns relating to penal provision and from limiting reform to penal provision most effective: The hole in regulation addressing acid assault victims relate to the recovery, help and reintegration of the victim into society. The medical, counseling and long-time period remedy fees are debilitating and past what a ten lac fine offers. Can a punitive provision do that? We want to map comparative regulation/ policy on this, and endorse appropriate responses. The main trouble with penal prosecution of acid assault will be the ability to accumulate evidence past affordable doubt to stable conviction. Sexual attack investigation has possibility of checks to determine contact; in acid assault such evidence will now no longer be there, so the demanding situations to stable conviction are harder. This is a actual worry. Will a penal provision on my own suggest anything even in phrases of securing conviction? We're now no longer dismissing the cost of a penal provision, however the pitfalls of evidence will want to be considered now, and with the assist of comrades in 13D and Pakistan we will arrive at a few suggestions. PLD is willing to take this up. We will additionally want to think of victim focused help as a part of the regulation. The gift bill proposes a fine of a maximum of Rs. 10 lacs to be recovered from the accused upon conviction. We endorse that the provision say a fine of a minimum of Rs. 21acs to a maximum of Rs. 10 lacs to be recovered beneathneath section 357 A Cr.PC. The cause why we think this is a higher option for the character of crime and injuries is a) conviction is very difficult in acid crimes as explained above; and b) the blessings of 357A listed below.
- Why 357A is higher for securing compensation to the victim. Difference among compensation beneathneath Section 357 A and Section 357 CrPC:
 - • Under Section 357 A, compensation is payable out of finances created via way of means of the State Government and beneathneath Section 357, it is payable out of fine recovered from convict.
 - • Under Section 357 A, compensation is payable even if culprit is now no longer traced or identified however beneathneath Section 357, it is payable most effective upon conviction of culprit.
 - • Under Section 357 A, compensation is payable in addition to compensation provided beneathneath Section 357 and beneathneath Section 357, there is no such provision.
 - • Section 357 A is a obligatory provision for compensation while Section 357 is discretionary.

- Under Section 357 A, order for compensation is made via way of means of District Legal Service Authority or State Legal Service Authority and beneathneath Section 357 via way of means of the Court.
- Section 357 A empowers District Legal Service Authority or State Legal Service Authority to make Order for interim relief and beneathneath Section 357, there is no such provision.
- Under Section 357 A, no criteria are specified for dependents of victim entitled to compensation beneathneath Section 357 most effective dependents or heirs of victim who're entitled beneathneath Fatal Accidents Act can claim compensation⁸⁰

4.4 Acid Attack Survivors

4.4.1 Sonali Mukherji, Jharkhand

Nws tau tawm tsam los ntawm nws tus neighbor. Hla 70% lub ntsej muag sib sib zog nqus, Sonali is lub ntsej muag ntawm cov nrov national phiaj los nqis tes rau ntawm cov koom haum pab pawg. Nws tau txais txiaj ntsig ntau los ntawm nws txiv. Nws tawm tsam 10 xyoo rau justice thiab finally tau txais haujlwm ntawm tsoomfwv. Nws qhov kev tawm tsam thiab paub ntau yam kev tawm tsam uas nws tau ua thooob plaws hauv lub tebchaws, tau nrhiav nws txoj kev lees paub thooob tebchaws. Nws tau invited in KBC thiab tau txais kev pab txhawb financial los ntawm ntau lub lej. Qee cov kws tshaj lij ntawm lub tebchaws tau los cuag nws kom ntev rau lawv. Nws hais tias "I yog NCC tus bath rog thiab qhov ntawd yog qhov chaw fighting spirit tuaj rau kuv. kev ua tiav,

4.4.2 Sapna

Sapna, 21 years old girl wanted to be a dancer. She got an opportunity to dance in a film. A jilted lover, who was her relative, attacked her with acid on August 2013. With pressure from the family to not to go against the accused, Sapna is fighting the case. She is now a member of MJ5 dancing group. She is also an activist, who visits places across India to meet survivors of

⁸⁰<http://www.hindustantimes.com/India-News/New-Delhi>.

acid attack and instill confidence in them.⁸¹

4.4.3 Kavita

Kavita, a salesgirl in Lucknow who was attacked by her lover a couple of years ago, is a brave heart. Her family has shunned her and her perpetrator is moving freely on bail threatening her to withdraw the case. But Kavita never gave up and said "I have undergone the pain alone and overcome problem alone;"⁸²

4.4.4 ShaluJain, Rajasthan

Humble, educated, smart and beautiful Shalu Jain (29) of Udaipur is known as survivors and fighter in Rajasthan. When she steps out her house people treat her like a celebrity. Many people admire her as a role model. She is popular of her do or die spirit. The accused is moving freely threatening her in every possible way and her life is at risk every time she steps out her house, but nothing has been able to stop Shalu who assists her husband in his business. She has not met her 9 years old daughter for 4 years now. She thinks her face now will scare her. So, she only talks to her on phone and her daughter lives with her parents. Shocked at the attack on Shalu, her husband suffered heart attacks and is under strict medication.⁸³

4.4.5 Nasreen Jahan Delhi

"Gone are the times while rape and acid assault survivors locked themselves within the 4 partitions of the house. Nasreen Jahan (33), every other acid assault survivor in Delhi Jama Masjid area. Nasreen has nobody with the aid of using her side. But loneliness hasn't been a barrier for her. "I have passed through eight surgeries with actually nobody with the aid of using my side. I accumulated cash on my own, went to the hospital all alone, underwent surgeries and got here out of the hospital with nobody with me. My step-dad and mom kept away from me and my husband attacked me with acid after our divorce. The relatives refused to have any relations with me. But I controlled everything on my own," she says. Having spent months at a dilapidated abandoned building in Delhi, she has lived on charities for long. A elegance 10 dropout, Nasreen isn't qualified sufficient to get an awesome job. Her appears do not go away her with an option to soak up any assignment which could make certain her

⁸¹ Supra note 37..p7.

⁸² Ibid p.7

⁸³ Supra note 36.p.8.

financial safety. But seven years after she became attacked with acid, Nasreen stands up for all ladies who've confronted atrocities.

4.4.6 Rupa Saa⁸⁴

Rupa Saa became simply 15 while her stepmother poured acid over her face as she slept, burning her skin and melting her cheeks, nose, mouth and chin. The assault became simply the beginning of her suffering. Like a lot of India's acid victims, she became kept away from because of her disfigurement and struggled to pay for the multiple reconstructive surgeries she needed - leaving her despondent and with little will to live. But a current ruling via way of means of country's pinnacle courtroom docket will be a recreation changer for victims like Saa - providing them with unfastened medical remedy and specifying a minimum compensation of 300,000 rupees (\$4,800). "I became devastated via way of means of the acid assault. I did now no longer need to live any more. My life became shattered."

4.5 Cases Relating to Acid Attack in India

India does now no longer have a separate regulation governing the crime of acid assault, instances had been registered beneath different sections of the Indian Penal Code (IPC) particularly the sections relating to harm, grievous harm, grievous harm corrosive materials and try to homicide and homicide. However, as discussed earlier the after results of an acid assault even if the victim survives are distinct and scathe victim; who is normally a lady for the duration of her life each physically and mentally. In a number of the positive instances the accused had been charged with homicide, because the intention of the attacker has been construed as an intention to kill the victim. Even in those positive instances but the quantity of fine which has been levied has frequently been an insignificant amount. The victim has additionally frequently now no longer been given this fine via way of means of the courtroom docket.

Gulab Sahiblal Shaikh v. The State of Maharashtra⁸⁵ Acid changed into thrown on a lady, while she changed into holding her two-and-a-half-year-vintage baby, via way of means of her brother-in-law for refusing to give cash to maintain her husband's 2d wife. She sustained

⁸⁴ www.supremecourtcase.com-15-04-15

⁸⁵ (1998Bom CR (Cri)).

acid burns at the left side of her face, left hand and left breast and each she and her infant daughter misplaced their eyesight. The lady finally died because of burn injuries. In this case, the brother-in-law changed into sentenced via way of means of the Court below Section 302 of IPC, to go through imprisonment for life and pay a fine of Rs. one thousand and additionally sentenced to rigorous imprisonment for a month. Under Section 326 of the IPC he changed into provided five years of imprisonment aside from a fine of Rs. 2000/-and three months of rigorous imprisonment. Though the accused changed into determined guilty the found out Judge failed to appreciate that he have to levy an ok quantity as fine and give this fine to the victim's child, who suffered from the assault in multiple ways.

*Marepally Venkata Sree Nagesh v. State of A.P.*⁸⁶, the accused was suspicious about the character of his wife and inserted mercuric chloride into her vagina, she died due to renal failure. The accused was charged and convicted under Section 302 and 307 IPC. *Revinder Singh v. State of Harayana*⁸⁷ before the Honorable Supreme Court in 1975, acid was poured on a woman by her husband for refusing to grant him divorce. The husband was involved in an extra-marital affair. Due to the attack, the victim suffered multiple acid burns on her face and other parts of her body, leading to her death. The accused was charged and convicted under Section 302 of the IPC. However, life imprisonment was not imposed even though the victim had died.

In a case before the Madras High Court⁸⁸, a person suspected his wife had developed an illicit relationship with one of his acquaintance. The husband was convicted under Sec 302 IPC and 313 IPC (causing miscarriage of a woman without her consent) with life imprisonment and a fine of Rs. 2000. The fine was thus again a meager amount.

In *DevanandVs.The State*⁸⁹ a man threw acid on his estranged wife because she refused to cohabit with him. The wife suffered permanent disfigurement and loss of one eye. The accused was convicted under Section 307 and was imprisoned for 7 years.⁹⁰

⁸⁶(2002 CriLJ3625).

⁸⁷(AIR 1975 SC 856)

⁸⁸Balu Vs. State Represented Inspector of police decided on 26/10/2006.

⁸⁹(1987 (I) Crimes 314).

⁹⁰See also *VeerlaStayanarayna Vs. State of A.P* 2002 (Supp)1 SC 489.

*Laxmi vs. Union of India and others.*⁹¹

A social justice bench of Justices Madan B Lokur and U U Lalit said hospitals need to additionally provide unfastened medicine, meals and different facilities to such victims. The Supreme Court on Friday 10 April, 2015 directed private hospitals to provide unfastened remedy, including specialized surgeries, to acid assault victims and requested authorities to take action against them if they fail to conform with its order. After laying down a stringent regulatory mechanism on the market of acid to lower acid assaults on women, the courtroom docket requested private hospitals to endure the entire price of medical remedy of acid assault survivors, including high-priced plastic and corrective surgeries. Meanwhile, the Centre informed the courtroom docket that 309 instances of acid assaults have been registered in the us of a in 2014 out of which 185 incidents have been from Uttar Pradesh. Madhya Pradesh witnessed the second one highest range of instances with 57. No acid assault incident changed into stated in any Union Territory besides Delhi wherein 27 such instances have been registered closing yr. The Centre informed the courtroom docket that a meeting of country fitness secretaries changed into convened to border a policy to lower sale of acid and to take steps to provide unfastened remedy to victims. The courtroom docket had closing yr better compensation payable with the aid of using country governments to acid assault victims to a uniform Rs three lakh from the earlier Rs 50,000. It had additionally directed states to implement stringent norms for retail sale of acid, treating it as poison below the Poisons Act, 1919, within 3 months. The courtroom docket had banned sale of acid to minors and said the corrosive substance may be bought simplest to the ones with identity playing cards issued with the aid of using the authorities and who may want to specify the reason for the acquisition in writing. It had additionally requested the Centre and states to make acid assault offences non-bailable.

Though the house ministry has time and again harassed at the reality that existing legislation are sufficient to deal with the offence of acid assault and there is no requirement of any special legislation for dealing with the offence⁹², there clearly appears a need for a specialized legislation to handle the menace, and also due amendments to be carried to the Indian penal code in order to make it more self-sufficient, and better equipped to handle such issues.

⁹¹www.supremecourtcases.com

⁹²"No change in law needed to make acid attack a heinous offence: - The Times of India "

(<http://timesotindia.indiatimes.com>

/indiaiNo-ehange-in-law-needed-to-make-acid-attack-a-heinous-offence-CentreJarticleshow/how/5804710.cmsitixyz16kRIYU)

Further, compensation of addresses, with appropriate recompense being awarded. The law is, at present, only looking at offence. Not only do such victims require monetary compensation for medical expenses incurred, and also to live a normal life thereafter, they also need psychological support in the form of rehabilitation mechanisms, for them to be able to cope up with the social stigma posed to them, post the attacks. The state, being one with socialist objectives must look into the well-being of its citizen, in every manner possible, and cannot wash its hands off this duty, by merely punishing the offender.

Sale of acid in the local markets, in any form should also be regulated in a proper manner, and should not be made available over the counters. Further, the proposed Criminal Injuries Compensation board, as proposed by the Law Commission in its reports should be act up at the issues as enlisted above need to be addressed by the legislation making authorities to be able to better administer, what can truly be classified as 'Justice' for the victim. Criminal Injuries Compensation board, as proposed by the Law Commission in its reports should be act up at the issues as enlisted above need to be addressed by the legislation making authorities to be able to better administer, what can truly be classified as 'Justice' for the victim.

CONCLUSION

The success of any law is determined by its implementation. Most stringent of laws will be of no avail if they are not properly implemented. The Criminal Law (Amendment) Act, 2013 has brought positive changes in the laws against acid violence. Prior to the Act, no provision of strict punishment was there to punish the culprits and either no or a compensation of a very meagre amount was used to be given to the victim. The amendment made special laws to punish the culprits and also provided for the provision of providing medical aid to the victim. But, framing of laws is never enough unless it is properly executed. The Indian Judicial System is overloaded with cases. It takes years for the trial to take place. In addition to this, lawyers try to delay the prosecution of the accused by requesting the Court to extend the date of trial. As a result of this, case remains pending for years and the criminal is not punished for his acts for years in spite of the stringent laws. Thus, a separate Tribunal or Bench can be formed to look after the cases of acid attacks. Such a body will be exclusively reserved for such cases which will ensure quick deliverance of justice and aid to the victim. The decision of the Tribunal or Bench should be binding and final which will save the victim from various appeals in different

courts of the country.

In addition to the stringent penal laws, provisions have also been made to regulate the sale of acid. The acids used for attacks are easily available as they are used in domestic use as well as for scientific and research purposes. A monitoring system should be formed to check the effective implementation of the rules by the people.

Many people in the country (particularly the shopkeepers and retailers) due to illiteracy or ignorance have no knowledge of the new rules of regulation on sale and purchase of acid. Steps should be taken by the government to make people aware of the new rules. The Criminal Law (Amendment) Act, 2013 is a welcome act which has brought positive and effective changes. Justice can never be delivered to the victim unless the law is properly implemented. Thus, steps should be taken to effectively execute the new laws to curb such a violence.

CHAPTER 5

PROTECTION OF WOMEN RIGHTS

Police department in a country should ideally be a safe harbor for the citizens of the country and should play a proactive and pivotal role to nab and curb criminals and crime. But in India this view exists only on paper and not in practical world. The police response to violence against women is grossly inadequate and inappropriate, even in the contemporary India, where women are emerging as leaders. The cult of masculinity prevalent in the department makes the police officers hold some stereotypes about violence against women. The stereotypes lead to certain standard patterns of police response. For example, one of the most common response of police with respect to violence against women is that it is victim-precipitated. Women ask for rape/sexual violence by provocative mode of dress and behavior or by going out after dark or going to shady and lonely places.⁹³ The police often aggravate the trauma of the victims. Generally, they are insensitive in their behavior with the victim, despite various Supreme Court guidelines on the issue. Instead of addressing her pain and trauma, they aggravate the same and set examples and precedents in the society for not reporting such crimes. That is why most of the crimes against women are not reported. Acid victims also feel reluctant to report acid attacks to the police because they fear the harassment and the ridicule from the police officers. Officers may frame acid violence investigations in terms of a woman's sexual history and questions of morality.⁹⁴

Corruption flows through the veins of the Police Department of India and is manifested at each and every level. Several acid attack victims reported that their attackers bribed the police officers with money in order to influence investigation. For example Jacqueline Asha claims her attacker gave the police a bribe; thereafter she faced threats from the officers to withdraw the case.⁹⁵ In order to deal with the insensitivity of police officers in cases of violence against

⁹³NCW Report retrieved from <http://ncw.nic.in/pdfrePorts/gender°/020sensitization%20of%20police%20officers.pdf>

⁹⁴Campaign and Struggle against Acid attacks on women (CSAAAW), Burnt not defeated 21-22(2007)

⁹⁵Avon Global Centre for Women and Justice at Cornell Law School, the Committee on International Human Rights of the New York City Bar Association, The Cornell Law School International Human Rights Clinic, The Virtue foundation.(2011).Combating Acid Violence in Bangladesh, India and Cambodia available at www.ohchnorg/Documents/HRBodies/CEDAW/HarmfulPractices/AvonGlobalCentreforWomenandJustice.pdf.

women, Críminál (Amendment) Act, 2013 introduced provisó has been added to Sección 154 which deals with recording of Fírst Ínformation Report. As per thís provisíon, ín cases of víolence against women, statement of the víctím shall be recorded by the women pólice officers. But problem here lies on the fact that there are very few women pólice officers ín the Índían Pólice Department. Ín the year 2011, there were no women pólice officers at all ín the state of Mízoram⁹⁶. Furthermore, merely employing female pólice officers wíll not solve the problem to íts core. Women ín the pólice department must get the traíníng, support and confídence needed to put them on a par ín every sense with theír male counterparts.⁹⁷ Beíng the protectors of the cítzens, moral traíníng should also be emphasized during theír traíníng períod. They should be gíven a true ínsíght of theír job and duty, to not only fíght against críme, but to help the fellow cítzens.

5.1 Ensuring Implementation of Laws Designed to Combat Acid Violence

As noted, there is currently no law in effect specifically addressing acid violence. For the reasons noted above, the design and structure of existing laws are not adequate to combat acid violence. As in the Bangladeshi criminal justice system, there are endemic problems, including corruption and a lack of resources, in the Indian system inhibiting appropriate investigation of crimes, protection of victims, and punishment of perpetrators.

One problem that affects acid attack prosecutions is the lack of adequate numbers of judges in India. An estimate puts the judge-to-person ratio in India at 12.5 judges per one million People.⁹⁸ The ratio in India is lower than that of other countries; in the United States there are 107 judges per one million people; in Canada there are 75 judges per one million; and in Britain there are 51 judges per one million.⁹⁹ In India, it may take many years for courts to hear and

⁹⁶Editorial.(2013,March8)Women in the Police. The Hindu retrieved from <http://www.thehindu.com/opinion/editorial/women-in-the-police/article4485344.ece>

⁹⁷Ibid.

⁹⁸PRS LEGISLATIVE RESEARCH, VITAL STATS: PENDANCY OF CASES IN INDIAN COURTS 2 (Center for Policy Research 2009), available at <http://www.prsindia.org/administrator/uploads/general/1251796330—Vital%20Stats%20-%20Pendancy%20oP/020Cases%20ie/020Indian%20Courts%2026Aug2009%20v10.pdf>.

⁹⁹COMMITTEE ON REFORMS OF CRIMINAL JUSTICE SYSTEM, GOV'T OF INDIA, MINISTRY OF HOME AFFAIRS, REPORT VOL. 1 ('MAILMATH COMMITTEE REPORT') 18-19 (2003), available at http://indialawyers.files.wordpress.com/2009/12/criminal_justice_systempdf [hereinafter MAILMATH COMMITTEE REPORT].

decide cases. Such delays tend to hurt prosecutions' cases, as victims and witnesses lose interest and as physical evidence deteriorates or disappears.¹⁰⁰ Indeed, 41.8% of IPC cases reported resulted in convictions,¹⁰¹ a figure much lower than the 90% or more conviction rate in criminal cases of countries such as the United Kingdom, the United States, France, Japan, and Singapore. Below we discuss specific concerns faced by acid attack victims in their interactions with the criminal justice system.

5.2 Investigation

Acid victims note that they are reluctant to report acid attacks to the police because they fear harassment and ridicule from police officers. Some police officers espouse blatantly sexist views. For instance, an advocate recounted that one police officer, when asked why he felt that certain women are attacked with acid, answered: "These women dress up like boys. What do they expect?"¹⁰²

Additionally, officers may frame acid violence investigations in terms of a woman's sexual history and questions of morality.¹⁰³ For example, an investigating officer blamed one victim for the acid attack against her, saying that she instigated the crime by engaging in a series of "affairs" with co-workers, which led to one of the co-workers throwing acid at her.¹⁰⁴ The Delhi Deputy Commissioner of Police, who believes that acid violence is a form of gender based violence, agrees on the need to more broadly "sensitize the police force" to 'the specific issues faced by acid attack victims.'¹⁰⁵

Additionally, some police officers are susceptible to corruption. Indeed, several acid attack

¹⁰⁰See Interview with Judge Subhash B. Adi, High Court of Karnataka, in Bangalore, India (Jan. 20, 2010) (on file with Avon Global Center).

¹⁰¹See MAILMATH COMMITTEE REPORT, supra note 290, at 12-13
See BURNT NOT DEFEATED, supra note 5, at 46
Interview with Usha, supra note 151.

¹⁰²See MAILMATH COMMITTEE REPORT, supra note 290, at 12-13
See BURNT NOT DEFEATED, supra note 5, at 46
Interview with Usha, supra note 151.

¹⁰³See BURNT NOT DEFEATED, supra note 5, at 47

¹⁰⁴Id. at 48

¹⁰⁵E-mail message from Sagar Preet Hooda, Deputy Commissioner of Police, Delhi Police, May 2010, in response to a query posted by the KRITI Team on the Resource Team and Members, Solution Exchange for Gender Community - an initiative of UN agencies in India.

victims reported that their attackers bribed the police with money in order to influence investigations. For example, Jacqueline Asha claims her attacker gave the police a bribe; thereafter she faced threats from the officers to withdraw the case.¹⁰⁶

5.3 Protection

There are several documented cases in which acid attack victims have received inadequate police protection even when they have complained of harassment by their perpetrators prior to the attack. For instance, acid violence victim Shri Mahaveer Singh filed a police complaint stating that a man was harassing her and threatening to kill her, abduct her, and throw acid on her if she did not marry him.¹⁰⁷ Her father requested that police protect his daughter from harm and included the name and description of the man harassing Shri in his complaint.¹⁰⁸ The police failed to take any action to protect her, and two later the harasser threw acid at Shri.¹⁰⁹ A subsequent National Human Rights Commission investigation found the police to be negligent in failing to protect Shri and deemed their negligence the proximate cause of the acid burn injuries Shri suffered¹¹⁰. In Dr. Mahalakshmi's case, the police ridiculed her unmarried status when she filed complaints of harassment against the man who later attacked her with acid.¹¹¹

5.4 Prosecution and Punishment

Perpetrators of acid attacks are not effectively prosecuted. Given their extensive caseloads and lack of training, public prosecutors do not have the time or resources to properly investigate and prosecute cases.¹¹² For instance, Gita was unconscious for several days after the attack against her and could not give a statement to the police.¹¹³ Since then she has attempted several times to meet with the public prosecutor, but he has refused to meet with her.¹¹⁴ One High

¹⁰⁶BURNT NOT DEFEATED, supra note 5, at 50.

¹⁰⁷National Human Rights Commission (NHRC), Action Details, File Number 719/30/98-99, 14 September 1998(on file with Avon Global Center) [hereinafter NHRC Action Details File Number 719/30/98-99].

¹⁰⁸Id.

¹⁰⁹Id.

¹¹⁰Id.

¹¹¹BURNT NOT DEFEATED, supra note 5, at 46.

¹¹²Sec Interview with Sheela Ramanathan, Campaign and Struggle Against Acid Attacks on Women (CSAAAW) & Human Rights Law Network (IIRLN) of Bangalore, in Mysore, India (Jan. 18, 2010) (on file with Avon Global Center).

¹¹³Interview with Usha, supra note 151.

¹¹⁴Id.

Court Chief Justice urged more cooperation between victims and prosecutors and allowing victims an opportunity to play a more active role in prosecutions.¹¹⁵

The role of judges is crucial to ensuring that acid attack perpetrators are adequately punished. Gender insensitivity and other structural problems within the Indian judiciary present challenges for the punishment of acid attack perpetrators. In one case, for example, the judge hearing an acid attack case asked the survivor to cover her face when she appeared in court.¹¹⁶ In cases in which judges have imposed stiff punishments on acid attackers, it appears that, in assessing the harm to the victim, judges have given great weight to the fact that the victim has lost her chance to be married and to be a mother.¹¹⁷ Thus, if a judge believes that the perpetrator has prevented a woman from satisfying her traditional role as mother or wife, then the perpetrator is likely to receive a higher sentence.

5.5 Providing Redress to Victims

The Karnataka High Court in a public interest litigation case, ordered the Karnataka state government to give each acid attack victim Rs. 2 lakhs (\$4,522 USD). Further, health officials in Karnataka suggested that they would be willing to compensate victims for additional medical expenses.¹¹⁸ However, there is no central government scheme to provide compensation. The Minister for Health and Family Welfare, Dinesh Trivedi, recently proposed that acid attack victims receive free healthcare and insurance, but no concrete steps have been taken to adopt this proposal.¹¹⁹

Victims in India report unacceptable treatment in government hospitals. In one case, after acid survivor Shanti was admitted to a government hospital with massive burns, she received only an energy drink at the first hospital she visited.¹²⁰ Upon her transfer to a second government hospital, she received an improper treatment regimen of ointments for 18 days.¹²¹ Only after she was transferred to a private hospital was the dead skin appropriately removed.

¹¹⁵Telephone interview with Justice Bannurathum, Chief Justice of Kerala High Court (Jan. 19, 2010) (on file with Avon Global Center).

¹¹⁶BURNT NOT DEFEATED, supra note 5, at 22-23.

¹¹⁷Id. At 58

¹¹⁸See Interview with Dr. Ramesh, Deputy Director, Department of Health, State of Karnataka, in Bangalore, India (Jan. 20, 2010) (on file with Avon Global Center).

¹¹⁹Aarti Dhar, Free Treatment Proposed for Acid Attack Victims, HINDU, Nov. 24, 2010, 2010 WI-NR 23353857. BURNT NOT DEFEATED, supra note 5, at 22-23.

¹²⁰Id.

¹²¹Id.

The unacceptable quality of treatment can be attributed in part to the lack of facilities for proper care. Most government hospitals in India, like those in the other countries studied, do not have plastic surgeons or medical facilities necessary to conduct necessary procedures for acid survivors.¹²² For instance, in Bangalore, India, the Burn Center at the primary public hospital has 60 beds a region with a population of over 12 million people.¹²³ In addition, there is a shortage of plastic surgeons in the country. According to one medical expert, there are only around 2,500 plastic surgeons in a country of one billion people.¹²⁴

Even if there were more trained professionals, hospitals do not have the facilities and equipment to support them.¹²⁵

In addition to the lack of adequate facilities, government hospitals in India have routinely denied admission and treatment to acid attack victims. According to CSAAAW, in the State of Karnataka, India, hospitals denied admission to 80% of the acid attack victims they studied.¹²⁶ In other cases, despite admitting victims to government facilities, health professionals may refuse to treat them.¹²⁷

5.6 What more is needed in India

Though violence against women continues to increase in India the law the criminal justice system has in many ways failed to respond to or deal effectively with it. Indeed, in crimes against women the rate of conviction is reported to be less than 4 percent. Very little effort, both in terms of making the law of more sensitive to women and in terms of enforcing it has been made in the past few years by the State to actually curb or deal with the violence. Women at therefore continue to suffer without adequate legal or other redress. Though some amendments took place in the early eighties, the substantive laws relating to violence against women are inadequate and do not reflect the various kinds of violence women experience. The Law Commission had suggested various reforms in both the substantive and procedural laws as far back as 1980, but a significant number of these suggestions were ignored by the State. Not

¹²²Id.

¹²³See Interview with Dr. Satish, supra note 12.

¹²⁴Id.

¹²⁵Id.

¹²⁶BURNT NOT DEFEATED, supra note 5, at 39.

¹²⁷Id. at 21-22.

only the law but social ethics must also be reformed to deal with the problem. Despite the constitutional mandate of equal legal status for men and women, the same is yet to be realized. The de jure laws have not been translated into de facto situation for various reasons such as illiteracy, social practices, prejudices, cultural norms based on patriarchal values, poor representation of women in policy-making, poverty, regional disparity in development, lack of access and opportunity to information and resources, etc. The ground situation more or less remains the same. The awareness on laws and access to justice remains dismal. At the district and the state level sensitivity on women rights among judicial officers, administration and the police are very low. This leads to a situation where the implementation of the law becomes difficult. Recently India has increased its budgetary support for the implementation of various laws on violence against women

Since the problem of violence against women is a complex one, interfacing with many different social and economic factors that entrench gender inequality, law reform in India must be holistic.

Our country has complex legal systems, derived from many sources because of its historical experience spans many centuries. Religious custom and colonial legal norms have combined to entrench discriminatory legal values, and these need to be removed to provide a normative structure, and harmonize with women's rights recognized in international law and national Constitution. These studies demonstrate clearly that reform of laws on violence against women are incomplete, and can at best have limited impact, when discrimination is entrenched in other connected areas.

The Police department in a country should ideally be a safe harbor for the citizens of the country and should play a proactive and crucial role to nab and curb criminals and crime. But in India, this view exists only on paper and not in the practical world. The police reaction to violence against women is revoltingly minimal unbefitting, even in the modern India, where women are rising as leaders. For example, one of the most common responses of police in respect of violence against women is that it is victim-precipitated.

They keep asking all kinds of immaterial questions like about the dress code, why roaming in the darkness etc., as a result of that escalating the trauma of the victim. They are unsympathetic

in their manners to deal with the victims of rape and other kinds of violence against woman, notwithstanding Supreme Court's strict guidelines on the issue. Acid victims also feel grudging to report acid attacks because they dread the harassment and the mockery from the police officers. Officers may orchestrate acid violence investigations in terms of a woman's sexual history and questions of ethics.¹²⁸ Several acid assault victims stated that their attackers suborned the police in order to influence the investigation. In order to deal with the callousness of the police officers in instances of violence against ladies, Criminal Amendment Act, 2013 introduced a proviso in Section 154 offers with the recording of the First Information Report. According to this provision, in instances of violence against ladies, assertion of the victim should be recorded in the front of a ladies police officer. But there are very much less of women police officers in the Department. Women police officers need to be trained to deal with the be counted sensitively. Moral training need to additionally be emphasized. They need to be taught the importance of their job, to now no longer handiest fight against crime however additionally to assist the fellow citizens.

5.7 Before the passing of the Criminal Amendment Act, 2013.

The humans accused of the acid assault had been now no longer seriously punished, partially they had been booked beneath harm which invited a minimum punishment of three years, moreover, they had been additionally launched on bail easily. Sufficient compensation became additionally now no longer paid to the victims. In *Ravinder Singh vs. State of Haryana*¹²⁹ case acid was poured on a woman by her husband for refusing to give her divorce. The husband was involved in the extra-marital affair. Due to this attack, the victim suffered multiple acid burns on her entire body, which later led to her death. The accused was charged under Section 307 of the IPC. However, life imprisonment was not imposed even though the victim died. In *Syed Shafique Ahmed vs. State of Maharashtra*¹³⁰ a personal enmity with his wife was the reason behind a horrific acid attack by the husband on his wife as well as another person. This caused disfigurement of the face of both the wife as well as that of the other person and loss of vision of the right eye of the wife. The accused was charged under Sections 326 and 324 of the IPC and was awarded Rs. 5000 as fine and 3 years imprisonment. This case again shows that the punishment that is often awarded does not take into account the deliberate

¹²⁸ Campaign and Struggle against Acid attack on Women (CSAAAW), Burnt not defeated 21-22 (2007)

¹²⁹ *Ravinder Singh v. State of Haryana* SC 856 AIR (1975)

¹³⁰ CriLJ 1403 (2002)

and gruesome nature of the attack and rests on the technicalities of injuries. This shows the callousness and insensitive nature of the judiciary. But time has changed, and after Laxmi Agarwal filed a PIL in the Supreme Court, the Court also laid down some important guidelines, these are:

1. Counter sale of acid is absolutely prohibited, until and unless the vendor maintains a record which contains the name of the purchaser.
2. No acids should be sold to a person who is below 18 years of age. Proper ID card should be shown by the consumer at the time of acquiring the acid.
3. All the stock of acids should be confirmed by the vendor with the concerned Sub-Divisional Magistrate within a time of 15 days. If it is not affirmed, then the goods will be sequestered by the Sub-Divisional Magistrate and a fine of Rs. 50000 will be imposed on him.
5. The acid victim should be specified a compensation of at least 3 lakhs from the concerned State/Central Government as the aftercare and rehabilitation cost. Of this amount, a sum of Rs 1 lakh shall be paid to the victim within 15 days of the phenomenon of such incident to lubricate instant medical concentration and the rest 2 lakhs must be given within two months as early as possible.

The role of judges in confirming that the criminals of this crime are effectively penalized and brought to justice and effectively redressing the dilemma of the victims of such attack and to hamper others from resorting to the same is indubitable. Indian Judiciary has come a long way while dealing with acid attack cases. But some problems still persevere. One of the problems that affect the prosecution of the acid attack cases is the lack of judges in the Country. An estimate puts the judge to person ratio in India at 12.5 judges per one million people. The problem with such low ratio of judges is that it takes the inordinate retard to incline of the cases and 'justice delayed is justice denied'¹³¹. It takes years for courts to dispose of the cases thereby totally exhausting the purpose of the prosecution. Gender insensitivity at lower levels of the judiciary also poses a major challenge while dealing with the acid attack cases.

5.8 Financial Compensation and other benefits to the victims

The constitution of India guarantees the right to life and liberty of every individual

¹³¹ Acid Offences Prevention Act, 2002.

under Article 21. This has been interpreted to include the right to live with dignity and would encompass the right to live with dignity of all including victims of acid attacks.¹³² Article 41 of the constitution lays down that the state shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of underserved want.¹³³ The rehabilitation of the victims also becomes an important issue. The supreme court in its order dated 18.07.2013 directed that the acid attack victims shall be paid a compensation of at least Rs. 3 lakhs by the concerned State government/union territory as the after care and rehabilitation cost, out of which a sum of Rs. 1 lakh would be paid to the victim within 15 days of the occurrence of such incidence to facilitate immediate medical attention and expenses in this regard. The court also directed that in case of any compensation claim made by any acid attack victim, the matter would be taken up by the district legal service authority, which would include the district judge and such other co-opted persons who the district judge felt would be of assistance, particularly the district magistrate, the superintendent of Police and the civil surgeon or the chief medical officer of that district or the nominee and the said body would function as the criminal injuries compensation board for all purposes. On 21.08.2015 the central victim compensation fund was created with an initial corpus of Rs. 200 crores, the main objective is to promote special financial assistance up to Rs. 5 lakhs to the victims of acid attack to meet treatment expenses over and above the compensation paid by the state and union territories, the subsequent objectives was to reduce the disparity in quantum of compensation amount notified by different states and union territories for victims of similar crimes and to encourage the states and union territories to effectively implement the victim compensation schemes notified by them under the provision of section 357A of Cr.P.C and continue financial support to victims of various crimes especially sexual offences including rape, acid attacks, crime against children, human trafficking, etc. On 7.12.2015 the court directed that all the states and union territories should consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.

¹³² Lieng Sarith (2013, January 29) First case prosecuted under the new Acid Law, The Phnom Penh Post (retrieved <http://www.phnompenhpost.com/national/first-case-prosecuted-under-new-acid-law>) Electronic copy available at: <https://ssrn.com/abstract=3367773> © 2019 JETIR January 2019, Volume 6, Issue 1 www.jetir.org (ISSN-2349-5162) JETIR1901194 Journal of Emerging Technologies and Innovative Research (JETIR) www.jetir.org 739

¹³³ NALSA (Legal services to victims of acid attacks) Scheme, 2016

In case of *Renu Sharma*, the Delhi High Court directed the Delhi government to provide free medical treatment to the victim and an employment that adequately considers her educational qualification and medical status.¹³⁴

In case of *Amanpreet of Bathinda Punjab*, Punjab Social Security Minister Razia Sultanahad announced Rs. 8000 per month as per state government policy. The state government has undertaken a comprehensive policy to make acid attack victims self-reliant, financial assistance of Rs. 8000 per month is provided to the acid attack victim. The only condition for getting the grant is this that the disability must be up to the level of 40% or more, the victim must possess the disability certificate.¹³⁵

The Department of Personal and Training (DoPT) has directed all central government departments to ensure that one per cent of each posts be reserved for people with blindness and low vision; deaf and hard of hearing; locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy the disability must be up to the level of 40% or more. The move to enhance reservation quota for those with learning disability and acid attack victims comes after passage of the Rights of Persons with Disabilities Act, 2016, and the notification of relevant rules in this regard.¹³⁶

An additional financial assistance of Rs. 1 Lakh from the Prime Minister National Relief Fund has been approved by Prime Minister Narendra Modi with an aim to provide immediate relief to the acid attack victim. This additional assistance provided from PMNRF will be over and above the amount of the scheme prepared by the National Legal Services Authority (NALSA) in consultation with Centre.¹³⁷

5.8 Conclusion

Acid attacks are the most pernicious form of violence that is resorted to and is mostly gender specific. While acid attacks are reported in many parts of the world, the incidents of acid attacks in India have been on the rise. Although commencement of law reforms in the acid attack legislation is a positive sign, yet there is a long way to go, as

¹³⁴In the high court of Delhi at New Delhi W.P.(C) 2229/2016

¹³⁵The Pioneer, Saturday 19, August, 2017 Chandigarh

¹³⁶The Economic Times, January 28, 2018

¹³⁷The Indian Express, February 3, 2017

to effectively implement these provisions. Though it is admitted that once a new legislation is enacted, it takes time to settle and is subsequently evolved by the dynamism of judiciary, some of the shortcomings faced prima facie needs to be addressed. The current acid attack provisions and judicial approach to the quantum of damages are very restricted in view of nature and the gravity of the offence. In this paper, the researcher focusing extensively on the physical, psychological and economic effects that has on the victims. A discussion has also been carried out on the lacunae in the Indian Law and how essential it is to have a specific law in this regard. This crime appears to be a premeditated one which requires a tremendous ill-will on the part of the perpetrator, and therefore, should be punished severely. In addition to this, a sound compensation for the victim is a vital provision for enforcing justice. The compensation is very vital as the victim had to undergo several surgeries and various medical treatments. The compensation amount should be enough to have a good medical treatment followed by quick redressal from the government agencies. Another important aspect which requires immediate consideration is the formation of new rehabilitation schemes. Better job opportunities, training etc., should be imparted to the victims of such crimes, enabling them to at least meet their day to day livelihood needs. There are some measures which can be taken to curb acid attack. Women should come forward to improve conditions of the acid attack victims. Another effective measure could be greater awareness and more sensitive and mature handling of these cases by the media. It is our sincere hope that the dismal condition of the legal apparatus with regard to acid attacks can be improved; so that the victim's problems can be assuaged and the Indian society becomes a safer place for women. It is time to seriously ponder over these above questions. The government should take more corrective measure on the sale of acid over the counter, as per the current status the shopkeeper had to maintain a ledger or register containing the details of person to whom it is sold and in how much quantity.

The buyer had to produce government ID card and should be above 18 years. The shopkeeper had to produce the ledger in front of the sub-divisional magistrate (SDM) within 15 days but in case of undeclared stock of acid and improper ledger maintenance only a fine is imposed up to Rs. 50,000, it must be followed by severe imprisonment also. The educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, which are required to keep and store acid/corrosive, shall maintain a register of usage of acid and the same shall be filed with the concerned SDM. Some check points must be imposed in these above-mentioned places because in most of the cases acid has been managed from these places. The government should impose a severe punishment and the trial procedure should be

minimized, because in India most of the accused persons taken the advantage to long trial procedure.

CHAPTER 6

REHABILITATION OF VICTIM IN THE SOCIETY

An acid attack has long-lasting consequences on the life of the victim who faces perpetual torture, permanent damage and other problems for the rest of her life. Victims normally feel worthless, afraid and modified and become social outcasts because of their appearance. They may become too traumatized and embarrassed to walk out of their house and carry out simple tasks. Even if they are willing to pursue a normal life, there is no guarantee that society itself will treat them as normal human being give their appearance and disabilities after such an attack. They may not be able to work, or able to find a job, and thus perpetually struggle to survive¹³⁸.

Acid attacks are as one of the most vicious crimes as it causes perpetual suffering to the victim. As acid melts the flesh and even the bones of a person, it causes an unparalleled degree of pain to the victim and leaves her mutilated and scarred as well as giving permanent disabilities at times such as blindness. Victims face lifetime physical, social, psychological and economic consequences.

The consequences of acid attack have been well documented and include the following:

- (a) Acid eats through two layers of the skin, i.e. the fat and muscle underneath. Sometimes it not only eats through the bone but it may also dissolve the bone. The deepness of injury depends on the strength of the acid and the duration of contact with the skin. Burning continues until the acid is thoroughly washed off with water.

¹³⁸ "BASELINE SURVEY WITH INTERNATIONAL COMPARATIVE ANALYSIS OF THE LEGAL ASPECTS OF ACID VIOLENCE IN UGANDA." Commissioned by: Acid Survivors Foundation Uganda with funding support from the US Democracy & Human Rights fund, Legal Consultant : Rachel Forster, November, 2004.

- (b) Thrown on a person's face, acid rapidly eats into eyes, ears, nose and mouth. Eyelids and lips may burn off completely. The nose may melt, closing the nostrils, and ears shrivel up.
- (c) Acid can quickly destroy the eyes, blinding the victim. Skin and bone on the skull, forehead, cheeks and chin may dissolve. When the acid splashes or drips over the neck, chest, back, arms or legs, it burns everywhere it touches.
- (d) The biggest immediate danger for victims is breathing failure. Inhalation of acid vapours can create breathing problems in two ways: i.e. by causing a poisonous reaction in the lungs or by swelling the neck, which constricts the airway and strangles the victim¹³⁹

When the burns from an acid heal, they form thick scars which pull the skin very tight and can cause disfigurements. For instance, eyelids may no longer close, the mouth may no longer open, and the chin becomes welded to the chest.

Victims of attacks do not only undergo severe physical trauma but also undergo traumatic changes in the way they feel and think. Psychological trauma is caused by both terror victims suffer during the attack, as they feel their skin burning away, and after the attack by disfigurement or disabilities that they have to live with for the rest of their lives. Victims suffer psychological symptoms such as depression, insomnia, nightmares, fear about another attack and/or fear about facing the outside world, headaches, weakness and tiredness, difficulty in concentrating and remembering things, etc. They feel perpetually depressed, ashamed, worried and lonely.

Victims suffer severe psychological symptoms for years, if not forever, because they are reminded every day of their physical scars. The feeling of lack of hope and worth may never leave them¹⁴⁰.

Victims face a lifetime of discrimination from society and they become lonely. They

¹³⁹ Lawcommissionofindia.nic.in/reports/report226.pdf

¹⁴⁰ Ibid.

are embarrassed that people may stare or laugh at them and may hesitate to leave their homes fearing an adverse reaction from the outside world.

Victims who are not married are not likely to get married and those victims who have got serious disabilities because of an acid attack, like blindness, will not find jobs to earn a living. Discrimination from other people, or disabilities such as blindness, makes it very difficult for victims to fend themselves and they become dependent on others for food and money.

It has therefore been argued that acid attacks need to be classified as a separate offence and harsher punishment needs to be prescribed. It has been further stated that the new law must include guidelines for handling/supporting victims economically, socially and psychologically as well as compensation. It is relevant to mention that in 2006 CSAAAW filed a Public Interest Litigation in the Karnataka High Court seeking a court order to the State Government to ensure speedy and gender-sensitive trials for victims of acid attacks as well as better medical treatment and rehabilitation. The CSAAAW also demanded the production, distribution and storage of toxic acids be strictly monitored by the State.¹⁴¹

In fact, the Declaration on the Elimination of Violence against Women 1993 stipulates that: "State should condemn violence against women and pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

- (a) Developed penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence.
- (b) Ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling and health and social services, facilities and programs, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

¹⁴¹ The Hindu, Acid Attack victims yet to get assistance, 27.03.2015

- (c) Include in government budgets adequate resources for their activities related to the elimination of violence against women.¹⁴²

It can thus be seen that, acid throwing is an extremely violent crime by which, the perpetrator of the crime seeks to inflict severe physical and mental suffering on his victim. As stated above this kind of violence is often motivated by deep-seated jealousy or feelings of revenge against a woman. And choosing acid attack as a way to assault the victims, usually the fair sex since the importance of women's physical beauty as a means to social acceptance is known to all. Reports of acid attacks as a means of retaliation by rejected suitors demonstrate the importance of physical beauty in women's social acceptance.¹⁴³

In India, some women have been attacked by acid after refusing the advances or rejecting arranged marriage proposals, or because the dowry women brings to a marriage is not large enough. When desire and sex motivating factor, acid is thrown at genitals and the breasts as well as women's face, so as to disfigure what of utmost importance to woman¹⁴⁴.

Such crimes scar the entire life of the victim, emotionally, physically and psychologically. It is often seen that someone known to the victim is the one who dares to commit such a heinous crime.

Based on one to one interaction, here are a few questions I asked from an acid attack survivor which give an insight to the pain and sufferings a survivor goes through.

6.1A Case Study:

6.1.1 Details of the survivor: -

Reshma Khan, 34, an acid attack survivor currently working at Sheroes Hangout, Lucknow.

¹⁴² [Book.google.co.in/books?isbn=8190668749](https://books.google.co.in/books?isbn=8190668749), K. Jaishankar Natiron'el, South Asian Society of criminology and victimology International Conference, 2011, p.315

¹⁴³ Andrea Parrot, Nina Cummings, "FORSAKEN FEMALES; THE GLOBAL BRUTALIZATION OF WOMEN" ROWMANAND LITTLEFIELD PUBLICATION, UK, 2006 pp.38-39. books.google.co.in/books?isbn=8190668749 K. Jaishankar Natiron'el 2011, South Asian society of criminology and victimology international Conference

¹⁴⁴ Ibid.p316.

6.1.2 Date and place of the crime committed: -

The survivor from Kaimganj, District Farrukhabad, Uttar Pradesh was at her parents' house with all her family members around, where she became the victim of such a heinous crime around 6: 30p.m on 11th February 2011.

6.1.3 Who committed the crime, reason for the crime committed and relation between the victim and the offender?

The crime was committed by the husband (Qamar Alam) of the survivor. According to the victim/survivor her husband was not a person of good character and was involved in sexual activities with other females, also the offender use to ill-treat and harass the victim, she was mentally and physically abused by her own husband. On these grounds the victim took divorce and started living with her parents at the time the crime was committed. The divorce was finalised and completed in December 2010 and the crime was committed in January 2011. The victim was separated from her husband at the time, when the crime was committed.

6.1.4 Role of police officials in registering the crime reported. How prompt and cooperative were they? Were they helpful or reluctant?

Yes, the crime was reported to the nearby police station. The police took immediate action and arrested the offender for the cognizable offence committed. The police were cooperative with the victim and arrested the offender on the same night when the crime was committed from his house, where he was sitting peacefully, without any guilt.

6.1.5 What do you consider as the main reason for men doing acid attack?

The main reason for acid attack generally is the jealousy from the other person and when their ego and anger overpower their sense of personal judgment. The victim's husband was jealous and angry, because she divorced him, so he wanted to ruin the life of his wife, so that she cannot live a peaceful life after being separated. He tried to teach her a lesson and scar her rest of the life so that she cannot remarry or live her life on her own will and conditions.

6.1.6 Was legal aid provided to the victim? Role of the Judicial Courts in providing justice to the victim?

Yes, the victim appointed a personal legal advisor for her case. The victim clearly feels that the proceedings of the court are a long and tedious process. The victim had to face various financial and health issues due to the attack, this being the main reason the victims cannot cope with the long and tedious proceedings. According to the victim, such cases should be categorized among the fast track cases and the victim should be provided justice at the earliest. The victim also feels that justice was not provided to her, where the offender was awarded a punishment of merely 3.5 years imprisonment, for which the victim is not satisfied and felt that the punishment was not as grave as the crime committed. Due to financial constraints and the long and tedious proceedings, the victim was not in favour of moving to the higher courts like High Court or Supreme Court, as the victim feels that the judicial system somewhere lacks in providing justice to the acid attack victims/survivors. She also gave examples of other victims who have their cases pending since 6 years or more which discourages her even more to file a case in any higher court.

6.1.7 Is acid attack more popular in poor families?

No, acid attack is not something which is popular in either poor or rich families. The easy availability of acid makes it easy for the offender to commit such crime. Also, the lack of adequate laws and punishment make this crime easy to commit and get through the punishment.

6.1.8 What punishment would you want to be given to the malefactor?

The victim does not feel that justice was served in her case. For an acid attack no period of imprisonment could serve justice. Even though the retributive theory of punishment is not prevalent in our country India, the victim clearly has a viewpoint that the pain and suffering she went through due to an acid attack can only be justified when the offender also undergoes the same level of pain and suffering. According to the victim, the offender should be subjected to same kind of pain as he had inflicted on the victim i.e., pouring acid on the offender as well. The victim wants that such grave crime should be dealt with no humanity in the eyes of law.

6.1.9 How effective do you feel is the punishment under section 326A and 326B of Indian Penal Code is for the acid attack criminals and whether it has helped in reducing such crime?

Victim has views against the laws and punishment provided under Indian Penal Code under section 326A and 326B, the punishment is not as grave as the crime and has not helped in reducing the crime of acid attack. Even the sale of acid is not regulated throughout the country which disheartens the victim and dims her faith in the country's law and justice system.

6.1.10 Even after reconstructive surgeries, why do victims either commit suicide or plead euthanasia?

After such acid attacks the survivors go through various changes in their mind, health and body, financial constraints, constant dig by the neighbourhood and relatives. There are many such survivors who do not get help and support from their family members even. Such attacks leave the victim's face scarred for life which the family and the society mock at, get scared of all of it disheartens them and makes them weak physically and emotionally. Not all the survivors have the will power to fight the society and stand-alone against all the odds. Being physically weak, facing constant pain through surgeries, they are unable to fetch a job for themselves, this is where they lose all hope and many of them take such a drastic step like suicide or plead euthanasia.

6.1.11 What is the behaviour of the society towards the victim?

The society gives a mixed attitude towards the victim/survivor some sympathize others feel scared of them. Some constantly stare at the victim making them feel uncomfortable and helpless at times. The society has yet not accepted the survivors whole heartedly. Not everyone is sensitive towards them, some also consider them as a bad omen and try to keep their children away instead of educating their children about such acid attacks. Even after the changing scenario in the country, some people of course have a changed outlook towards the victims/survivors and include

them among themselves whereas there are many parts of the country specially in the rural areas where literacy rate is low and the people are not aware of it, that what acid attack is.

6.1.12 What problems are faced by the victim even after the changing scenario in the country for the acid attack survivors?

In our country where the beauty of the female is judged by their face and aesthetics, where colour of the skin fetches you a job at a front desk. This mindset of the society does not welcome an acid attack survivor for any job which can give them a sense of security and money. A lot has changed over the years for the better, but that is not enough yet and constant awareness and change is required for the betterment of the survivors.

6.1.13 What reforms according to you should be included in our country for handling the cause?

According to the victim, the survivors who are willing to work and are able to work should be provided with a government job and a fixed amount of lifetime maintenance as loss of eye and continuous treatment requires money for the survivors. If the survivors are given proper medical help at the time of such attack with well-equipped hospitals, then the damage to the body can be reduced for which the government should make it compulsory in all the hospitals, including private ones to assign a separate department for the acid attack victims in such cases of emergency, the emphasis here is laid on the adequate and sufficient medical facility. Also, various reforms and relief funds for such victims should be made by the government. Nothing can get their lives back to normal but small steps which makes their life a little less difficult should be worked upon.

The survivor went through various hardships, she underwent 17 surgeries still has her left side of the face completely damaged by acid. Left eye with 0% visibility and right eye with 20% visibility only. The survivor previously before the attack used to run a small stitching business at home, but after the attack, loss of eyesight restricted her to continue with it. The victim's family and friends supported her and stayed with her in difficult times. The offender i.e., her ex-husband is married to another woman and has a daughter with her, even after mere

imprisonment of 3.5 years for such a heinous crime is living a normal life. She is working since 2015 at Heroes Hangout, a café run by the acid attack survivors led by a socio-entrepreneurial project established by Chhanv Foundation promoting stop acid attacks campaign and directly benefiting survivors of acid attacks. More of such campaigns and NGOs are needed to work for the betterment of the acid attack survivors.

The effect of acid on the body is immediate and irreversible. The initial injuries caused by acid burns to the face and upper body result in permanent scarring, which can severely restrict movement and make simple tasks such as eating and drinking extremely difficult. Survivors also risk infections and complications from external or internal injuries, which can be exacerbated by poor treatment. Hydrochloric, sulphuric and nitric acids, often used as cleaning products, are also cheap and accessible weapons. These highly corrosive substances rapidly dissolve skin tissues, fat and muscle when they come into contact with the body. Within seconds of an acid attack, the physical effects become irreparable and severe. Until acid is severely washed off with water, acid will continue to burn and penetrate the skin and its subsequent layers of tissue and cause serious organ damage as well as dissolving of bones if not washed off thoroughly, when it stays on the skin for a little longer period of time can also dissolve the underlying bone.

Acid causes extreme, instantaneous injuries and an "unparalleled degree¹⁴⁵ tissue in much the same way that it burns through skin, damaging and of Pain." In most cases, acid is also inhaled by the victim and attacks internal producing a toxic reaction in the lungs and causing immediate swelling in the throat. A person attacked with acid is therefore likely to experience breathing difficulties in the moments following the attack.¹⁴⁶

Acid thrown on to the face has a particularly devastating effect since it causes irreversible damage to the parts of the body most commonly used for social interaction, communication, and sensory perception. Acid will quickly burn through the soft tissue of the eyeball, causing blindness or the eye entirely. Acid burns rapidly through lips and eyelids even destroys and the loss of cartilage in the nose, causing the nostrils to close. Many survivors are rendered

¹⁴⁵Nick R. Waldron et al., "Acid Violence in Cambodia: The Human, Medical and Sure Implications," Burns (2014)

¹⁴⁶Id. at 9.

permanently deaf as a result of acid entering the ear canal or melting the tissue surrounding the ear. If acid reaches the scalp, it will melt follicles and cause irreversible hair loss.¹⁴⁷ In some cases acid is ingested, either forcibly or as a means of committing suicide. When acid is swallowed, it is likely to produce "superficial injuries to the oesophagus and deep injuries to various portions of the stomach."¹⁴⁸ According to the U.S. National Library of Medicine, short-term effects of acid poisoning include breathing difficulty due to swelling of the throat and vomiting blood.¹⁴⁹ Acid to significant ingestion frequently morbidity and mortality¹⁵⁰

6.2 Targeted Areas

When acid is used as an instrument of violence, it is most commonly aimed at the face.¹⁵¹ The upper arms, neck and chest are also frequently injured because of their proximity to the face, while areas not located near the face, such as the legs and feet, are usually less affected. Bystanders are also often harmed, either because they were standing near the victim at the time of the attack, or because, in attempting to help the victim, acid comes into contact with their skin.

6.3 Scarring

Within days of the attack, thick scars start to form over burned areas, stretching and contorting the surrounding skin. This can affect the face by, for example, permanently forcing the eyes open.¹⁵² If the mouth is affected it can be forced closed with lips fused together, or forced open with teeth exposed. In either scenario, eating becomes extremely difficult. Cheeks can be left scarred and deformed. Acid causes the pores of the skin to melt and, after some time, survivors'

¹⁴⁷ Law Commission of India, *The Inclusion of Acid Attacks*, 10..

¹⁴⁸ Gary E. Penner, "Acid Ingestion: Toxicology and Treatment," *Ann Emerg Med* 9 (1980): 37

¹⁴⁹ U.S. National Library of Medicine "Hydrochloric Acid Poisoning," <http://www.nlm.nih.gov/medlineplus/ency/article/002498.htm> (accessed 6 March 2020).

¹⁵⁰ Jan-Werner Poley et al., "Ingestion of Acid and Alkaline Agents Outcome and Prognostic Value of Early Upper Endoscopy," *Gastrointestinal Endoscopy* 60 no. 3 (2004) 372.

¹⁵¹ While the face is the most common target, the gender-specific nature of acid violence in India means that perpetrators also sometimes intentionally target the genital and breasts presumably in some cases, because expresses patriarchal ownership of the victim's body and corresponding entitlement to deny the victim her right to sexual autonomy.

¹⁵² I.d. at 10

skin becomes incredibly dry.¹⁵³ The neck and chest often become heavily scarred, with some survivors' skins becoming fused with their chests. There is often extensive scarring in the breast area and on the arms. Scars can cause permanent disabilities if they form and stiffen around joints or parts of the body that require freedom of movement, such as the neck, shoulders and armpits.¹⁵⁴ Prompt surgery and many months (if not years) of physiotherapy are required to maintain elasticity in scar tissue if these areas are affected. This is an absolutely critical part of medical treatment, a fact that is little understood. Without ample and effective physiotherapy, survivors may not be able to move their neck or upper arms, rendering them disabled in these areas.

6.4 Infection and Complications

There is a high risk of infection (such as septicaemia and gangrene) or complications due to internal acid injuries during the weeks and months following the attack, which can lead to further infection or even death.¹⁵⁵ In a recent study on the medical treatment and surgical implications of acid attacks in Cambodia, five (two percent) of the tested patients died during or after the treatment. The causes of death were sepsis (two cases), pulmonary oedema, complications relating to an anaesthesia, and suicide.¹⁵⁶

6.5 Further Injuries Resulting from Poor Treatment

Burns and infections can all be exacerbated by poor treatment. For example, negligent or inappropriate physiotherapy can lead to contractures (shortening of muscles or joints, causing them to become rigid and deformed). Similarly, treating burns with improper substances and materials, such as coconut oil or blankets, can cause irreparable damage.¹⁵⁷

6.6 Medical Treatment

¹⁵³ <http://www.stopacidattacks.org/p/medical.html>.

¹⁵⁴ Tatba Zia, "Acid Violence in Pakistan," UCLA Centre for the Study of Women (2013),

¹⁵⁵ Id. at 14.

¹⁵⁶ Waldron et al., "Acid Violence in Cambodia".

¹⁵⁷ Law Commission of India, The Inclusion of Acid Attacks, 8-10.

For most survivors, medical treatment and rehabilitation should incorporate the following elements: emergency treatment, medicines and supplies, physiotherapy, and surgery.

6.6.1 Emergency Treatment

This manual defines "emergency treatment" as the aid given to the survivor in the immediate aftermath of the attack, up to the point at which she is discharged from hospital. Although doctors, nurses, and paramedics should carry out emergency treatment, there is typically a delay between the attack and the arrival of medical professionals. During this period, much can be done to limit the damage caused by acid. Unfortunately, the state has done little to ensure public awareness of acid attacks and emergency care.

Acid Survivors Trust International advises the following immediate measures: Stop the burning process by first removing affected clothing (unless clothing is stuck to the patient) and then thoroughly dousing the affected areas with water for at least 30 minutes. Survivor should be taken to the nearest running water source and water should ideally be at room temperature. Attempt 1- to neutralise the acid by applying an alkaline solution to the affected area (bi-carbonate of soda and water, for example). The patient should be taken to a medical facility as soon as possible, where treatments should be conducted in a sterile environment; antiseptic dressing and antibiotics should be administered.¹⁵⁸ Emergency treatment is often severely hampered because doctors do not have the training to address acid injuries. In some cases, doctors have applied incorrect substances, such as oils or blankets, further damaging the skin, extending the recovery period, and increasing the risk of scarring. It is imperative that the initial treatment of an acid burn is based on intensive lavage (washing with water).

The importance of administering prompt medical attention is illustrated in the case of *Haseena Hussain* who, after being attacked with acid by a former employer in 1991, was forced to lie in a hospital bed for three days before receiving any medical attention. As a result, Haseena says that "the acid continued to spread through my body, and deeper. After six months, I lost one ear, after a year and a half I lost my full vision. Today, I'm totally blind."¹⁵⁹

¹⁵⁸16 Acid Survivors Trust international, "Pre-Hospital Approach to Acid and Burns Patient Management," <http://www.acidviolence.org/index.php/acid-violence/first-aid-information/> (accessed 20 March 2020).

¹⁵⁹ Writ Petition No. (s). 867 of 2013 (Parivartan Kendra v. Union of India &Ors.) asserts that Chanchal's father spent Rs. 5 lakhs out of pocket for medicines alone.

6.6.2 Medicines and Supplies

This manual defines medicines and supplies as any prescriptions or medical products procured by the patient or her family. For example, these would include any gel sheets, anti-scar ointments, and pressure garments that survivors need to treat their burns and recover from reconstructive surgeries¹⁶⁰. The costs of medical supplies can be significant. Aarti Thakur, for example, who was attacked in January 2012, paid over Rs. 4,000 for her medication the first year of treatment which is a substantial amount for vulnerable people in India.¹⁶¹ For *Chanchal Paswan*, attacked with acid in October 2012, medication costs exceeded Rs. five lakhs in the first few years of treatment.¹⁶²

6.7 Physiotherapy

Although Indian courts rarely mention physiotherapy as a necessary component of treatment for burns, the medical community has long emphasized the critical role of this aspect of rehabilitation. The World Health Organisation states that "in low and middle-income countries, those who suffer even a fairly small per cent body surface area burn injury to the extremities will often develop significant disabilities from burn wound contractures . . . [which] could be prevented with simple physical therapy (physiotherapy) and rehabilitation methods."¹⁶³

The National Burns Centre explains the complex process of physiotherapy for burns survivors as a "changing process that may need to be modified daily. The physical rehabilitation consists of prevention of scar contracture, restoration of normal range of motion (ROM), prevention and minimization of hypertrophic scar and improvement in muscular strength and cardiovascular endurance and to help the burns survivor to return to function and performances of activities of daily living."¹⁶⁴ In a letter to the editor of the medical journal *Burns* in 2000, a Chennai burn specialist described the role of physiotherapy as follows: The road to recovery from severe burns depends on prompt physical therapy and rehabilitation methods which allow the patient to lead a good quality post burn life. Aims of physical therapy

¹⁶⁰ World Health Organisation, A WHO Plan for Burn Prevention and Care (2008): 5.

¹⁶¹ Priyali Sur, "Indian Government Fails Acid Attack Survivors, Activists Say," *Women Under Siege*, 8 August 2014.

¹⁶² Dinesh C. Sharma, "India Promises to Curb Acid Attacks," *The Lancet* 382 (2013): 1013.

¹⁶³ *Aarti Thakur v. State of Maharashtra & Ors.* WP (2014).

¹⁶⁴ National Burns Centre: Department of Physiotherapy, "Physiotherapy Management in Burns," <http://www.burns-india.com/physiotherapy.htm> (accessed 6 April 2020).

are prevention of contracture, maintaining good joint movements, providing good muscle tone and preventing scarring and deformities. This is achieved by splinting, with active and passive exercises as early as possible.¹⁶⁵

6.8 Surgery

Surgery is by far the most complex and expensive aspect of rehabilitation. The Indian Law Commission reports that "survivors of acid attack need both short-term as well as long-term specialized medical treatments and plastic surgeries"¹⁶⁶ costing many lakhs of rupees.¹⁶⁷ The type of surgery required for acid burns is dependent on the extent and nature of the patient's injuries. Severely injured patients are, understandably, more likely to need a greater number of operations than patients with less severe injuries. The most common surgeries performed on acid attack victims are debridement (removal of dead or damaged tissue), skin-grafting, and z-plasties (improvement of cosmetic appearance of scars).¹⁶⁸ The most difficult aspect of surgery for acid burns is the complex facial surgery. Experts state that the face "represent[s] the most demanding and complex challenge for the reconstructive surgeon [since the face] features three-dimensional structures that are difficult to the construct."¹⁶⁹ The number of surgeries required varies and is highly dependent on the severity of the patient's injuries. While those with relatively mild injuries will typically need no more than 10 surgeries, exceptional cases can necessitate more than 20 surgeries. For example, the case of *Sonali Mukherjee*, who required 22 surgeries after an attack in 2008, has been well documented in the Indian and international press.¹⁷⁰ *Monica Singh*, attacked with acid by a spurned suitor, has undergone over 40 reconstructive surgeries in the nine years since she received her injuries.¹⁷¹ Acid ingestion entails exceptionally complex medical procedures that are so far "poorly understood."¹⁷² Many doctors are unaware of the internal injury pattern of acid and the length of time acid continues to burn, especially since (unlike other corrosive substances) acid continues to damage tissue for a long period of time after contact. Internal acid burns are often incorrectly regarded as similar

¹⁶⁵ V. Alamelu, Letter to the Editor: Burns treatments — then and now in India, 26 *Burns* (2000): 75-76.

¹⁶⁶ Law commission of India, *The Inclusion of Acid Attacks*, 6.

¹⁶⁷ *id.* at 39.

¹⁶⁸ Waldron et al., "Acid Violence in Cambodia".

¹⁶⁹ C. Tahir, B.M. Ibrahim, E.H. Terna-Yawe, "Chemical Burns from Assault: A Review of Seven Cases Seen in a Nigerian Tertiary Institution," *Annals of Burns and Fire Disasters* 25, no. 3 (2012): 126.

¹⁷⁰ "Give Me Justice or Let me Die," *The Daily Mail*, 16 July 2012 (reporting that even after 22 surgeries, acid survivor Sonali Mukherjee still needs many more surgeries costing Rs. 10-15 lakhs); "Sonali Mukherjee - Acid Attack Survivor who became a TV Millionaire," *Hindustan Times*, 23 December 2012.

¹⁷¹ "Acid Attack and 43 Surgeries Later, She Fashions a Fresh Start," *The Times of India*, 20 July 2014.

¹⁷² Penner, "Acid Ingestion," 1.

to burns caused by alkali or bleach and treated as such, which can have further damaging effects on the patient's internal injuries.¹⁷³

6.9 Special Note on the Costs of Surgery

Surgery is by far the most expensive aspect of a survivor's treatment. The cost of surgery depends upon the extent of the survivor's injuries. Moreover, as a result of inadequate training and resources, Indian survivors generally do not receive the full range of required surgeries, which artificially depresses perceptions of the cost and average number of surgeries required. Based on past cases, the cost of surgery over a lifetime can be estimated at anywhere between Rs. 3 to 50 lakhs. For example, *Aarti Thakur* spent around Rs. 2 lakhs on medical treatment in her first year of treatment. This included three skin-grafting surgeries costing over Rs. 1 lakh in total, surgery to correct atrophy of the eyelid costing over Rs. 31,000, and further surgery for excision of scars costing over Rs. 50,000. Medical staff estimated that the cost of further skin-grafting surgeries could exceed Rs. 3 lakhs. The total cost of surgery for Aarti is therefore estimated to be at least Rs. 5 lakhs.¹⁷⁴ For some patients, the projected cost of surgery can be twice this figure. *Chanchal Paswan* received severe burns to her face, neck, and chest in October 2012, which medical staff estimated would cost up to Rs. 10 lakhs to treat. Even after *Sonalí Mukerjee's* family sold their ancestral land and jewelry to pay for treatment after her attack in 2003, doctors estimate that she will require an additional Rs. 10 to 15 lakhs in surgeries to allow her to look "even remotely human."¹⁷⁵ While many patients have incurred medical costs in excess of Rs. 10 lakhs and the National Commission for Women has suggested that the costs of treatment could reach up to Rs. 30 lakhs¹⁷⁶ in some cases, the cost of surgeries sometimes exceeds even this upper estimate. *Monica Singh's* treatment, for example, has cost her nearly Rs. 50 lakhs. The most recent Supreme Court order on acid attacks obligates states to provide a minimum compensation of Rs. 3 lakhs. Even if every rupee of this compensation were put towards surgeries, this would still not be anywhere near enough to cover even the most basic medical treatment for the vast majority of acid attack survivors.

¹⁷³ Id. at 31.

¹⁷⁴ *Aarli Thakur v. State of Maharashtra & Ors.* WP (2014).

¹⁷⁵ "Give me Justice," Daily Mail.

¹⁷⁶ National Commission for Women, Annual Report (Delhi, 2008-2009): 31.

6.10 Psychological Consequences and Treatment

This section covers the range of psychological consequences experienced by survivors, including the emotional effect of living with disfigurement, the psychological impact of the assault itself, and the repercussions of acid violence as a form of domestic violence. This section explores possible treatment options for survivors. Since the therapeutic and counselling needs of acid attack survivors has been little investigated by either the media or academics, this section looks to the kinds of treatment used for other forms of gender-based violence.

6.11 Social Consequences

For many survivors, the long-term consequences of medical and psychological damage are compounded by lifelong social and economic consequences. Negative or unsympathetic behaviour towards the survivor from family or community can lead to the breakdown of familial relationships and a sense of remoteness from friends and neighbors, exacerbating the survivor's sense of isolation. For some, the loss of familial support also means a loss of economic surety, and many survivors are left with little emotional, financial, or social support in the aftermath of their attack. At the same time, finding adequate employment is a perpetual struggle for many survivors. Employers discriminate based on the survivor's disfigurement and rarely hire survivors regardless of their qualifications, especially in-service industries.¹⁷⁷ The survivor is likely to find herself trapped in a life of poverty and depression. Requiring the government to provide social and economic stability for survivors is therefore one of the most important and urgent tasks of the courts. While the government may currently provide survivors with some medical support and perhaps even have plans to provide psychological support in a handful of states, the government rarely provides any form of social or economic assistance. Thus, many survivors feel abandoned and confused. For many, the social and economic consequences of an acid attack are the most pressing and difficult aspects of rehabilitation.

6.12 Stigmatization and Withdrawal from Society

¹⁷⁷A. Clarke, "Psychosocial Aspects of Facial Disfigurement: Problems, Management and the Role of a Lay-led Organisation," *Psychology, Health & Medicine* 4, No. 2 (1999): 134.

The concept of stigma and its implications for people living with disfigurement is extremely important, as sociologist Erving Goffman has emphasized. He describes stigma as: The situation of persons who are unable to conform to standards that society calls normal. Disqualified from full social acceptance, they are stigmatized individuals. Physically deformed people must constantly strive to adjust to their precarious social identities. Their image of themselves must daily confront and be affronted by the image which others reflect back to them."¹⁷⁸ A fear of stigmatization and rejection creates a barrier between the survivor and the world around them, making it very difficult for survivors to socialize and form relationships. For some survivors, being seen in public is unbearable. They fear they will be stared at, ridiculed, or mistreated, or that they will be blamed for the attack. For many acid attack survivors, the inevitable outcome of living with disfigurement is withdrawal and ostracism from society. Consequently, many survivors become confined to their homes, living out years or even the rest of their lives concealed from public view.¹⁷⁹ Survivor Laxmi recalls hiding indoors for eight years following an acid attack by a spurned marital suitor in 2005 that left her with severe facial scarring. The few times she ventured outdoors, she would cover her face.¹⁸⁰ Withdrawing from society has the obvious consequence that the survivor will have vastly reduced opportunities for friendship, marriage, education, and employment. Since the precise number of acid attack victims in India is still unknown, it is not inconceivable to imagine that a large number of women throughout the country are currently living secluded and hopeless lives as a result of acid violence. As suggested by experts on facial disfigurement, "there are countless numbers of disfigured persons among us who keep a low profile. By seeking refuge in their small circumscribed worlds and shunning face-to-face encounters, they remain a hidden people, a fact that accounts for the widespread ignorance of a major social problem."¹⁸¹

6.13 Social Reintegration Assistance

Many acid attack survivors experience immense difficulties integrating back into society. In particular, survivors require assistance in overcoming legal hurdles associated with gaining justice and compensation, completing schooling, gaining employment, and obtaining housing.

¹⁷⁸ Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (1986).

¹⁷⁹ Law Commission of India, *The Inclusion of Acid Attacks*, 8.

¹⁸⁰ Harinder Baweja, "Don't stare at me I am human too: acid attack survivor Laxmi," *The Hindustan Times*, 20 July 2013.

¹⁸¹ Frances Cooke Macgregor, "Facial Disfigurement: Problems and Management of Social Interaction and Implications for Mental Health," *Aesthetic Plastic Surgery* 14 (1990): 249- 257.

6.14 Legal Assistance

Since some survivors file a First Information Report (FIR), they will be thrust into a complex criminal justice system for which they will likely require legal assistance. A legal advocate is crucial to help survivors navigate the criminal justice system and protect themselves and their loved ones. In domestic violence situations (e.g., for obtaining restraining orders or for securing custody of children from an abusive husband), the state should provide legal assistance to acid survivors as an essential service on the path to social reintegration. Legal assistance helps survivors assert their legal rights to compensation and rehabilitation services that will be critical in improving their quality of life.¹⁸²

6.15 Education and Occupational Training Assistance

Many survivors are teenage girls, who find their education disrupted as a result of their attack. Chanchal Paswan, for example, lost a year of her studies due to being attacked with acid when she was 18 and in Class 10.¹⁸³ Alternatively, a survivor may have to rethink established career plans and retrain for a different line of work. These decisions are extremely difficult for an acid attack survivor who is likely to be experiencing physical, financial, and psychological difficulties. To ensure justice and rehabilitation, the state should provide assistance and support in these areas. School-age survivors and those wishing to pursue occupational training must be provided with adequate financial, logistic, and psychological support. Survivors may need specialized counselling to help them understand what options are open to them, including guidance on how to access these opportunities.

6.16 Economic Consequences

6.16.1 Loss of Financial Support

The economic implications of acid violence are equally dire. With specialized treatment costing many lakhs of rupees over a number of years, virtually all acid attack survivors face the prospect of losing all savings and taking on an overwhelming amount of debt. For survivors who are abandoned by the people around them, this threat is ever more real, since they will very likely lose the financial support of their families, husbands, and communities. For many,

¹⁸² See also Delhi Domestic 5(1)(6) (finding that Articles 21 and 38(1) of the Constitution require that Ute Government provide rape survivors with legal representation).

¹⁸³ Writ Petition No. (s). 867 of 2013 (Parivartan Kendra v. Union of India & Ors.)

surviving the attack itself is overshadowed by the struggle to survive in a financially insecure and threatening world. According to the Indian Law Commission report of 2009, acid attack survivors are often left without any economic resource whatsoever and many "become dependent on others for food and money."¹⁸⁴

6.16.2. Reduced Earning Potential

Furthermore, the consequences of an acid attack dramatically limit a survivor's present and future earning potential. Prolonged courses of treatment and surgery mean that a survivor may be unable to attend work or school for many months (if not years) following an attack. It often becomes extremely difficult for a survivor to secure employment, since physical disfigurement, disabilities, and psychological issues are likely to impact their 'attractiveness' to potential employers. Consequently, many acid attack survivors are automatically rejected from jobs before they have had a chance to demonstrate their qualifications or experience. Sapna has spoken about her struggle to find a job since she was attacked with acid in August 2012, explaining that "when [interviewers] see my face they try to find excuses for not giving me the job."¹⁸⁵ Similarly, in the years after she was attacked, Laxmi desperately tried to find employment but was consistently turned away: "I tried to pick up a job but nobody was willing to hire me. Some said: 'People will get scared if they see you.' Others said they will call back but, of course, the phone never rang. I tried Business Process Outsourcing (BPOs), banks and beauty parlours but all I got was rejection. Nobody wants to hire acid victims because of the way they look."¹⁸⁶

6.16.3 Employment Assistance

Similarly, survivors who find themselves rejected from jobs urgently require assistance to ensure they are not left without any income. Many acid attack survivors who cannot rely on a husband or a family urgently need to earn a living. However, survivors often find themselves turned away from jobs as a result of their atypical appearance. Anu, from Delhi, struggled to find work after she was attacked in 2004. Only in the past year (2013) has she been able to find employment, thanks to a Supreme Court judge who secured her a government position.¹⁸⁷

¹⁸⁴ Law Commission of India, *The Inclusion of Acid Attacks*, 13.

¹⁸⁵ Quote from Sapna's testimony presented at national consultation, *Using the Law to Combat Violence Against Women*, New Delhi, 12 July 2014 (Transl. by Salina Wilson).

¹⁸⁶ Harinder Baweja, "Don't stare at me," *Hindustan Times* (quoting Laxmi).

¹⁸⁷ Quote from Anu's testimony presented at national consultation, *Using the Law to Combat Violence Against Women*, New Delhi, 12 July 2014.

Cases like this demonstrate that while many acid attack survivors are perfectly capable of doing work, they need the support to find employment. d. Housing Assistance Survivors often need new housing after an attack. This could be for a variety of reasons, including that the survivor:

- was attacked by her family;
- was abandoned by her family after the attack (e.g. because she was seen as a burden);
- was attacked in her home and cannot cope psychologically with continuing to live at the site of her attack;
- was evicted from her home;
- needs to relocate because of threats of further violence from her attacker (e.g. for filing a FIR or cooperating with law enforcement officials);
- needs to relocate to a home that accommodates post-attack disabilities;
- needs to relocate to be closer to family members who can provide support or care; or
- needs to relocate in order to be closer to health facilities where she receives treatment.

CONCLUSION

Many survivors are overwhelmed by the thought of finding housing in the immediate aftermath of an attack (perhaps as early as on being discharged from hospital). Many face discriminations from landlords (e.g., because of their disfigurement, psychological trauma, or the perceived likelihood of a future attack occurring). Also, many survivors are young women who may have no experience securing housing on their own. For all of these reasons, the state should assist survivors with finding and securing new housing. The consequences of an acid attack are manifold. The bodily and facial injuries caused by acid can lead to severe and widespread scarring, loss of vision, loss of hearing, and life-threatening internal damage. Survivors require many months, if not years, of complex surgeries and physiotherapy to regain a semblance of their former appearance and mobility. The psychological repercussions of acid violence, which can include shock, extreme self-consciousness, and depression, require extensive and specific treatment in the form of counselling and self-help groups. Similarly, the social and economic ramifications of an acid attack are complex and, in many cases, overwhelming. Survivors will very likely find themselves isolated as a result of their altered appearance, and potentially the subject of derision or abuse from the people around them.

Many survivors find themselves in a position in which they must support themselves financially, but are unable to do so due to discrimination on the part of potential employers. Rehabilitative assistance for survivors should therefore take the form of guidance and counselling on the choices and opportunities available to them in terms of education, occupational training, and employment. Similarly, many survivors require assistance understanding and maneuvering their way through a complex criminal justice system. The following table outlines the myriad consequences of acid violence and the steps the state must take to ensure rehabilitation. More NGOs are needed and a changed outlook of the society is needed. Also, stricter laws are required to prevent such crime. The offender should be severely punished and the like-mindedness should have a fear inflicted in their minds even before thinking of committing such a crime.

CHAPTER—7

CONCLUSIÓN & SUGGESTÍONS

7.1 CONCLUSIÓN

Acíd attacks are íntentional acts of víolence ín which perpetrators throw, spray, or pour hydrochloríc, sulfuríc, or nítríc acíd onto víctíms' faces and bodíes. Acíd víolence has devastatíng health consequences for víctíms. Short-term effects ínclude ímmense paín and long-term effects can ínclude blíndness and loss of facíal features. Acíd víolence ís a prohíbítéd form of gender-based víolence under ínternatíonal law that both reflects díscrímínatíon agáínt women and perpetuates ít. Many perpetrators ín Índía attack women who have allegedly or actually transgressed subordinatéd gender roles by refusíng to accept marríage, love, or sex proposals. Ín Cambodía, women are often perpetrators of acíd víolence agáínt other women. Ín many countríes, acíd attack survívors often face díscrímínatíon and margínalízatíon ín sóciety. Because acíd víolence ís a form of díscrímínatíon prohíbítéd by ínternatíonal law, governments must act wíth due dílígence to combat ít. Acíd attacks are prevalent ín countríes such as Bangladesh, Índía, and Cambodía where acíd ís cheap and easíly aváilable. One ímportant way to combat acíd víolence ís to límít the easy aváilabílítý of acíd. Ín an effort to límít íts aváilabílítý, Bangladesh adoptéd a law that requíres busíness users of acíd to obtáín lícenses. Even though thís law has not been fully ímplemented or enforced, the rate of acíd attacks decreased ín Bangladesh approxímately 35% to 40% each year up to 2012 sínce the law's adoptíon ín 2002.

To combat acíd víolence, governments must end the wídespread ímpunítý perpetrators enjoy by effectívely ímplementíng laws that províde for perpetrators' prosecutíon and puníshment. Bangladesh has enactéd crímínal legíslatíon ímprovíng crímínal procedúres ín acíd attack cases and heíghteníng crímínal penaltíes. However, Índía and Cambodía have not adoptéd laws that províde for adequate Puníshments for acíd attackers. Ín all three countríes, acíd survívors face a number of obstacles to obtáíníng adequate healthcare and justíce. Thus, when acíd attacks do occur, governments should províde u compensatíon to víctíms for healthcare and other essentíal needs.

Companíes can also play an ímportant role ín combatíng acíd víolence. Evídence shows

that acid attacks occur at increased rates in areas where acid is widely used for industrial or other business purposes. Companies that produce, distribute, or otherwise use acid should ensure that their activities do not have negative human rights impacts. Companies and other businesses should assess the ways they can reduce the negative human rights impacts of their activities. For example, corporations and businesses that use acid in their manufacturing can deter acid violence by adopting procedures to ensure that acid is not stolen from them. Businesses that distribute acid to individual users can place warning labels on acid advising users of its harmful effects and the legal penalties that may ensue from its misuse.

Government officials, policy makers, NGOs, community members and others need to re-frame the way in which this issue is thought of and addressed. Working from a socio-ecological framework or a bio-psycho-social model will assist actors in developing and implementing interventions that rigorously address gender-based violence and root causes.

There is a paucity of literature, theories and understandings of violence from a non-Western context and non-legal context. Additionally, to date there is a dearth of information and understandings on why do people commit violence. Working with scholars and anti-violence activists could prove useful in developing action-oriented interventions.

Government officials, policy-makers, community and religious leaders, judges, police and court officials, medical doctors, NGO leaders, and others need to be challenged about their individual prejudices, and educated about the consequences of acid attack violence and about the need to implement laws and punish perpetrators.

Training sessions on 'changing attitudes and behaviour' and 'acid attack violence awareness' could be useful avenues for disseminating information and challenging discriminatory attitudes and beliefs.

In addition to the current support from NGOs, in order to eliminate acid attack violence governments need to spearhead a zero-tolerance policy. This should receive the dedicated support of all national institutions, including government officials, police officers, community and religious leaders, policy-makers, judges and court officials, and others.

Although there are countries which have passed laws to control the sale of acid findings

do not suggest that this has dramatically affected the decrease in acid attack violence. However, in combination with other interventions such as working with potential throwers, controlling this corrosive substance and punishing sellers could assist in decreasing acid attack violence.

Acid attack survivors, communities, government and non-government agencies, police and courts, and the media should collaborate and co-ordinate their efforts. Together, this pro-active collective should execute a five-pronged approach of medical, legal, social reintegration, prevention and advocacy and notification and referral activities, based on the lucrative ASF model in other countries particularly Bangladesh.

Develop comprehensive strategies and policies with key stakeholders, communities and NGOs to challenge and address oppressive social problems and culture of violence, such as poverty, cultures of shame and honour, history and culture of violence, marital conflict and rigid gender roles. These strategies and policies could include early intervention in marital conflict, gender sensitivity training with boys and young men, and increased opportunities for education and training for both women and men.

Women with disabilities who experience subsequent violence require specialized and adapted services and activities: they should also be involved in the design, training and execution of interventions. It is crucial for staff at shelters and at other intervention points to gain awareness and training relating to the specific physical and psychological needs many acid attack survivors have. Information relating to violence against women with disabilities needs to be disseminated to wide-ranging audiences; NGOs and government agencies need to develop affirmative policies; and a mechanism to collate statistical information could be developed.

Whilst the implementation of laws and interventions has resulted in significant decreases in acid attack violence in Bangladesh, it is not known whether violence against women has manifested into alternative means. No doubt there will be a decrease of acid attacks with the impending implementation of laws and interventions in Cambodia. However, if laws and interventions are developed in isolation of underlying socio-cultural factors, it is possible that a shift in the use of different technologies of violence against women could occur.

Acid attack survivors need training and employment opportunities. Together with acid attack survivors and communities, NGOs need to develop and implement training, education and income-generating programs that are grounded in 'local cultural perspectives' and are sensitive to their physical and psychological needs.

A nation-wide, linked database system on incidences of acid attack violence could be developed, updated and maintained by medical facilities, the police, the media, women's shelters and NGOs.

Acid attacks cause many deaths in India. Families and victims should be offered psychological support, therapy, and legal advice, and be included in campaigns and focus groups.

Acid attack violence occurs in many Asian and African countries, and the formation of working groups could be advantageous in sharing information, raising awareness, improving interventions and preventing acid attack violence.

It is pertinent to note here that in the absence of expeditious investigation and trial of the acid attack cases, it is only the quantum of punishment which can be of deterrence. Now, the punishment provided in Section 326A is for imprisonment of either description for a term not less than ten years but extendable upto life and with fine. For attempt, under Section 326 B, the minimum punishment is five years upto a maximum of seven years and with fine. This quantum of punishment is not sufficient to add the requisite deterrent value to the offence. There is a pressing need to amend the law further in order to enhance the punishment to minimum of fourteen years which may extend upto life imprisonment which shall mean the remainder of that person's natural life in cases of acid attack under Section 326A. It is also to be kept in mind that attempt to throw acid on a victim is equally as heinous as throwing acid on a victim and needs to be checked because it is by mere luck that the victim of attempt is saved. The difference between punishment of offence of acid attack and attempt should be done away with. There is absolutely no reason to have two different sections for penalizing the offence and attempt. Both should be dealt in one section with similar punishment of minimum fourteen years upto life imprisonment. Until the time a sufficient deterrent value is created in the society against this heinous offence, the menace of acid attack would not be curbed.

7.2 Suggestions:

- 7.2.1 Our country should work on the lines of UK, Europe and USA as these countries have experienced a significant demise of reported acid attacks in the UK, Europe and USA during the 19th century and early 20th century.
- 7.2.2 Criminal 'profiling' of acid throwers. Most statistical information relating to acid attack violence is focused on survivors, hence, it could be useful to identify and collate information on acid throwers and potential acid throwers;
- 7.2.3 Whether families/partners of acid attack victims are further threatened, harassed, or attacked by perpetrators after the death of their partner/sibling/child.
- 7.2.4 Though India is party to various international documents but the implementation and enforcement of the provision is lacking. It is suggested that the provision of the international documents should be applied effectively.
- 7.2.5 In Indian penal statutes there are so many provisions which is related to violence against women and provides stringent punishment but when it comes to acid attack violence it is not stringent. The parliament should enact the law which is more effective and rigid so that the culprit should not go unpunished.
- 7.2.6 In Indian situation there is not provision for effective rehabilitation to the acid attack victims. The government of India should provide better education, employment to the acid attack victims
- 7.2.7 The courts of India already provide sufficient compensation to the victims of acid attacks but this rate of compensation is based on old ratio it should be increased to the effective amount.
- 7.2.8 In India there is lack of law which regulate the selling of acid. The parliament of India should enact law which regulate the acid selling.
- 7.2.9 Lack of medical assistance is very big problem to victim of acid attack is suggested that the some section of hospital is attributed to the patient of the acid attack.

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