

**“BURNING LIKE HELL: STUDY OF ACID ATTACKS IN
INDIA”**

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

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LIST OF ABBREVIATIONS

ACA-	Acid Control Act
AIR-	All India Reporter
ASTI-	Acid Survivors Trust International
CEDAW-	Convention on Elimination of all forms of Discrimination Against Women
CrPC-	Code of Criminal Procedure
CrLJ-	Criminal Law Journal
CPC-	Code of Civil Procedure
CVCF-	Central Compensation Victim Fund
DLSA-	Delhi Legal Service Authority
GBV-	Gender Based Violence
FIR-	First Information Report
ICCPR-	International Covenant on Civil and Political Rights
ICESCR-	International Covenant on Economic, Social and Cultural Rights
IPC-	Indian Penal Code
IEA-	Indian Evidence Act
NALSA-	National Legal Service Authority
NCRB-	National Crime Record Bureau
NGO-	Non-government Organization
PLV-	Para Legal Volunteer
RGC-	Royal Government of Cambodia
SCC-	Supreme Court Cases
SLSA-	State Legal Service Authority
UDHR-	Universal Declaration of Human Rights

UN-	United Nation
UNGA-	United Nations General Assembly
UT-	Union Territory
V-	Versus
WP-	Writ Petition

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CHAPTER 1

INTRODUCTION

“That day, I lost my youth, stopped going to school, and lost all of my friends. People teased me and stared at me. Neighbors and relatives pointed the finger at me, implying that I must have done something wrong to provoke the man's rage. My only mistake was turning down the man's proposal”.

These were the actual words of Laxmi, a victim, who was exposed to the barbaric act of acid attack following her rejection to marry the perpetrator. Despite the fact that she survived the attack, her physical appearance remains dreadful, and the stain on her spirit will never be removed¹. It is needless to say that she can never look in the same way as she was used to before the attack or the surgery. What wrong has she committed that made her life miserable, must be an only question which she might be asking every day to herself before going to bed.

Crime against women is a global phenomenon. Women are victims of a variety of crimes. It can happen before birth, during childhood, adulthood, and various stages of life. Despite the fact that women can be victims of every type of crime, including adultery, murder, robbery, and so on, crimes directed specifically towards the women are referred to as gender specific crimes. Intimate partner abuse, marital rape, rape by other males, incest, female foeticide, sexual harassment, trafficking, prostitution, forced child marriage, honour killings, dowry-related crimes, domestic violence, genetic mutilation, acid attacks, and other forms of violence against women are all common. Because these crimes are virtually overwhelmingly perpetrated by men against women, they are classified as gender-based crimes².

Every society in the world is currently dealing with various issues relating to women on a societal level; yet, acid throwing has emerged as a new form of aggression. Acid violence is one of the most terrible crimes against women, in which acid is thrown on a woman's face or body in order to disfigure her. The purposeful acts of violence in which attackers toss, spray, or pour acid on the victim are known as acid violence. It causes instant injury to the victim, as well as disfigurement, sufferings, and long-term medical issues. Despite the fact that corrosive assault is a wrongdoing which can be perpetrated against anyone, be it man or woman, yet in

¹ Aishwarya Deb and Prithwish Roy Chowdhury, A fate worse than death: a critical exploration of acid attack violence in India, Law Mantra, Volume 2, Issue 5.

² Holy Johnson, Natalia Ollus, et.al., Violence against Women: An International Perspective, (Springer Science and Business Media, 2008).

the event that we see in different cases, it has a particular sexual orientation as the vast majority of the revealed corrosive assaults have been carried out on women, especially young women³. The reason for such kind of violence against the women can be rejecting love proposals, rejecting sexual advances, rejecting dowry, domestic violence, etc. as a result number of women are affected by the acid attacks. People commit crime in a variety of ways in today's society, and offenders are learning new ways to commit crime as society progresses and modernises. The use of acid for criminal purposes is not new, and there is a widespread notion that acid attacks are almost often intended at women. This notion is not totally correct, and as a result, the Supreme Court of India recently issued a PIL in which it offered guidelines and requested the government to investigate the discrimination against male victimhood in a society where only women are considered victims. This PIL was based on NCRB data, and it was determined that men account for 30% to 40% of acid attack victims⁴. So we can no longer argue that this is a case of gender-based violence, and we are seeing an increase in the number of crimes perpetrated every day, regardless of the victim's gender.

The first instance of acid attack was witnessed in year 1969 after that in 1990's. Considering now, this menace is at a rampant pace and has become a severe issue in India. Prior to 2013, there was no specific law in India dealing with acid attacks; instead, it was covered by Sections 326 or 324 of the Indian Penal Code i.e., hurt and grievous hurt. According to a report published by the NCRB in 2015, 249 acid attacks were reported in India⁵. Prior to 2013, the punishment of acid attack was given on the severity of hurt it has been caused to the victim. If the accused was not prosecuted for grievous hurt, he was penalized for causing simple harm which only invites a minimum sentence of three years which was inconsequential if compared with the heinous consequences which the victim of acid violence has to face. So a need was felt, and in 2013, broadly two new provisions, sections 326A and 326B were introduced in the Indian Penal Code through Criminal Law Amendment 2013 which declared acid attacks as a specific offence. The main amendment brought about by these laws was the offender's recompense to the victim. The central government directs the state governments to grant a minimum of Rs three lakh in compensation to acid attack victims. Indian Judiciary has played an active role in curbing the menace of acid attack and in the landmark judgment of *Laxmi vs Union of India*⁶, the hon'ble Apex Court has made some guidelines regarding the sale of acid and this was the

³ Supra note 1

⁴ National Crime Records Bureau Data (India) 2019.

⁵ National Crime Records Bureau Data (India) 2015.

⁶ AIR (2014) SCC (4) 427

first case where the victim was provided with the compensation. Through this judgement, the Supreme Court mandated on the part of state to compulsorily provide a minimum of Rs Three Lakh compensation to the victims. Restorative justice is a new tendency in India's court system, in which justice is provided to victims and offenders to heal or reform them. The main objective of the judiciary is to deliver maximum justice to victims as soon as possible and justice should not only mean a mental but also a financial support supplied to victims through the victim compensation plan.

1.1 MEANING OF ACID ATTACK

Acid Attack, Acid Throwing, Vitriol Attack, and Vitriolage are all terms that refer to a serious act of violent assault on a human being and are frequently used interchangeably.

The United Nations Entity for Gender Equality and the Empowerment of Women defines “*Acid Attack*” as *any act or omission, caused by corrosive substance/acid to be thrown or administered in any form on the victim with the intention that such person is likely to cause to the other person permanent or partial damage / injury or deformity or disfigurement to any part of the body or organ or cause death of such victim*⁷.

*Acid attack, more formally known as vitriolage, is an act of intimate terrorism that involves the premeditated throwing of sulphuric, nitric, or hydrochloric acid onto another with the main intention of disfigurement*⁸.

A draft bill- Prevention of Offences (by Acids) Act 2008 proposed by the National Commission for Women in India defines “*Acid Attack as any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfiguration to any part of the body of such person*⁹”.

Acid Attack is an act of throwing or pouring acid on the face and the body of a person. The Law Commission in its 226th report¹⁰ on the inclusion of acid attack as specific offences took note of this by stating that “*Acid violence is a premeditated act of violence as the perpetrator*

⁷ <http://www.endvawnow.org/en/articles/607-acid-attacks.html> DATE OF ACCESS- 04/06/2021

⁸ Jane Welsh, It was like burning in hell: A comparative Exploration of Acid Attack Violence, Center for Global Initiatives (2009).

⁹ Section 3(b), Draft Prevention of Offences (By Acid) Act, 2008, National Commission for Women.

¹⁰ LAW COMMISSION OF INDIA, THE INCLUSION OF ACID ATTACKS AS SPECIFIC OFFENCES IN THE INDIAN PENAL CODE AND A LAW FOR COMPENSATION FOR VICTIMS OF CRIME (2008), Available at: <http://lawcommissionofindia.nic.in/reports/report226.pdf>

*of the crime carries out the attack by first obtaining the acid, carrying it on him and then stalking the victim before executing the act.*¹¹”

The attack usually results in serious bodily injury and psychological trauma that might be temporary or permanent. The attack causes instant body damage and deformity of the face and other body parts that come into touch with the acid. The attack can sometimes cause harm to the body's internal organs and cause long-term complications for the victim. Acid assault is a premeditated crime in which the offender obtains the acid, carries it with him, and stalks the victim before committing the act.

Apart from that, the victim loses so much confidence in herself that she begins to isolate herself or covers herself before leaving the house because she believes society is looking at her with horrified looks. Hydrochloric acid, sulphuric acid, nitric acid are the most common available acids that are used for the acid menace and the biggest reason for choosing such kind of corrosives is their easy availability in the market and that too at a low cost.

1.2 RESEARCH PROBLEM

According to the National Crime Record Bureau (NCRB), acid attacks are on the rise. Previously, the crime of acid attack was not recognized as a separate offence; however, as the incidence of the crime increased, the government took a step forward by declaring acid assault a separate offence. Even though government took a step forward in 2013, the modifications to the Indian Penal Code remained accused-centric and ineffective in meeting the demands of victims. The victim is a vital participant in the criminal justice system, and their needs must also be met. India has the utmost share of acid attacks in the world, still the accused have been unable to be prosecuted and convicted in court. However, Indian society has a history of treating crimes against women with social indifference and gender bias. In a gender-based society, the main root cause of this problem is male chauvinism. This type of violence raises severe concerns about women's standing in India, and the purpose of this study is to construct a victim scheme for acid violence against women and to assess the effectiveness of existent rehabilitation programmes for acid victims.

¹¹ Ibid

1.3 SCOPE OF THE RESEARCH

The scope of the study is limited to the Indian Penal System in regard to acid attack events. The scope of this paper is mostly limited to causes and consequences of acid attacks in India. This study will try to analyze the how the acid attack violence is not a gender specific and will try to lay down an existing legal position with respect to it. This paper will also try to highlight the international perspective on this kind of menace and the role played by the Indian Judiciary.

1.4 RESEARCH OBJECTIVE

In order to attain the aim of this thesis, the researcher has tried to set out the following objectives:

- a. To study and analyse the problem of Acid attacks against women in India
- b. To study about the acid victims and their lives perception after the attack.
- c. To analyse and find out the factors which are responsible for increasing the number of acid attacks against women.
- d. To analyse the legal framework with reference to acid attacks.
- e. To study the judicial approach regarding acid attacks in Indian subcontinent.

1.5 RESEARCH QUESTION

In order to attain the aim of this thesis, the researcher has tried to set out the following research questions:

- a. What is the legal position of the nation with regard to acid attack violence?
- b. What are the primary consequences of an acid attack and how does the crime affect the life how does the crime affect the life of the victim in particular and society in general?
- c. What are the measure that can possibly be undertaken so as the curb the menace of acid violence?

1.6 HYPOTHESIS

The following research hypothesis has been formulated by the researcher:

H1- Even after the recent amendments in law regarding acid violence, the number of incidents are on a rise and the perpetrators of the crime are undeterred.

H2- The height of brutality in acid attacks is more than that in the cases of rape since the victims have to move around with their bodies and limiting the simple availability of acid in the open market is one of the essential approach to combat acid violence.

RESEARCH METHODOLOGY

The research methodology adopted in this paper is purely descriptive and doctrinal in nature. The researcher would be relying on secondary sources through data available in the books, laws, articles and will try to analyse them. Web portals will also be used by the researcher as it provides some technical information which proved to be useful in giving this paper a firm structure. Primary sources such as conventions and statutes have also been referred by the researcher.

1.8 REVIEW OF LITERATURE

In India there are abundance of literature available on the violence of acid attack and the researcher has relied on the available literature to frame an opinion. Several articles and journals are there which have pondered upon the plight of acid attack victims.

Kalantry (2011) author in this paper has highlighted the easy availability of acid as a prime factor for leading cases of acid attack, coupled with gender based violence and meagre punishment for acid attack perpetrators. The researcher has discussed the plight of acid attack victims and held that their life after the attack is mere physical existence without any emotions and hope. Apart from physical consequences, victims of acid attacks face economic, societal (most importantly) and psychological consequences.

Mohan (2012) in this paper has expounded upon the legislative framework of acid attacks in India. Prior to 2013 there was no specific legislation on acid attacks, however, criminal law amendment in 2013 made the specific provision for acid attack in the Indian Penal Code here by making offences of vitriolage as one of the heinous crimes in India.

Patel (2014) has suggested some reforms to be made in India on the subject of acid attack. He suggested passing of new law on the subject of acid attack and the law should also cater through the needs of victim compensation. Author has tried to argue about the launch of different schemes which can offer support and compensation to victims of acid attacks, as well as to assist victims in their reintegration into society The author attempted to examine the legal aspects pertaining to acid attacks, emphasizing the urgent need for compensation and rehabilitation of the victim as the need of the hour.

Yakin (2011), the author has tried to do a comparative analysis of acid attacks in India, Cambodia, Bangladesh, and pondered upon the various laws which were existing in the present

countries in order to curb the rate of acid attack. This paper is the comparative analysis of acid attack in the above mentioned countries. **Kelkar (Lectures on criminal procedure)**, has tried to mention in this book about the victim compensation mechanism and has a separate chapter on victim compensation, where states are bound to provide a compensation and rehabilitation to the victims of acid attack as per section 357, 357A, 357B, 357C of the CrPC. This book also talks about the enforcement of Central Victim Compensation Fund with an enormous amount of Rs 200 crores to aid the victims of violence.

Shristhti Rai, Manoj, Rohini (2019) have argued that the menace of acid is not a gender based violence, however there is a paradigm shift which can be noticed. There have been an instances through the NCRB data which reveals that the male victims accounted for more than 40% of the cases of acid attack. Moreover, the authors have also tried to illustrate the various cases where the acid victims were males, and also gave their understanding, as to why the cases against men were not reported.

K.D. Gaur (Indian Penal Code), this book has a separate chapter on the menace of acid attack and criminalizes the heinous crime of vitriolage in India. This book contains a newly amended sections i.e., 326A and 326B, which lays down a minimum punishment for 10 years, if the perpetrator has been found guilty under this section.

Sujoy Dhar (2017), has expounded upon the causes of acid attacks in India and listed some of the factors which were responsible for this menace. Some of the causes of acid attack which has been mentioned by the author in this paper were dowry demands, infidelity, sexual favours, rejection of marriage etc. However, at the end of the paper, author has also talked about the reintegration of acid victims in the society as one the main facet to lead a happy life without any guilt on the part of victims.

Hooma Shah (2009), has laid an emphasis on the Bangladesh model of curbing acid attacks as one of the good approach to fight acid attacks in different countries including Pakistan. As per the law on acid attack in Bangladesh, the accused can be held liable for rigorous imprisonment for up to 7 years even if he attempts to splash an acid, and on proven guilty, the maximum punishment could be death sentence, depending upon the proportionality of injury caused by the attack.

Kerry and Salina (2014), has stated that number of countries are coming forward with different laws in order to curb the menace of acid attack. Nevertheless, it is important to note that, despite the fact that countries pass laws, they produce no results due to a lack of effective

implementation mechanisms. For a law to be successful, all of the state's organs must function effectively and efficiently; otherwise, the victims' anguish and suffering will persist all throughout the life and misery and woes will continue forever for the survivors.

CHAPTER 2

HISTORICAL OVERVIEW OF ACID ATTACKS

Throughout the history, violence against women has been tolerated and even condoned. Many feminists believe that violence against women is caused by a patriarchal culture that supports and rewards male dominance. Men in patriarchal cultures are said to be more likely to use violence to maintain their dominance. While society purports to despise violence, we frequently glorify violent males as heroes. Heroes are frequently founded on some type of violent deed in the culture of masculinity. Men are encouraged to display an atmosphere of daring and ferocity in the conventional masculinity concept¹². Legal, historical, literary, and religious literature all contribute to a better understanding of women's special status. Women, on the other hand, rarely had an identity other than that of spouses, mothers, and daughters, and straying from that identity was frowned upon. Females' submission to male power and control is the source of violence in their servitude. This interaction between men and women has been institutionalised in the patriarchal family structure¹³.

In both the public and private arenas, patriarchy refers to male dominance. The term patriarchy originally referred to a specific sort of male-dominated family — the patriarch's huge home, which comprised junior men, slaves, children, domestic helper, women all under the command of one dominant male. It is now more commonly used to refer to male dominance, power dynamics in which men dominate women, and a system in which women are kept submissive in a variety of ways¹⁴. Following that, Victorian values became more prevalent during the British Period (1858-1947). As British conquerors sought to impose authority over the populace, they attempted to change Indian traditionalism, particularly women's lack of autonomy and role in the home. As a result, India developed a gendered concept of nationalism to defend what they considered to be an important aspect of their culture. This specific conflict between colonial pressures and historical standards effectively generated a new type of patriarchy, distinct from that which existed before to and throughout colonialism. The post-colonial patriarchy, which still exists today, exemplifies the struggle between those who seek

¹² Available at: <http://www.pbs.org/kued/nosafeplace/studyg/origins.html>

¹³ Laxmi Devi, *Crime, Atrocities and Violence against Women and Related Laws and Justice*, 123 (Institute for Sustainable Development, Lucknow and Anmol Publications Pvt. Ltd. New Delhi, 1998).

¹⁴ Abeda Sultana, *Patriarchy and women subordination*, Available at: <https://www.scribd.com/document/242426636/Patriarchy-and-Women-Subordination-A-Theoretical-Analysis>.

to modify the hierarchical status quo by modifying women's responsibilities and those who invoke cultural and historical tradition to reject change¹⁵.

2.1 ORIGIN OF ACID ATTACK

Vitriol (a sulphuric acid hybrid) was used to cleanse gold and make fake precious metals in ancient Greece. From the second century AD to the late mediaeval texts, vitriol was also utilised by the ancient Sumerians, Romans, Persians, Arabs, and Indians. Vitriol first appeared in Europe in the 16th century, and an acid assault was first reported in 17th-century in France during King Louis XIV's reign. According to many stories, vitriolic attacks were popular in the late 1800s in the United Kingdom and Europe. However, vitriol attacks surged in France in 1879, with 16 occurrences reported. Between 1888 and 1890, there were 83 cases of acid attack which were brought before the court¹⁶.

Sulphuric acid was initially made on a large scale in England in the 1740s, and as it became widely available, people in Western Europe and the United States began utilising it for violent purposes (It was marketed as a bleach as well as a cleaning agent). By the 1830s, a United Kingdom magazine, Glasgow periodical, had editorialised, "The crime of throwing vitriol has, grieved to say, become so common in this part of the country, as to become almost a stain on the national character". Sulphuric acid was a common weapon in marital disputes, in addition to being used as a weapon in labour disputes. In one of the reported case during 1865 in the New York Times, a jealous husband was under arrest for disfiguring his wife with the use of acid after threatening to "spoil her face"¹⁷. The term "La Vitrioleuse" was a theatrical term that became quite popular and was published in the press as "Crime of Passion"¹⁸. It represented a woman committing a crime of jealousy or disrespect towards another woman. The goal was to

¹⁵ "Violence Against Women in India: Origins, Perpetuation and Reform Emma Livne", Department of History Global Studies, (Carnegie Mellon University, Spring, 2015)

¹⁶ Supra Note 8

¹⁷ Available at: http://www.slate.com/articles/news_and_politics/explainer/2013/02/history_of_acid_violence_when_did_people_start_throwing_vitriol.html

¹⁸ a defendant's excuse for committing a crime due to sudden anger or heartbreak, in order to eliminate the element of "premeditation." This usually arises in murder or attempted murder cases, when a spouse or sweetheart finds his/her "beloved" having sexual intercourse with another and shoots or stabs one or both of the coupled pair. To make this claim the defendant must have acted immediately upon the rise of passion, without the time for contemplation or allowing for "a cooling of the blood." It is sometimes called the "Law of Texas" since juries in that state are supposedly lenient to cuckolded lovers who wreak their own vengeance. The benefit of eliminating premeditation is to lessen the provable homicide to manslaughter with no death penalty and limited prison terms. An emotionally charged jury may even acquit the impassioned defendant.

disfigure women's faces and other portions of their bodies as a result of some animosity. It became common practise among impoverished and middle-class families to get revenge on others for lost loves, business losses, and other misfortunes. Because of its widespread use in industry, vitriol was readily available at the time. Other women hurled acid on men who pregnant them outside of marriage, on past loves who spurned them, or on their husbands' mistresses in the 19th and early 20th centuries. Throwing vitriol was a technique of not only inflicting great agony on someone, but also of making them unattractive, which helps to explain its use in sexually charged confrontations¹⁹.

There were fewer acid attacks in the past, but the number of acid attacks has been steadily growing in recent years. Many emerging countries, particularly those in South Asia, began to use acid as a weapon²⁰. Acid assaults were first documented in Bangladesh in 1967 and Cambodia in 1993. Since then, there has been a rise in the number and intensity of acid attacks throughout South Asia, according to various studies²¹. Many cases were reported in Europe and the United States in the 19th and 20th centuries. Because of their failures in love, girls attacked their boyfriends and spouses, and vice versa. Many incidences of acid assault have been documented, with the primary cause being commercial rivalry and other forms of jealousy²².

According to the Acid Survivors Foundation (ASFI) in India, the first and the earliest acid attack was reported in 1920. On September 6, 1920, Ali Mohammed Farag flung sulfuric acid on the face of Abdullah Mohammed Jabli in the Bombay Presidency of British India. Since then it's been a widespread occurrence that's been growing at an alarming rate.

2.2 GRADUAL INCREASE IN THE INCIDENTS OF ACID ATTACKS

In the 18th and 19th centuries, acid attacks were uncommon, but they became common in the 20th century, particularly in South Asia. In India, a rapid spike in acid attacks occurred between 1980 and 1990, with the majority of occurrences occurring over these two decades and then increasing day by day. The main reason for this was that acid is widely available in India, and

¹⁹ Available at: www.risecoalition.org/what-is-acid-violence

²⁰ Yakin Erturk "Combating acid violence in Bangladesh, India and Cambodia" Avon global centre for women and justice at Cornell Law School and The New York City Bar Association, 2011

²¹ Ibid

²² A.V.Anderson, Article:"Throwing Vitriol"

http://www.slate.com/articles/news_and_politics/explainer/2013/02/history_of_acid_violence_when_did_people_start_throwing_vitriol.html,

there is was specific legislation governing its sale. According to NCRB²³ data, there are between 100 to 500 acid attack cases per year. NCRB data from 2011 to 2015 shows gradual increase in these numbers. In the state of Andhra Pradesh, 8 instances were reported in 2011, but this number climbed to 14 in 2015, for a total of 38 events throughout the five years²⁴. In the state of Bihar, three occurrences were reported in 2011, but this number climbed to 19 in 2015, for a total of 37 events throughout the five years. In the state of Gujarat, two instances were reported in 2011, but this number climbed to four in 2015, for a total of 21 events throughout the five years²⁵.

In the state of Haryana, 8 instances were reported in 2011, but this number climbed to 12 in 2015, resulting in a total of 45 events throughout the five years. In the state of Himachal Pradesh, there was no occurrence in 2011, but it grew to one in 2015, and there have been three incidences in the last five years. In the state of Jammu and Kashmir, two occurrences were reported in 2011, while two more were reported in 2015, for a total of 11 events across the five years²⁶. In the state of Jharkhand, no event was reported in 2011 and none of the event was reported in 2015 also, and a total of four incidences throughout the five years were reported. In the state of Karnataka, three instances were reported in 2011, but just two cases were reported in 2015, for a total of 14 incidents across the five years.

In the state of Tamil Nadu, 0 incidences were reported in 2011, but this grew to 10 events in 2015, for a total of 30 events throughout the five years. Only two instances were reported in Telangana in 2014 and 2015, out of a total of five years. In the state of Uttar Pradesh, 14 instances were reported in 2011, but this number climbed to 61 in 2015, for a total of 147 events throughout the five years. This was the most serious event ever reported in a single state in a single year. In the state of Uttarakhand, a total of 5 events have been reported in the last five years, with two events in 2011 and three incidents in 2012. In the state of West Bengal, 13 instances were reported in 2011, however this number climbed to 41 in 2015, resulting in a total of 125 events across the five years²⁷. In the state of Delhi, 28 instances were reported in 2011, but this number grew to 21 in 2015, for a total of 96 events throughout the five years.

²³ National Crime Record Bureau

²⁴ Acid Survivor Foundation India, Available at

http://www.asfi.in/webpage.php?title=statistics+&p_type=1&parent=76&catid=78

²⁵ Acid Attack on Women and girls, <http://mha1.nic.in/par2013/par2015-pdfs/ls-210415/384.pdf>

²⁶ Ibid

²⁷ Supra Note 24

In India, a total of 106 incidences were reported in 2011, and another 106 instances were reported in 2012. However, total 116 events were registered in 2013, while total 225 events were documented in 2014. In India, there were a total of 249 events in 2015. The five-year data illustrates how acid attack events in India gradually grew from 116 to 249 instances in a short period of time²⁸.

2.3 THE GENESIS OF ACID VIOLENCE

Acid throwing is a heinous crime and one of the most heinous acts of violence. Acid assaults have a wide range of motivations and causes. Some of the imperatives that keep acid attacks going are shame, loss of face, and sometimes loss of honour. The majority of reported attacks stem from family or personal relationship issues, with emotions such as rage, jealousy, and retribution serving as the primary motivators. The patriarchal hold on power has been threatened by women's social progression and increased decision-making ability, and male retaliation has manifested in acid violence against women. In the majority of cases, potential suitors use acid to strive vengeance on women who reject their offers or ignore their advances²⁹.

It is sometimes used as a punishment by family members, such as the husband, for bringing insufficient dowry, alleged infidelity, or seeking divorce from an abusive husband. Men raised in patriarchal cultures believe they are superior to women, and their ego will not allow them to accept a woman's rejection. Parents may also use it against their daughters if they do not conform to their distorted conceptions of tradition and perform behaviours that are opposing to their recognised norms, so plunging the family into disgrace or contempt³⁰. Family disputes, property clashes, personal animosity, and other factors can lead to crimes when women are chosen as targets to settle family scores³¹. In Afghanistan, the Taliban utilises acids to dissuade schoolgirls from getting an education. Several cases have occurred in Kandhar and other Afghan regions when acid has been splashed on schoolgirls in uniforms with the claim that this is their punishment for attending school.

²⁸ Ibid

²⁹ 25-year-old Shahnaz Bibi, was burned with acid by a relative in Lahore due to a familial dispute.

³⁰ At the age of five Najaf Sultana was burned by her father while she was sleeping inside her house in Pakistan, apparently because he didn't want to have another girl in the family

³¹ Ritu Saini, a 17-year-old volleyball player was subjected to acid attack in Rohtak district of Haryana in India by her cousin brother at the behest of her paternal aunt over a property dispute

An acid attack is a heinous crime. What makes it even worse is that, it's not something that happens in the heat of the moment; it's deliberate and planned. According to BBC, an average of 1500 acid attacks are reported each year around the world. In reality, the numbers could be far higher because many of these incidents go unreported or are ignored by authorities due to cultural and structural injustices against women³². The objective of throwing acid on a person's face or head, particularly a girl's face, can only be to permanently disfigure her head or face such that she is unable to show her face in society or, if she does, she would appear hideous. It is a distinct problem because, in modern day, some of the negative effects of acid or similar substances can be erased by plastic surgery, but that is a different problem. The survivors' anguish of acute agony is intensified by the subsequent social rejection. The reasons of the offenders are sometimes unknown, and they go undiscovered. Sometimes ignorant people who are unaware of the extent of the damage that acid attacks may inflict use it to settle scores without recognising the extent of the damage they might wreak. Many occurrences of acid violence are unintentional, such as when the victims were present near the target or when the toxic material was handled carelessly³³.

2.4 ACID: A PERILOUS ARMAMENT

Acid is known to eat away at flesh and ruin appearances, which has been mentioned as a reason for acid aggression in the majority of cases. In a culture where a woman's physical appearance is valued so highly, scorned or rejected suitors wish to ruin her appearance as a way of punishing or retaliating against her. Acid attacks are viewed as a life sentence. Acid violence victims never fully recover physically or emotionally. Although the physical agony will eventually fade, the scars will serve as a lasting reminder of the traumatic event³⁴.

Acids are used in a variety of industries and crafts. Sulphuric acid is used to make automobile batteries, and many people use it to clean their toilets. It can be carried in a bottle, jar, beaker, or jug, making it simple to utilise in an attack. Water pistols have been used to spray acids on the victims from the distance. Because it resembles water, it can be carried easily without arousing any suspicion. Acids are also commonly employed in agriculture and in the washing of cotton. In the creation of jewellery, nitric acid is used, and hydrochloric acid is used in the production of rubber.

³² Tom de Castella, "How many Acid Attacks Are There", BBC News Magazine, (August 9 2013).

³³ Ibid

³⁴ Sangeeta Kumari v. State of Jharkhand and Anr. on 8 July, 2003, Jharkhand High Court 2004 CriLJ 1734

Various vendors can easily supply large quantities of highly concentrated acids. As a result, individuals prefer it to other weapons that are more expensive and difficult to obtain, such as guns, because of its easy availability at low cost. Acid has thus become a go-to weapon for resolving disagreements, owing to its widespread and unregulated use, as well as its simple availability over the counter and comparatively at a low cost. It is "an exceedingly easy weapon to obtain and employ," according to one report³⁵.

Long-term consequences include irreversible physical harm. The skin dissolves as the acid eats into it, and if the concentration is high enough and the acid isn't wiped away, the acid can penetrate deeper and even melt the bones. The recuperation is long and painful, and it costs a lot of money for treatment and reconstructive surgery. The skin resurfaces unevenly and lumps grow over the damaged areas, and the patients have numerous problems such as loss of eyesight, hearing, joint movement, and so on³⁶.

The instantaneous effects of contact with acid and other such corrosive substances are "swift and disturbing" and ultimately everlasting. Once acid injures the skin and the effects cannot be eliminated, erased, reversed or even forgotten³⁷. It just takes five seconds for superficial burns to occur, following which the acid quickly eats into the skin, melting all flesh, muscle, and even bones unless the acid is wiped off or medical assistance is offered. Lack of awareness regarding administration of first aid to acid victims leads to delay in treatment during which time irreparable damage is caused. Survivors have described their initial reaction to being attacked as though it were water thrown at, or poured on, them; and their subsequent horror at the immense burning heat searing through their body, with the terrifying realization that their skin is dissolving away³⁸.

Many survivors are unable to accomplish even simple tasks without assistance and care as a result of severe physical disabilities caused by acid attacks. As a result, they are forced to fight for their survival on a daily basis³⁹. Due to their physical disabilities, they have difficulties keeping their previous jobs, and employers are often hesitant to hire them. As a result, they

³⁵ Ashim Mannan, Samuel Ghani, Alex Clarke, Peter E. M. Butler, "Cases of Chemical Assault Worldwide: A Literature Review", *Bums*, vol. 33, no. 2 (2007), pp.149-154 at p.150.

³⁶ *Supra* Nota 34

³⁷ *Ibid*

³⁸ *Ibid*

³⁹ Hooma Shah, "Brutality by Acid: Utilising Bangladesh as a Model to Fight Acid Violence in Pakistan", *Wisconsin International Law Journal*, vol, 26 (2008-2009), pp.1172-1199 at p.1173.

become financially reliant on others, which, along with the high cost of therapy, causes financial hardship for survivors' families⁴⁰. In the case of State (Delhi Administration) v. Mewa Singh⁴¹, Mewa Lal was charged under Section 326 of the Indian Penal Code with causing serious harm to Miss Gita, the daughter of Mr. B.N. Lal, by using acid, a corrosive chemical. Mewa Lal flung acid on to the face of victim. The liquid poured on her face caused erythema (redness) on the skin over a section of her face, notably her upper eyelids. There were no skin blemishes or other abnormalities. The offender was found guilty of inflicting harm under Section 323 of the IPC and was sentenced to a meagre fine of Rs. 300 and 15 days in prison. This penalty was heavily criticized.

⁴⁰ Ibid

⁴¹ 5 (1969) DLT 506

CHAPTER 3

CAUSES OF ACID ATTACKS

As previously stated, acid attacks are a form of violence against women in which the attacker splashes acid on a person or item to deface or kill them. Although acid attack formally known as vitriolage is a kind of known violence which is believed to be committed throughout the history, there has been a significant increase in the instances of acid attack in the recent years, notably in the South Asian countries. Some of the increase in number of cases can be attributed to better case recording and the fact that attack victims are reporting about the attacks more frequently. However, due to a variety of factors, there appears to have been a major increase in the incidence of acid attacks in recent years.

Gender violence and prejudice are perpetuated by acid violence, which instils terror among the women. The majority of documented acid attacks have been committed on women, particularly young women, for spurning suitors, refusing marriage proposals, or withholding dowry, among other reasons⁴². Out of desperation, the disappointed suitor wants to ruin the body of the woman he yearned to possess. In a few other cases, the attack is motivated by robbery or a land dispute. A study of Indian news reports from January 2002 to October 2012 found that in 35 percent of the 110 new stories, victims' rejection of love and marriage proposals triggered attacks, providing a cause for the attack⁴³. Men utilise acid attacks based on different religious customs also such as laughing loudly, not wearing hijab, and moving schools or colleges in jeans, according to news in some newspapers. There is an illustrative case of acid attack where the victim named Sonali Mukherjee in 2003 faced the attack for protesting against sexual harassment, and another case Mohammand Razaq namely the accused, flung the acid on to the face of his wife for not bringing enough dowry⁴⁴.

There is misconception prevailing in the society that only single women fall prey to this kind of heinous violence, however this is not the case. Even some married women fall prey to acid attack violence. When a woman leaves her family home to live with her husband for the sake of a happy marital life, she becomes a victim of such a crime, the culprit being her husband himself, there is nothing that can reimburse her for the loss she has suffered. Men also commit

⁴² Law Commission of India (226th Report): The Inclusion of Acid Attacks as Specific offences in the Indian Penal Code and a Law for Compensation for Victims of Crime (July, 2009).

⁴³ Sujoy Dhar, India's acid attack victim, The Global Times (August 20, 2013), available at: <http://www.globaltimes.cn/DesktopModules/DnnForge%20%20NewsArticles/Print.aspx?>

⁴⁴ Acid Attack Case, available at: <http://timesofindia.indiatimes.com/topic/acid-attack-case>

such heinous acts out of frustration, citing deteriorating economic conditions, rising unemployment rates among male wage earner, the growing number of landless households, and a shortage of agricultural work for male labourers are some of the justifications.⁴⁵

Women are still seen as "possessions," and men are expected to make all family decisions. When a lady denies a guy, it is perceived as a betrayal of his reputation, status, and dignity, which he repairs by slapping chemicals on to the face. As a sign of their masculinity and dominance, men hurl acid on women. Men receive sadistic pleasure and his male ego is fulfilled by deforming her face. When a lady rejects a man, he perceives it as a stumbling block to his reputation and honour, and he strives to restore it by acid attacks.

Another common motivation for such attacks is dowry and other marital disagreements. Dowry is a payment made by the bride's family to the groom's family at the time of marriage. Despite the fact that receiving dowry is illegal and punishable by imprisonment, it is nonetheless a frequently performed habit in India. This custom spreads the perception that women are a financial burden. It is regarded as a duty on the part of the bride's family to provide dowry, and failure to do so results in societal disgrace. In most cases, the husband will resort to acid attack on his wife as a form of punishment to the wife's family if she refuses to pay Dowry or more money. Several women in India have reported that their husbands have assaulted them with acid as a result of this.

In one of the cases before the Supreme Court of India⁴⁶, the prime accused was Sushila's husband, and he sought to kill her as well as their daughters, Bindu and Nalini, in order to gain control of her estate because he was the immediate beneficiary. In order to kill her, he poured acid on her. He was found guilty under Section 302/ 34 of the Indian Penal Code, which was enacted in 1860.

Furthermore, in land conflicts, a family member of an opponent's family will frequently attack a woman or girl family member because she is the most vulnerable to such attacks and will most likely become a burden on her family as a result of the attack. The case of Chennamma Deve Gowda, the wife of former Indian Prime Minister H.D. Deve Gowda, has sparked considerable and sustained interest. H.D. Lokesh, the nephew of India's former Prime Minister, viciously stabbed his aunt with acid in a temple on February 21, 2001, over a family rivalry. It

⁴⁵ Afroza Anwar, "Acid Violence and Medical Care in Bangladesh: Women's Activism as Carework", 17 *Gender and Society* 308 (2003).

⁴⁶ Ram Charitter and Anr v. State of Uttar Pradesh Cri. App. 766 of 2006 (S.C.)

was claimed in the newspapers that it was a vengeance act between the two families. One family rose to the top of the country, while the other was living in abject poverty with six children, two of which were physically handicapped⁴⁷.

As a result, it is possible to conclude that men use acid attacks to intimidate women and impose their dominance on them. Such insults feed his macho ego and give him the impression that he is living up to the patriarchal society's vision of man⁴⁸. It's high time for the women that they are put forth to the subjugations since from the history and this mentality has to be changed. Violence of this kind always brings women on the same pedestal on which they were before. On one side we are comparing women to Goddess and worshipping them and on the other hand we are gifting them with all kind of subjugations from their childhood. Men always show their masculinity, dominance by overpowering them through resorted means which is highly unacceptable.

Easy availability of acid is one of the prominent reason behind execution of the acid attack. Acid can be procured at any shop by just paying meagre amount. Retailers don't even ask for the reason why the acid has been procured or what's the purpose. Acid can be easily purchased as if one is purchasing water. Be it hydrochloric, nitric, or even sulphuric acid, can be purchased at a low cost. Before the criminal amendment 2013, there was no specific provision in the Indian Penal Code, as a result if the perpetrator commits the crime, they are often given only meagre punishment.

In the case of *Laxmi V Union of India*⁴⁹, the Supreme Court of India ordered state governments and union territories to take the necessary procedures to regulate acid sales. Under the Poisons Act of 1919, states were required to enact strict regulations governing the retail sale of acids, considering it as a poison. It also said that acids would only be sold if the customer presented a valid government-issued identification card and specified the purpose of the purchase in writing. Despite many legal restrictions, acid bottles are openly sold to anybody, anywhere. A victim's life is reduced to a state that is worse than death as a result of acid attacks.

Even though the Supreme Court issued an order regulating the sale of acid, it can still be purchased over-the-counter because the majority of the acids used to disfigure victims are used for cleaning purposes in the home. When they see that the person acquiring acids is a regular

⁴⁷ Supra Note 8

⁴⁸ Ibid

⁴⁹ 2014 4 SCC 427

customer, most of the acid sellers ignore their obligation to register the buyer's name and address after verifying for a valid photo ID. Deepika Padukone⁵⁰ conducted a social experiment after the premiere of her film 'Chhapak,' which revealed that unregulated and over-the-counter acid sales persist even when legal laws are in place.

Another reason for the existence of such forms of violence is a lack of education for both men and women regarding mutual respect of human rights of each other, as well as men who have been exposed to violence since childhood, exposure to seeing females in their household receiving such treatment from the elder men of the house, and unequal gender social norms that allow men to harm and violate women. Acid attacks are typically "crimes of passion" motivated by a man's jealousy. It is a crime closely related with marriage and relationships, with the majority of cases involving a woman demeaning a man's "honor" because she refused to marry or settle with him.

A multitude of circumstances and thoughts might be blamed for the inspiration for acid attacks on women. As a form of aware fury, some criminals use acid to destroy and degrade the victim's body in an attempt to discredit them⁵¹. Others feed their deep-seated fear of the unknown by demonstrating their power and control by throwing acid on ladies in an effort to demonstrate their eternal control over the woman's fate. As a result, it can be inferred that acid assaults are a form of repression used by men to keep women terrified⁵².

One of the most serious offences a person can do is throwing acid. In most cases, the offender does not want to kill the victim, but rather intends to do something even worse: make the victim suffer indefinitely. Because of a personal relationship problem such as a failed love affair or marriage, unfaithfulness, or rejection, acid throwing is frequently an act of revenge driven by jealousy or hatred. The offender holds the victim responsible for the problem and seeks to cause as much physical and mental pain as possible. Usually, the acid is thrown on the victim's face. The culprit intends to damage the face and turn the victim into a monster so that no one would ever love the victim again.⁵³

⁵⁰ Chhapak Movie released in 2020

⁵¹ Supra Note 1

⁵² Ms. Nargis Yeasmeen, Acid Attack in the Back Drop of India and Criminal Amendment Act, 2013, International Journal of Humanities and Social Science Invention, Volume 4 Issue 1, pp. 06-13

⁵³ Mamta Rao, Law Relating to Women and Children, 1, (Eastern Book Company, Lucknow, 2012)

The following are the reasons for such attacks, according to the study of several cases:

- a) CHEAP AVAILABILITY OF ACID- Acid is used as a weapon in various countries because concentrated acid is cheap and easily available. For example, a bottle of sulfuric acid sells in Dhaka, Bangladesh for as little as Tk. 15 (\$0.15 USD); Cambodia sells it for about 3,000 Riels, (\$0.12USD). In India, a liter of hydrochloric acid costs between Rs. 16 and Rs. 25 (\$0.37 to \$0.57 USD)⁵⁴.

- b) PATRIARCHAL SOCIETIES AND MALE EGO- Patriarchy is the term generally used to describe a society in which there is an unequal distribution of power and privilege between males and females. Historically, and even to some extent in contemporary life, men have had jurisdiction over both the public sphere-political, economic, and cultural affairs and the private sphere of the home, whereas women were expected to involve themselves only with the private sphere of the home and the raising of children.³⁵ Now the situation is changing in the term of women emancipation. Today, women are coming out as winners in every field of life; there is an increasing opposition and intolerance among men towards these achievements.

Women are asserting their interdependence in matters of career etc. Ironically, it is the attitude that spells trouble for them threatening their lives. Men due to their ego are not able to tolerate the success of women. They are jealous of their development. They cannot tolerate their success and sometimes their ego become so dangerous that they hurt the women by throwing acid on her. There are number of cases where women suffer due to male ego.

- c) REJECTION IN LOVE AND REFUSAL OF INDECENT PROPOSALS- Rejection in love and marriage proposals is another major reason of acid attacks. Such crimes against women are often masked in rhetoric of love. Men justify their act of disfiguring women that often springs from her refusal to reciprocate their love. Love has been present in the human life since time immemorial. However acid attack was not known to be mode of revenge in cases of failed love affairs. Males are not conditioned to hearing 'No' from a woman. The violence is the revenge caused by the intolerance of

⁵⁴ Combating Acid attacks in Bangladesh, India and Cambodia, available at:
<http://www.ohchr.org/Documents/HRBodies/CEDAW/HarmfulPractices/AvonGlobalCenterforWomenandJustice.pdf>

being rejected. They have their ego that if they have proposed the women has to accept their proposal. As long as women did not gather the courage to say 'No', it was fine with society, women remained vulnerable and exploitable and society could maintain its status quo. Despite all the education and sophistication, a woman's confidence to reject a man's 'proposal' is still the most humiliating experience for a man⁵⁵. In such crimes against women it is always the case that these incidents are either localized or individualized. It is pathetic status of women that is perpetuated by the system that is responsible for such evils. In India, like in most countries, women are treated as second class citizens and are never given opportunity to assert themselves by refusing the so-called love proposals and advances. Tacit submission is the only course that is open to her⁵⁶.

- d) SUSPICION OF INFIDELITY- In a small number of situations, suspicion of adultery acts as a catalyst for an acid attack. In one case in India, for example, Hazara Singh suffered from a serious misconception over his wife's infidelity. He used to mistreat his wife out of suspicion, and one night, out of suspicion, he poured acid on her. The witness discovered Anant Kaur (Hazara Singh's wife) lying dead, who had been burned nearly all over her body by acid. Acid was used to burn the deceased's forehead, face, chest, abdomen, external genitals, thighs, hips, and other bodily parts⁵⁷.
- e) DOWRY DEMANDS- The refusal of a wife's parents to give additional money for dowry is frequently cited in India as a reason for acid attacks by the husband or his relatives. Harvinder Singh travelled to his wife's father's house in India, where his wife was staying at the time. In one hand, he had a one-liter can of acid. He demanded dowry from his wife, but when she refused, he poured acid on her. She succumbed the next day as a result of injuries caused by the acid.
- f) MEDIA- Today's media has a significant impact on such crimes. The visual medium, particularly film, has a significant impact on the public's attitudes and mindset. With their neoliberal attitude, multinational corporations (MNCs) and the film industry

⁵⁵ Living in the Shadows: Acid attacks in Cambodia, Project Against Torture Cambodian League for the Promotion of Human Rights (LICADHO), (Cambodia, 2003), available at: <http://www.licadho-cambodia.org/reports/files/41acid%20report%20English.pdf>

⁵⁶ Available at: <http://www.socialistworld.net/print/2635>

⁵⁷ Hazara Singh v. The State, AIR 1958 P&H 104

consider women as commodities. They've reimagined what it means to be beautiful. Women are being stereotyped in society as a result of obscene and near-pornographic marketing. The perception that women are sexual objects is being promoted by the media. The entertainment business is cashing in on backwardness and mediaeval social conduct by introducing obscene wall posters with pornographic photographs known as "dialogues." Young people are influenced by these irresponsible behaviour. These irresponsible acts lead young people to think in a perverted way about women, love and sex⁵⁸.

3.1 FACTORS RESPONSIBLE FOR ACID ATTACKS

Many research shows that female marriage is overemphasized in patriarchal and conservative communities. And being involved in a romantic or inter caste relationship is frowned upon. When these lovers are rejected by the girl or her family, or the observable reason is the female's rejection/refusal of sexual demands, dowry problems, or land or property conflicts, as a result various types of acid attacks occur for vengeance. Some studies have focused on the economic impact of acid assaults. In a culture dominated by unemployed men, financially independent women can elicit hatred. When the female is responsible for earning money for the family, she becomes a victim of their insecure husbands or family males when she fails to meet their expectations.

The Law Commission of India's 226th report claims that the majority of acid victims in the reported cases are the womens-

"...particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him⁵⁹".

This is how women are viewed in our culture. They are still unable to speak up for themselves and their basic human rights, which are shared by all citizens of the country. In some cultures, men are still recognised as the sole decision-makers in the family, and if a woman refuses to follow them, it is seen as a betrayal of his dignity, which he recovers by burning her to appease his ego and identify this act as their superiority⁶⁰. The easy availability and inexpensive cost of

⁵⁸ Available at: <http://www.socialistworld.net/print/2635>

⁵⁹ Law Commission Report No. 226- The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime

⁶⁰ Supra Note 52

acids in the market, which can be as low as Rs. 10-15 per litre, is the main cause for the high incidence of acid attacks in India. The sale or purchase of these hazardous acids is unrestricted. Hydrochloric and sulfuric acids, both of which are readily available in our local retail stores, can cause harm to not only the skin and muscles, but also to the blood vessels and, in some cases even the bones get dissolves. Acids are utilized in a variety of industries and trades, making a comprehensive prohibition on their sale and purchase impossible.

However, there must be certain controls in place to prevent it from slipping into the wrong hands. They're even utilised to clean toilets in villages and small towns. Acids are simple to transport and can be thrown at someone with a jug, bottle, container, or even a water gun. Because it resembles water, it can be carried around without raising suspicion. It may take 20-30 seconds for an acid to begin reacting, depending on its composition, giving someone who is accused, enough time to flee.

Following below are some of the prominent causes of acid attack violence which the researcher has tried to highlight.

3.1.1 MALE-DOMINEERING SOCIETY

Our society has always been a male-dominated society, with males being told to dominate and women being told to be submissive. Women have historically been thought to be personality less. Women were regarded the father's property in ancient times, then the husband's property after receiving her as a gift from the father, and when she became a widow, it was the son who protected and governed her. Men are not used to hearing "no" in a society where women have always been governed and ruled by men⁶¹.

Various factors that have come to light for throwing acid include women's rejection to enter into marital relations, women's rejection to get into relationships, women's disengagement from continuing relationships, and so on⁶². The disavowal of a woman in some of the aforementioned situations has a profound and negative impact on the minds of males who have always been instructed to dominate in our male-dominated culture, forcing them to react in this most horrifying manner, which leads to acid attack incidents⁶³.

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

3.1.2 INEXPENSIVE AND EFFORTLESS OBTAINABILITY OF ACIDS

The easy availability of acids on the market is one of the key reasons of acid attack incidents. People can get it without much effort from pharmacies, open-air marketplaces, goldsmith shops, and auto repair shops, etc. Many individuals use it as a cleaning agent in their houses as well. As a result, it is easily accessible. Apart from that, it is also affordable and less expensive as a result they are within the grasp of ordinary people⁶⁴.

3.1.3 DOMESTIC VIOLENCE

The hurling of acid by family members on vulnerable and browbeaten women is one of the primary causes of violence in the home. Denial by women on anything or her vocal character has been interpreted as defiance and rebelliousness by the spouse or his family members in this male-dominated society, resulting in such tormenting and unpleasant situations. It could be because to a lack of dowry, inability to bear a child, failure to obey, refusal to have sex, suspicion, property conflicts, family feuds, and so on. The case of Ram Chaittar v. State of Uttar Pradesh⁶⁵ was a property dispute. The brother's wife and daughters were thrown acid, which resulted in the death.

3.1.4 PEER JEALOUSY

Jealousy is another important aspect that has contributed to such tragic events. In today's competitive world, everyone strives to outperform and outperform others. It could be in the field of business, service, or education. A person cannot observe another person moving and progressing at a breakneck speed against him. It is a source of shame and ignominy that such instances have occurred out of pure jealousy, and that these methods have been used to jolt and interrupt the brilliant and prosperous career of another person⁶⁶. The case of Ankur Panwar's case⁶⁷ is a perfect example of this.

In this landmark case, the offender, Ankur Panwar, splashed acid on the victim, Preeti Rathi, at Bandra Station in 2013, after she declined to accept his marriage proposal and chose to pursue a nursing profession instead. A special women's court in Mumbai sentenced the culprit to death and ordered a punishment of Rs. 5000 to be paid to the victim's parents. This was the

⁶⁴ Ibid

⁶⁵ Cri. App.766 of 2006 (S.C).

⁶⁶ Supra Note 1

⁶⁷ Decided by Bombay High Court on 8 September 2016, available at www.indiankanoon.org/doc/73058320

first time a convicted criminal had been sentenced to death. After Bangladesh, India was the second country to do so.

3.1.5 VENGEANCE BY REJECTED AND REBUFFED SO-CALLED LOVERS

One of the most common reasons for throwing acid on a person is this. When a man's marriage proposal is refused or his approaches are denied by a woman, it is seen as a kind of revenge, and acid is poured on the woman to teach her a lesson. It only takes a few moments for the perpetrator to throw acid on the victim and satisfy a gruesome sense of vengeance against the seeming humiliation. These folks don't realise that the lesson they're giving isn't transitory; it's permanent, and it's ruining the woman's appearance as well as her life.

3.1.6 SAFEGUARDING THE HONOUR OF THE FAMILY

In order to shield the honour of the family, people have resorted to such barbaric acts and have used acid as a means to forbid women to retaliate against the accepted norms and ethnicities of the family.

CHAPTER 4

IMPACT OF ACID ATTACK VIOLENCE

On Tuesday, January 31, 2012, a 22-year-old women was burned after a guy threw an acid on her at Mumbai's Goregaon railway station. The sufferer was taken to a private hospital for treatment. Before passersby could apprehend the culprit, he escaped⁶⁸. On the 28th of January 2010, a 19-year-old lady named Anu, who was studying to become a nurse in Chandigarh, was returning home with two of her friends when an unnamed wrongdoer splashed acid on to her face. Her face, neck, and arms were burned, and she had to withdraw from college and society in general as a result of her injuries. It was a serious medical issue for her that necessitates extensive surgery which was much beyond her family's financial limits. Even one-and-a-half years after the incident, the offender was still unpunished⁶⁹. Anu will never be able to appear the same way she did before the incident, surgeries or not. There was another case on local train in Kolkata where ten women got succumbed to injuries in just one acid attack assault⁷⁰.

Acid attacks like these are not uncommon in India; data reveal that there have been several incidences of acid attacks. 174 incidents were documented in the country in the year 2000 alone, despite the fact that many occurrences go unreported owing to the victim's fear of future hostility or social disgrace⁷¹. Perhaps even more startling is the fact that only nine of these cases have resulted in verdicts⁷².

Every year, hundreds of such occurrences occur across India, with many of them going unreported. Again, the culprit is never apprehended in many of the reported cases. Finally, even when the accused is brought before a court, the legislation often appears to be too lenient to ensure that the victims receive justice. From the investigation stage to the trial, India's criminal justice system has serious flaws when it comes to bringing justice in incidents of acid attacks.

⁶⁸ 'Acid attack on woman', The Times of India, Mumbai, 1 February 2012, available at http://articles.timesofindia.indiatimes.com/2012-02-01/mumbai/31012251_1_acid-attack_goregaon-ticket-booking-office

⁶⁹ 'Acid Attack Victims Still Waiting for Justice', The Times of India, Chandigarh, 17 July 2011, available at http://articles.timesofindia.indiatimes.com/2011-07-17/chandigarh/29784251_1_anu-acid-attack-victims-pgis

⁷⁰ OneIndia News, Kolkata, 12 August 2010, unidentified miscreants threw acid on a ladies compartment of a suburban train injuring as many as ten women. <http://news.oneindia.in/2010/08/12/wb-acid-attack-on-local-train-10-women-injured.html>

⁷¹ 226th Report, Law Commission of India, n 14

⁷² Ibid

It is unfortunate that the criminal justice system has perhaps not come to terms with the gravity of the offence in its true spirit. An elucidation of the combined physical and psychological effects of an acid attack will perhaps help to appreciate the severity of the phenomenon.

Acid attacks are as considered one of the most inhumane crimes since they cause the victim to suffer for a long time. Because acid dissolves soft tissue and even bones, it causes excruciating agony to the injured person, leaving her deformed and scarred, as well as causing permanent disability such as blindness or even deafness.

Acid attack is the most heinous, indescribable, and dehumanizing act which is ever perpetrated against a woman. Acid attack is one of the most heinous crimes against humanity, resulting in total disfigurement, loss of prospects and income, and even social requisitioning⁷³. The consequences are not short, but rather permanent and persist for the rest of a person's life. She is not only physically and psychologically harmed, but also financially and emotionally, not to mention socially isolated. The society is unwilling to accept the woman's appearance and believes that some flaw or blemish is associated with her. Some people offer understanding and compassion, but others make nasty, disrespectful, and obnoxious remarks to these already distressed and depressed survivors.

In India, the number of acid attacks has risen dramatically (table 1)⁷⁴.

Table 1.
Acid Attacks in India, 2010 to 2019*

Year	Number of Cases Reported
2010	80
2011	83
2012	106
2013	122
2014	309
2015	222
2016	167
2017	244
2018	228
2019	240

⁷³ Amlanika Bora & Harshita Priyadarshi, The Concept of Victimology Through the Lens of Acid Attack Victims: A Judicial Paradigm, 6 Int J. Sci. Res., 1458, 1461 (2017)

⁷⁴ National Crime Record Bureau Data, 2019.

Nearly 250 occurrences of acid attacks were documented in 2015. According to the Acid Survivors Foundation India (ASFI), the actual number of cases may be higher than 1000, as many of them go unreported⁷⁵. In an incidence involving a 23-year-old married woman and her two young daughters from a slum neighbourhood of Agra, the husband, upset over not having a male offspring, poured acid on all three daughters while they were slept⁷⁶. The victim first reported the event, but eventually dropped the charges to avoid her husband's anger⁷⁷.

Jilted lovers, unsuccessful dowry demands, family tensions, retribution, and other factors all contribute to such heinous acts. However, the outcomes are nearly identical in all cases of acid attacks, including skin damage where the acid was thrown, blindness, disfigurement, and, in some cases, death. However, there is more to it than meets the eye. In all of the cases, the victims experience a great deal of stigma, low self-esteem, Post Traumatic Stress Disorder, and other psychological damage⁷⁸. Acid attacks are the most common in India. Every year, around 1000 out of the total of 1500 instances reported worldwide, are perpetrated in India⁷⁹.

As per table 1 these data do not reflect the true scale of the problem because 60% of acid assaults in India go unreported. Because 60% of acid assaults in India go unreported, these data do not reflect the true scale of the problem. Many victims are hesitant to disclose because they are ashamed and stigmatized, and many rural regions lack the resources to deal with the crime (Acid Survivors Trust International). In India, the annual number of incidences of acid attack is estimated to be approximately around 1000 as per the Acid Survivors Trust International report.

While there have been reports of acid attacks on men in India, the crime is often seen as a type of male violence against women because women are the victims in more than 80% of cases and men are the perpetrators in 84 percent of the cases. The majority of victims are between the ages of 18 and 22, and over 84.48 percent of crimes are conducted in cities⁸⁰. More than 76

⁷⁵ Sujoy Dhar, "Acid attacks against women in India on the rise; survivors fight back", USA Today, July 27, 2017, available at: <https://www.usatoday.com/story/news/world/2017/07/27/acid-attacks-women-indiasurvivors-fight-back/486007001/>

⁷⁶ Zacharie Rabehi, "The Stories of India's Acid Attack Survivors", The Citizen, May 22, 2016, available at: <http://www.thecitizen.in/index.php/en/NewsDetail/index/7/7761/The-Stories-Of-Indias-Acid-Attack-Survivors>

⁷⁷ Ibid

⁷⁸ Ambika R Nair, "Acid Attack -Violence Against Women 'Need of The Hour'", 1(1) Journal of Innovative Research and Solution (Jan-Jun, 2014), available at: <http://www.jirasindia.com/Publication/Vol-1-Iss-4/JJL004-2014-FP.pdf>

⁷⁹ Nguyen, K. (2015, Sep 16). India's acid attack victims face long wait for justice. Thomson Reuters Foundation. <https://in.reuters.com/article/india-acid-attack-victims/indias-acid-attack-victims-face-long-wait-for-justice-idINKCN0RG1FO20150916>.

⁸⁰ Patel, M. (2014). A desire to disfigure: Acid attack in India. International journal of criminology and sociological theory, 7(2), 1-11. <https://ijcst.journals.yorku.ca/index.php/ijcst/article/view/39702>

percent of acid assaults occur in the area of the victim's home and are perpetrated by someone whom the victim knows.

Sulphuric acid which can be easily procured from the market if flung on to the body of person can cause severe damage to the person. Tissues will get dehydrated on coming to the contact with the acid. The acid causes severe burns due to increase in temperature. If consumed, the general symptoms of corrosive poisoning are observed, including burning pain in the mouth, throat, oesophagus, and stomach, brownish or bloody vomit, a swollen tongue covered in a white coating resembling soaked parchment that later becomes darker or brown in color, chalky-white teeth stripped of their polish, swollen lips, burnt skin around the mouth, and so on.

Sulphuric acid has local effects such as burning, discomfort, and tissue corrosion, as well as the creation of brownish scars that are permanent scars. The severe burns inflicted on the skin may result in death. If the eyes are implicated, conjunctival oedema⁸¹, corneal damage (distorted or hazy vision), and blindness may occur⁸².

On the other hand of nitric acid is flung on to the body of a person can turn the skin and the teeth to pale yellow. The lips, tongue, and mucous membrane of the mouth gets soften and whitened at first, then turned a bright yellow colour due to the synthesis of xanthoproteic acid⁸³. Inhaling nitric acid fumes causes eye irritation, lachrymation (tear production), photophobia (light intolerance), burning in the throat, cough, and a sense of constriction in the chest, and can result in death from choking or pulmonary oedema⁸⁴ (bronchopneumonia⁸⁵).

Similarly, hydrochloric acid can also cause several severe burns on an acute exposure. Hydrochloric acid vapors are extremely irritating. When breathed, it causes a severe inflammatory response and ulceration. The conjunctiva, mouth, and respiratory tract are all involved, and pulmonary oedema may develop. Intense vomiting, retrosternal discomfort, and

⁸¹ "Conjunctival Oedema is abnormal edematous swelling of mucous membrane covering the eyeball and lining the eyelid", available at: <http://medical-dictionary.thefreedictionary.com/Conjunctival+Oedema>

⁸² Section 3(a), Draft Prevention of Offences (By Acid) Act, 2008, National Commission for Women available at: ncw.nic.in/pdf_files/offences_by_acids.pdf Draft Prevention of Offences (By Acid) Act, 2008, National Commission for Women,

⁸³ "Xanthoproteic acid is noncrystallizable yellow substance derived from proteins upon treatment with nitric acid", available at: http://medicine.academic.ru/50471/xanthoproteic_acid,

⁸⁴ "Pulmonary edema is an abnormal buildup of fluid in the lungs. This buildup of fluid leads to shortness of breath", available at: <https://medlineplus.gov/ency/article/000140.htm>

⁸⁵ Bronchopneumonia is a type of pneumonia. Pneumonia is an inflammation of the lungs due to an infection caused by viruses, bacteria, or fungi, available at: <http://www.healthline.com/health/bronchopneumonia#Overview1>

collapse may occur. The acid causes severe and painful burns and necrotic wounds on the skin. The ulcers are deep and take a long time to heal, leaving a scar. The symptoms of dermal acid exposure include rapid development of hypocalcemia (lower calcium level) and hyperkalemia (higher calcium level), leading in kidney failure (ventricular fibrillation⁸⁶).

4.1 CONSEQUENCES OF ACID ATTACK

Acid produces severe, immediate injuries as well as a "unparalleled degree of pain." When acid is thrown on to the face, it causes irreversible damage to the regions of the body that are most typically used for social interaction, communication, and sensory reception. Because of their proximity to the face, the upper arms, neck, and chest are also commonly harmed. Addition to the physical consequences, the psychological consequences of such attacks are often more severe, survivors struggle to live with a changed appearance that elicits negative reactions from the public.

Because of the severe alterations in their appearances, acid attack victims feel humiliated and useless to step out from their homes. The path to reintegration into society for survivors becomes more hard. Getting married, obtaining a job, or going to school all present huge problems, and many survivors become financially, nutritionally, and emotionally dependent on others for the rest of their lives. The most stressful and distressing component of the healing process can be dealing with the social and economic ramifications of acid violence⁸⁷. However, despite assisting and sympathizing with the victims of this heinous crime, society's stance is completely different from what it should be. Acid violence, to be specific, has a complex and interwoven web of physiological, psychological, sociological, and economic ramifications, necessitating a holistic and comprehensive approach to the survivors of this horrible crime.

Because of the long-term effects of the acid, the sufferers require regular medical attention. Acid attack survivors are required to undergo various surgeries and the treatment in order to get a relief from the physiological effects of the acid violence. The victimisation, however, does not stop at destroying the victim's outward look; it also has severe impacts on the victim's

⁸⁶ Ventricular fibrillation is the most serious cardiac rhythm disturbance. The lower chambers quiver and the heart can't pump any blood, causing cardiac arrest, Available at: http://www.heart.org/HEARTORG/Conditions/Arrhythmia/AboutArrhythmia/Ventricular-Fibrillation_UCM_324063_Article.jsp#.WJmiXtQrLVQ

⁸⁷ Kerry Mcbroom and Salina Wilson (ed.), *Burning Injustice 9* (Human Rights Law Network, New Delhi, 2014).

inner self⁸⁸. In one case, an 18-year-old victim from Bihar committed suicide by electrocuting herself in 2016, because she was unable to cope with the stigma associated with the acid assault she had suffered two years previously to her untimely death⁸⁹.

Victimization occurs in two stages: first, when the crime is committed, and second, by societal groups immediately after the incident⁹⁰. The activities of societal bodies such as the police, hospitals, family, friends, and colleagues result in secondary victimization⁹¹. It adds to the victims' pain, as they face plenty of problems, including access to justice, societal rehabilitation, restoring their identity, making mental peace with the incident, and social acceptance.

4.1.1 PHYSICAL CONSEQUENCES

Concentrated acid is flung at the victim's face in practically every occurrence of vitriolage. Acid is a corrosive liquid that may dissolve metal in high concentrations, forcing face tissue to melt in the afflicted areas⁹². Redness, permanent hair loss, and burning are less severe side effects of acid contact with the skin. It causes lifelong scarring, deformity, breakdown of essential body organs, respiratory diseases, and even death at higher doses. At times, the acid destroys the bones by eating through the fat and muscle beneath the skin⁹³. Eyelids, lips, and even the nose can be entirely burned away. Breathing failure is an immediate threat, as the nostrils may seal and the neck may enlarge abnormally, adding to the risk of acid vapour inhalation. Because of the risk of infection on the resulting dead tissue, the physical injury is irreversible and serves as a breeding ground for other deadly diseases.

The physical impact is terrifying, befuddling, and beyond description. When acid is thrown, it feels like water at first, and the individual is unable to understand what has happened, but it generates a lot of burning sensations that intensify and strengthen within fractions of seconds. Because acid is a corrosive liquid that has the capacity to flow deep and profound into the skin and affect muscles, blood vessels, and bones if not cleaned immediately, it causes skin to melt. From blindness to deafness and from partial disability to full disability are some of the harsh

⁸⁸ Prevention of Offences (by Acids) Act 2008 (National Commission for Women - Draft Bill), available at http://ncw.nic.in/pdf/files/offences_by_acids.pdf

⁸⁹ Ibid

⁹⁰ Dheerendra Kumar Baisla, "Secondary Victimization Under the Criminal Justice System", available at <http://jlsr.thelawbrigade.com/wp-content/uploads/2016/06/Dheerendra-Kumar.pdf>

⁹¹ Ibid

⁹² Jane Welsh, *It was like burning in Hell: A comparative exploration of acid attack violence*, University of North Carolina Press, 2009, p. 32.

⁹³ Ibid

effects of acid attack. The physical damage usually depends upon the quantity of acid and the duration of acid on the body. The degrees of burn may be reduced if the acid is rinsed right away. Burning continues until and unless acid is completely washed off.

However, because assaults frequently target the victim's face, the consequences extend far beyond skin injury. It's possible that your eyelids and lips will completely burn off. The ears shrivel up and the nose melts, sealing the nostrils⁹⁴. Furthermore, acid generally drips over the victim's limbs, corroding them. As a result, acid assaults can leave victims not only terribly scarred, but also with severe, irreversible disability. Survivors are typically rendered blind, deaf, or unable to use their hands fully. These effects are primarily caused by attacks involving high-concentration acids, and they are less severe when diluted acids are used⁹⁵.

The 226th report of the Law Commission of India enlists the physical effects of an acid attack thus⁹⁶-

Skull: May be partly destroyed or deformed. Hair is often lost.

Forehead: Skin may shrink, as though stretched tightly, and be scarred.

Ears: Shriveled up and deformed. Deafness may occur immediately or later. Cartilage in the ear is usually partly or totally destroyed, exposing the victim to future infection and hearing loss.

Eyes: Direct acid contact or acid vapors can damage eyes, causing blindness. Even if the eyes survive the acid attack, they remain vulnerable to other threats which can cause blindness during the victim's recovery. Eyelids may have been burned off, or may be deformed by scarring, leaving the eyes to dry up and go blind. This is very difficult to prevent.

Nose: Shrunken and deformed. Nostrils may close completely because the cartilage is destroyed.

Cheeks: Scarred and deformed.

⁹⁴ S. Senthilir, Acid Is Not the Answer to Anything, 48 Econ. Politic. Week., 35, 35 (2013).

⁹⁵ Shamita Das Dasgupta, 'Acid Attacks', in Claire Renzetti and Jeffrey Edleson, eds., Encyclopedia of Interpersonal Violence, Sage Publications, 2008, pp. 5-7.

⁹⁶ 226th Report, Law Commission of India, n 14, p. 11.

Mouth: Shrunken and narrowed, and may lose its shape. Lips may be partly or totally destroyed. Lips may be permanently flared, exposing the teeth. Movement of the lips, mouth and face may be impaired. Eating can be difficult.

Chin: Scarred and deformed. The scars may run downward, welding the chin to the neck or chest.

Neck: Often badly damaged. It may have a thick cord of scarred flesh running down from the chin to the upper chest, or a wide, heavily scarred area on one side of the neck. Victim may be unable to extend the neck, or the head may constantly lean to one side.

Chest: Often badly scarred. The chest may have narrow lines of scars or wide patches of scars from acid splashes or drips. In girls and young women, the development of their breasts may be stopped, or their breasts may be destroyed completely.

Shoulder: May be badly scarred, especially around the underarm, which may limit the victim's arm movement. In some cases, one or both of the victim's upper arms may be stuck like glue to the sides of their body.

Thus, acid has some extremely negative physical consequences on the victims which results in long-term medical complications.

4.1.2 PSYCHOLOGICAL CONSEQUENCES

The victim of an acid attack not only suffers physically, but also psychologically, causing personality changes, trepidation, frustration, lack of confidence, tremor, disordered eating, nightmares, insomnia, despair, negative feelings about themselves, lack of self-assurance, feelings of worthlessness, and abandonment, which may lead to suicidal tendencies. 'Beauty is to man what scent is to a flower,' as the saying goes. The perpetrator's major goal is to make the victim suffer physically, mentally, psychologically, and in other ways, and when the acid is thrown, the perpetrator is able to accomplish his goal, culminating in the victim's death.

Psychologically, the victim is completely shattered and crushed in terms of appearance, self-confidence, and so on, and the most heinous part is that this is not temporary but will remain for the rest of her life⁹⁷. When a person's existence feels pointless to them, it's understandable that they would be stuck in depression, with darkness and murkiness contributing to insomnia

⁹⁷ P. Menon, S. Vashishtha, Vitriolage & India- The Modern Weapon of Revenge, 2, International Journal of Humanities and Social Science Invention, 1, 2, (2013) available at [http://www.ijhssi.org/papers/v2\(10\)/Version-2/A0210020109.pdf](http://www.ijhssi.org/papers/v2(10)/Version-2/A0210020109.pdf)

and migraines. Suicidal thoughts are a possibility as well. There is always the worry of another attack on oneself or one's family members.

The UK Counselling Directory recommends counselling as “*an essential and helpful tool for the victims to help overcome the trauma of acid attacks, recover and rebuild their normal lives. It provides them with a safe environment where the victim can work through their issues and anxiety, helping them to get their life back and be able to move on*”⁹⁸.

The victim's psychological trauma is induced not only by the fear they encountered during the attack, but also by the awareness that they will have to live with their deformities and disability. Physical injuries may heal over time, but the everlasting scars left on a person's mind and spirit will remain for all throughout the time. For them, depression, shame, and loneliness are constant companions⁹⁹. Every time the victim looks in the mirror, she is reminded of the terrible attack on her and the uncertainty of her life, as well as the hopelessness of the future. Some of the acid attack survivors even want to resume their normal way of life, but given their physical looks, there is no guarantee that the society would accept them as they are after the violence. She might be even traumatized to go even out of her house to carry simple tasks, fearing further violence and social disgrace.

The acid attack survivors are miserable, ashamed, nervous, and ostracized most of the time. Sufferers experience severe psychological effects for years, if not forever, because they are reminded of their physical wounds every day¹⁰⁰. They also feel ashamed, scared, accept to live in miserable conditions, and lonely as a result of the society's boycott.

⁹⁸ Domestic Violence, “Counselling Directory, <http://www.counselling-directory.org.uk/domestic-violence.html>

⁹⁹ Ms. N. Yeasmeen, Acid Attack in the Back Drop of India and Criminal Amendment Act, 2013, 4, International Journal of Humanities and Social Science Invention, 6, 8-9, (2015) available at [http://www.ijhssi.org/papers/v4\(1\)/Version-1/C0410106013.pdf](http://www.ijhssi.org/papers/v4(1)/Version-1/C0410106013.pdf).

¹⁰⁰ P. Menon, S. Vashishtha, Vitriolage & India- The Modern Weapon of Revenge, 2, International Journal of Humanities and Social Science Invention, 1, 2, (2013) available at [http://www.ijhssi.org/papers/v2\(10\)/Version-2/A0210020109.pdf](http://www.ijhssi.org/papers/v2(10)/Version-2/A0210020109.pdf)

4.1.3 ECONOMIC CONSEQUENCES

Keeping aside from the physical and psychological effects of an acid assault, this horrible crime also places a person in financial distress. The treatment of an acid attack victim may include a variety of operations, skin grafting, medicine, and other procedures. Because a single surgery is insufficient, many operations are required, putting a person out of pocket financially. Apart from that, acid attacks cause a variety of physical limitations, and those who are already working suffer a variety of difficulties in their jobs and are unable to cope with them. People are unwilling to hire acid attack survivors, even if they exhibit complete empathy for their condition.

The victims who are not married are unlikely to marry because they are disabled, such as blindness or deafness, and our society's mindset is not broad enough to accept a disabled person as their better half. They are even denied employment despite their qualifications because they are unable to match the expectations of their employers due to a lack of "personality." We make their lives more difficult by sympathising with them since we don't like to stare at their faces for lengthy periods of time. This approach, however, needs to be modified because people are suffering not because of their own faults, but because of the faults of some savage animals roaming freely throughout society¹⁰¹.

In terms of economic effects, such victims experience a significant level of discrimination when it comes to career opportunities. As a result, it is reasonable to conclude that acid attack victims go through hell during this ordeal, and their life becomes miserable and worse than death¹⁰². Their physical wounds serve as continual reminders of the crimes perpetrated upon them, and they are continuously haunted by feelings of loneliness and worthlessness¹⁰³.

As a result, many survivors are no longer able to execute routine tasks that formerly enabled them to continue about their everyday lives, and as a result, they lose their jobs. For acid survivors, life can be a "constant struggle to stay alive." Many survivors become reliant on others to provide for them because they are no longer able to educate or work (at least not without sufficient aid and rehabilitation). The burden of providing this support will often fall on family members, and because the majority of acid survivors are from low-income families, this might add further stress to already overburdened families who may not be best placed to

¹⁰¹ Campaign and struggle against Acid Attack on Women (CSAAAW), Burnt not defeated 21-22 (2007)

¹⁰² Ibid

¹⁰³ Ibid

give it. Because of their inability to work or study, the victims lose their jobs and drop out from school or college. Their medical costs are so expensive that they have become monetarily dependent on others and live in poverty¹⁰⁴.

4.1.4 SOCIETAL CONSEQUENCES

Victims become socially outcasts, either by society or by themselves, because their looks have become so awful and frightening. Because of their physical appearance or physical infirmities, an increasing number of acid attack victims are compelled to abandon their education, work, and normal activities of life. The worst aspect is that they are forced to hide their faces and the affected areas of their bodies for no fault of their own. They are forced to bear the burden of society, and so on. People around them are constantly trembling, scolding, and scoffing them, not to mention the society's nasty glances.

All of these things create such an inferiority feeling on the victims that they withdraw their involvement from the society. In turn, society is hesitant to accept such people, avoiding their company and shunning them, sometimes due to weird and unpleasant feelings, and other times due to the stigma and shame associated with such people¹⁰⁵.

Victims experience persecution from society for the rest of their lives, and they become isolated. They feel humiliated by the possibility of being stared at or laughed at, and they may be hesitant to leave their houses for fear of a negative reaction from the outside world. Victims find it difficult to move around freely in society. They have to disguise their burns and deformed looks by wearing masks. People stare at them as if they are strangers. They couldn't imagine themselves having a normal life in society. In our society, women's outer beauty is valued above anything else when it comes to marriage. When a beautiful woman's face gets disfigured, she loses her possibility of marrying.

The victims of acid attacks are even ostracized from their own family members after the attack and this has an everlasting impact on them. They face great difficulties in searching for jobs and if the victim is unmarried, they have a very rare chance of getting married, especially in a country like India where more emphasis is laid on the outer beauty and face instead of inner beauty. As a result, it can be said that the victims of vitriolage go through hell with several

¹⁰⁴ Available at: <http://www.bbc.co.uk/news/magazine-23631395>

¹⁰⁵ Vageshwari Deswal, Acid Attacks, A Study of the Underlying Causes of Acid Attacks against Women in India and the Nature of State Response: Study Conducted by Delhi University in Collaboration with National Commission for Women, 2013, at 16

pains and societal stigma and their lives become miserable and worse than death as soon as they become subjected to acid attacks. Costly medical treatments, expensive medicines, everlasting scars, forces the family of the acid attack survivors to ostracize them because they cannot bear such expenses.

CHAPTER 5

GENDER PERSPECTIVES TO ACID ATTACKS

“In ev’ry state there may be found the laws by which the woman's bound, discriminating ‘gainst her sex, while man her soul would longer vex. Make haste, O man, and change these laws, in which there are so many flaws¹⁰⁶”.

Human Rights are the rights that every human being has by virtue of being a human being, regardless of sex, caste, religion, nationality, color, occupation, or other factors. Human rights are explicitly acknowledged in the Constitution in the form of Fundamental Rights and State Policy Directive Principles¹⁰⁷. These are universal, indivisible, interdependent, and interconnected rights¹⁰⁸. Human Rights are guaranteed to every natural person just because they are human. Since human rights has been recognized long time back, the entire model was structured keeping in mind male infringements of human rights, and the concerns and demands of women were ignored¹⁰⁹. As a result, there has been an increase in abuses of women's rights, necessitating the creation of a particular law to address women's needs and human rights. The CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) is a law that applies neutral human rights criteria to women's situations¹¹⁰. This convention discusses the need of the hour for women’s. There may be a variety of human rights abuses, and gender-based violence is one of the ways in which women are discriminated against because of their gender¹¹¹.

Despite the fact that the United Nations has played an important role in formalising human rights, numerous abuses of human rights demonstrate that international protection efforts are not as effective as they should be and that more work has to be done to better the current situation¹¹². Discrimination has been condemned in name and letter by all the organizations,

¹⁰⁶ Alma White, *Woman's Chains* (1943).

¹⁰⁷ Part III & IV, THE CONSTITUTION OF INDIA, 1950

¹⁰⁸ UNITED NATIONS, VIENNA DECLARATION AND PROGRAMME OF ACTION para 5 (1993) declared that “All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

¹⁰⁹ Partners for Law in Development, *CEDAW: RESTORING RIGHTS TO WOMEN* (2004) at page 16.

¹¹⁰ UNITED NATIONS, CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)

¹¹¹ UNITED NATIONS, UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948).

¹¹² A.H.Robertson And J.G. Merrills, *Human Rights In The World -An Introduction To The Study Of The International Protection Of Human Rights* (4th Ed.) (2005)

both nationally and internationally, but the living law paints quite a different picture. No one shall be discriminated against in the eyes of the law, according to the Universal Declaration of Human Rights¹¹³. Discrimination can be direct or indirect, but it must be stopped because it has a direct impact on a person's mental health, making it a major public health concern.

Several hurdles exist if we discuss the women's right within the greater context of human rights. The division of human rights into civil political rights and economic, social, and cultural rights has been the most significant roadblock in the human rights debate. Civil political rights have been given precedence over economic, social, and cultural rights, resulting in the marginalization of the later.

As a result of this prioritizing, it has been clear that women have been left out of the enjoyment and practice of human rights, as women's rights frequently fall between the two types. Another issue that has occurred as a result of this fragmentation is that the prominence of civil political rights has narrowed the attention to solely state actors, permitting private actors to infringe on a person's human rights through discrimination. Another consequence of fragmentation is that the state no longer has a positive commitment to promote and protect human rights. As a result, it was felt that a separate statute should be drafted that would particularly respect a woman's human rights. The UN General Assembly (UNGA) enacted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979 to address this need.

CEDAW, has prominently emphasized on the women as the group facing discrimination on the basis of sex, defined: “*Discrimination against women means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field*¹¹⁴”.

This definition has been kept relatively wide so as to encompass any and all the other fields where women are subjected to discrimination and hence the phrase “*any other field*” has been used in the definition. There is a stereotype which is associated with women that they are only capable of doing specific kind of jobs such as staying back at home and take care of the family

¹¹³ Supra note 111, Article 7 - All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination

¹¹⁴ Ibid, Article 1

members¹¹⁵. However, considering the present situation in 21st century this is not the case where women are even holding the top notch positions such as CEO's in the MNCs. To comprehend the concept of discrimination against women, it is necessary to first comprehend that human rights are the rights of all human beings, not just men or women.

Discrimination can be direct or indirect and direct discrimination is the consequences of action which are intended to treat women differently¹¹⁶. On the other hand, there is indirect discrimination which is the consequences of neutral condition that actually has a discriminating effect on the women. Discrimination against women is a problem that still exists in today's society. This social structure, in which men utilize their hierarchical authority to oppress women, is in direct opposition to the entire concept of human rights. In order to abolish the patriarchal construction of society, CEDAW drafted Article 5, which compels the state to reform stereotypical sociocultural practices, conventions, and standards of conduct of men and women that place women in a subordinate position to males¹¹⁷.

The general recommendation 19 of CEDAW convention goes on to say that stereotypical behaviors and traditions justify gender-based violence such as domestic abuse, forced marriage, dowry deaths, and so on, and that they should be abolished as soon as practicable. Gender-based violence is one of the ways that women are differentiated against men and their ability to enjoy rights and freedoms on an equal footing with men is hampered. General Recommendation 19 of CEDAW defines Gender Based Violence as-

“violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”.

The United Nation General Assembly also took the opportunity to clarify what constitutes the violence against women. The United Nation General Assembly defined violence against women as- *“any act of gender-based violence that results in, or is likely to result in, physical,*

¹¹⁵ Upendra Baxi, From Human Rights to the Right to be a Woman, in *Engendering Law: Essays in honour of Lotika Sarkar* 275–290, 288 (Amita Dhanda & Archana Parashar eds., 1999). Baxi also stated that “the human right to be a woman and to remain so, I believe, addresses the future of human rights”

¹¹⁶ See for instance, Hindu law that bestows guardianship rights to fathers as natural guardians whilst assigning these rights to the mother only in the absence of the father subordinates women in their capacity as mothers, to men in their capacity as fathers.

¹¹⁷ Article 5 of CEDAW convention.

sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life¹¹⁸.”

As per the definition violence may vary from physical to psychological and most importantly emotional too. It includes sexual harassment at work place, rape, female foeticide, sex trafficking, acid attack and so on. One common factor is the feminine gender where the males try to show their masculinity by dominance on the other half. Gender based violence also finds its roots in institutional arrangements such as asking for sexual favour in exchange for promotion at work or commission of rape by spiritual gurus. Apart from this individual factors are also there which suppress the women such as domestic violence, acid attack, with the link being “Gender” as an organizing instrument of social control¹¹⁹.

As previously stated, the primary reason for men to act aggressive towards women is to demonstrate their dominance and supremacy over them. Men demonstrate their authority in a variety of ways, including beating, sexually abusing, or even raping her. Gender-based violence is most common in confined, closed, or domestic settings. It is possible that every time a guy will not be able cause a bodily and mental harm to a woman in a confined and private place, therefore he will resort to public places. Instead of harassing a woman in public space, he tends to find a graver technique by permanently scarring her life. He does so by using one of the most horrendous technique i.e., acid attack. One of the most horrible ways of damaging a woman's physical, psychological, and social life is through acid attack.

Men are under the belief that the women think themselves superior to men because of their beauty as result men while resorting try to destroy that beauty by pouring acid as revenge. The Avon Global Centre for Women and Justice has created an entire experience of what occurs when acid comes into touch with human skin in one of its works¹²⁰. When acid comes in communication with the skin, it feels like water at first, but after a few seconds, it causes a burning sensation that soon increases into an agonising pain. The acid must be wiped off with water as soon as possible; if the victim fails to do so, the acid will melt the victim's skin, flesh, and bones. Acid is frequently hurled towards the victim's face, causing the victim's eyes, eyelids, lips, ears, and mouth to be destroyed. Other issues related with acid violence include

¹¹⁸ UNITED NATIONS, DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN (1993), Article 1.

¹¹⁹ Claire M. Renzetti, Jeffrey L. Edleson And Raquel Kennedy Bergen, Sourcebook On Violence Against Women (2nd Ed.) (2011).

¹²⁰ Kalantry, Sital and Kestenbaum, Jocelyn Getgen, Combating Acid Violence in Bangladesh, India, and Cambodia (2011). Avon Global Centre for Women and Justice and Dorothea S. Clarke Program in Feminist Jurisprudence. Paper 1

victims developing breathing problems due to the acid's extremely strong vapours, which has a negative impact on the lungs. If not treated immediately, the attack could result in multiple organ failure and even death for the victim. The victim may get in contact with several infections if not taken the proper cautions and has to undergo series of operations and medical surgeries in order to lead a normal life.

In the Indian subcontinent nearly about 80% of the acid attacks are on women. Given this, it would be foolish to say that acid attack assaults are not related to gender. This theory is applicable to India, as the country has a strong patriarchal culture flowing through its blood. Acid attacks, according to India's Law Commission's 226th Report, are "used as a weapon to silence and control women by destroying what is established as the core part of her identity i.e., face¹²¹." The increased occurrence of acid attacks is due to patriarchal society' overemphasis on the physical beauty of the fairer sex. The preservation of their daughter's marriage ability is a major worry for young women's families. When ladies or their families reject them for marriage, vindictive boyfriends resort to acid attacks to ruin the woman's look and condemn her to a horrible fate.

In of the judgement decided by Calcutta High Court in 2007¹²², the accused threw an acid on the victim outside her house and the victim died as a result of several acid burns that she got from the attack. The attack was motivated by the accused's personal vendetta towards the victim, who had turned down the accused's proposal. Another possible reason for acid attacks on women is property issues. The acid attacks are one of the most horrendous breach of women's human rights in Indian society today. Women have the right to be free from such violent assault under international human rights law, particularly the 1980 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Acid assaults when carried on women infringes number of rights which are guaranteed by the Indian Constitution.

¹²¹ The 226th Report of the Law Commission of India has stated that the majority of acid attack victims are women: "particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him." The Report of the Law Commission of India also adds that acid attacks "are used as a weapon to silence and control women by destroying what is constructed as the primary constituent of her identity.

¹²² Ramesh Dey v. State of West Bengal, 2007 (3) CHN 775.

Article 14 of the Indian Constitution¹²³ gets violated when the police instead of investigating the matter often harasses the victim. Article 15(3)¹²⁴ of the Constitution requires the state to make special preparations for the protection of women and children, however, the Indian government has failed to do so by failing to make any measures or preparations for acid attack victims and their children.

¹²³ The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

¹²⁴ Article 15(3) of Indian Constitution, 1949

5.1 PARADIGM SHIFT IN GENDER PERSPECTIVES

While discussing about acid attack a development that occurred in 2019 must also be taken into account while discussing gender perspectives in the cases of acid violence. As per the social attitude studies, the seriousness of any violence is viewed depending upon the gender of the perpetrator and the kind of offence. Most of the crimes in India bears a combination of male perpetrator and female victim. Sexual violence or crime against men are more often overlooked as the more emphasis is laid on the crime or violence against women and children. The root of the problem is that society is dominated by men, and men wield control over women, who are regarded as inferior in terms of physical strength and social prestige. Though we often overlook the fact that practically all forms of violence, regardless of gender, have the same goal in mind i.e., to acquire control over the other¹²⁵.

A PIL was filed in the Supreme Court by the male victim alleging discrimination against the male victims of acid attack. Supreme Court heard the petition and this issue was highlighted before the Hon'ble court. Petitioner relied on the data of NCRB and stated that 30-40% of the victims are male. Mishra, was a resident of Meerut, got attacked by the acid full of bucket on September 8, 2011 by his landlord's son, because he allegedly prevented his landlord's son from abusing a woman the day before¹²⁶. As a result, acid was spilled on his face, and he received over 40% burns, the worst of which were on his head, face, and hands. He spent nearly about thirty lakhs rupees working as a small-time businessman with financial troubles and underwent multiple resection procedures as well as treatment for restoring his face.

Despite the fact that the Supreme Court had ordered Rs 3 lakh in compensation for all the victims, the state government officials alleged that only women victims were entitled to receive the compensation. The Supreme Court took the cognizance of this gender-prejudice interpretation and agreed to acknowledge the PIL. As a result, the NCRB data on male victims of acid attacks were relied on in the aforementioned PIL before the Apex Court, and the refusal to pay compensation to the victim citing gender as a reason, has opened a new dimension for research and sensitization, particularly regarding gender perspectives¹²⁷.

¹²⁵ Our society inadvertently silences male victims of sexual violence [Internet]. Women's Equality, 2019. Available at: [https:// www.womensequality.org.uk/day_8](https://www.womensequality.org.uk/day_8)

¹²⁶ <https://www.indiatoday.in/mail-today/story/supreme-court-to-look-into-male-acid-attack-victims-woe-1166957-2018-02-11>.

¹²⁷ Ibid

Anyone who is subjected to violence, regardless of gender, suffers greatly. Male survivors face extra challenges while seeking help. One of the most difficult problems for male survivors is the society's expectation that men should be able to withstand and survive hardship. Males are taught from an early age to strive to be strong, that is, resilient, self-sufficient, dominant, and capable of defending themselves and those who rely on them for protection. It's no surprise that these social stigmas often force a male victim to choose a silent mode.

As per the NCRB data of 2016, 260 cases of acid attacks were reported and out of the given number, approximately in 104 cases there were male victims. The instances of acid attack on males are on the rise, with 15% more cases reported each year. West Bengal had the maximum number of instances, followed by Uttar Pradesh and Haryana. Delhi has the most occurrences among the union territories¹²⁸. The gravity of the crisis can be gauged by the fact that in Bristol, England, an engineer who sustained severe injuries in an acid attack reportedly perpetrated by his jealous ex-girlfriend, died in an euthanasia facility after deciding he could no longer bear the pain¹²⁹. Its high time for us to realize and face the ugly truth where it is not necessary that the abusive behaviours are emblem of men, rather perpetrator can be of the opposing sex too.

Instances of acid attack on men was unheard until a few years ago. Considering the present scenario, it would not be shocking to find men who are also the victim of this horrendous violence. Although there are fewer male victims, this does not rule out the possibility that the attack against them is less serious. It is not wrong to say that they also suffer from the same anguish and trauma. There are no non-governmental organisations (NGOs) dedicated to male survivors. Today's generation is incapable of accepting rejection and refuses to accept NO as a response. People are becoming more emotionally volatile and susceptible to stress and strain as a result of unfavourable situations or outcomes. Since our Indian Penal Code, 1860 is a century old law, it's a high time for it to be amended and reformed.

Various strange crimes, such as male acid attacks and honour killings, should be addressed in new sections. Male acid assault cases should be treated with the same seriousness as the female acid attack cases which are highlighted in the media. It must be accepted that acid attacks are

¹²⁸ Crime Statistics 2015, National Crime Record Bureau (NCRB), Ministry of Home Affairs, 2015 Govt. of India New Delhi. Available from [Http:// Ncrb.Gov.In/Statpublications/CII/CII2015/FILES/Statistics-2015_Rev1_1.Pdf](http://Ncrb.Gov.In/Statpublications/CII/CII2015/FILES/Statistics-2015_Rev1_1.Pdf)

¹²⁹ Morris S. Pain of acid attack led to man's euthanasia, Bristol murder trial told [Internet]. The Guardian, 2019. Available at: <https://www.theguardian.com/uk-news/2018/apr/19/pain-of-acid-attack-led-to-mans-euthanasiabristol-trial-told-mark-van-dongen>

no longer a male-dominated phenomenon. Irrespective of the gender provision, equal rehabilitation should be given to the survivors of the acid attack.

5.2 CASES OF MALE ACID ATTACKS

There are several cases where the acid thrown on the victim was irrespective of the gender. Some of them are as follows¹³⁰: -

- 1) A nurse and a compounder conspired to throw a mixture of acid and kerosene over a doctor in a case before the Madras High Court as retaliation for the doctor's alleged rape of the nurse. The doctor got completely burned and died as a result of his injuries. The defendants were prosecuted under sections 302 and 109 of the Indian Penal Code, but were found not guilty due to a lack of evidence.
- 2) Mazrul Islam, aged 39, of Murshidabad, West Bengal, got involved in a scuffle with a jeweller. He demanded his chain which he had put up as collateral for a loan. In a fit of rage, the goldsmith flung acid on him, completely destroying his upper and lower eyelids.
- 3) A man from Punjab's Ludhiyana province had suffered significant burns. According to the reports, four unknown criminals broke into the person's home at 1 a.m. and literally showered him in acid in front of his seven-year-old child.
- 4) Acid Survivors Foundation of India narrates the incident of a man in Bhopal who met a woman on the internet and fell in love with her. The moment he went to meet her, to his utter shock, he found that the woman was married. The woman, on the other hand, blamed the man and complained to her husband about him harassing her. Out of rage, her spouse flung acid on him. He was only 25 years old when he lost both of his eyes and was left with a permanently deformed face.
- 5) Solanki was employed at a private firm in Goregaon. The 25 years old girl who lived in Nalasopara was in a relationship with Solanki and their relationship had been going on for a year. Solanki decided to end her engagement with her after the couple had several violent confrontations recently. The woman was so enraged by the occurrence that she carried the acid along with her and asked the boy to meet outside his office.

¹³⁰ Available at: <https://www.legalservices.com>.

The woman poured acid on Solanki after a heated argument. Since, the acid was not too strong, Solanki only sustained minor injuries to his face and hands.

- 6) Aditya Raj, who is two and a half years old, is Delhi's youngest acid-attack survivor. On December 13, the child was taken by his mother's jilted boyfriend while playing outside his home. Aditya, a child, was abandoned on the side of the road after his mother's ex-boyfriend spilled acid on his face and body.
- 7) Firoz Khan, now 42, was 27 years old when he was permanently scarred by a neighbourhood brawl. On a chilly January winter evening in 2002, he was watching TV inside his house when a fight broke out between his younger brother and his neighbours. When he observed his brother quarrelling with their next-door neighbour, he immediately came to help his brother. His brother asked him to come inside and after few minutes his next-door neighbour came running with a bucket of acid and a cup, and started throwing at them.

CHAPTER 6

LEGISLATIVE FRAMEWORK ON ACID ATTACK

Acid attacks on women are one of the most heinous crimes ever committed. Despite the fact that Article 15 of the constitution talks about providing protection to everyone and prohibiting discrimination based on religion, race, caste, sex, the reality is that the state has failed to protect its citizens, particularly women, who are the victims of the majority of such horrendous crimes. Acid attack is the most heinous crime which aims at isolating the victim from the society. The perpetrator. Since the commission of this crime requires a pre planning before it can be carried out as a result perpetrator devises a deliberate strategy to perform this crime. In the case of *Laxmi v. Union of India*¹³¹, it was argued that there are insufficient laws to deal with such a horrendous crime. So this chapter will be a descriptive one, with the goal of laying out the legal rules provisions governing acid attacks prior to and after the Criminal Law (Amendment) Act, 2013.

Prior to the Criminal Law Amendment Act of 2013, there was no specific section in the IPC pertaining to acid attacks. The act of spilling acid on the body of victim was dealt under the category of grievous hurt and the accused was mainly tried under section 320¹³², section 322¹³³,

¹³¹ Writ Petition (C) No. 129 of 2006 (10.04.2015 – SC).

¹³² The following kinds of hurt only are designated as “grievous”:

(First) — Emasculation

(Secondly) —Permanent privation of the sight of either eye.

(Thirdly) — Permanent privation of the hearing of either ear,

(Fourthly) —Privation of any member or joint

(Fifthly) — Destruction or permanent impairing of the powers of any member or joint.

(Sixthly) — Permanent disfiguration of the head or face.

(Seventhly) —Fracture or dislocation of a bone or tooth.

(Eighthly) —Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

¹³³ Voluntarily causing grievous hurt—Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt.

Explanation. - A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

section 325¹³⁴, section 326¹³⁵ and sometimes even under section 307¹³⁶ and 302¹³⁷ (in case it has caused the death of the victim) of IPC. It has been asserted many a times that the lack of a particular provision dedicated to the crime of acid attack leads to inconsistency while adjudicating the case, and the same was happening with the judiciary.

The Law Commission of India in its 226th report has strongly criticized the meaning and scope of section 320 of Indian Penal Code. The Law Commission in its report mentioned that the ambit of section 320 is very narrow and also opined that the section does not include attacks that inflicts numerous sorts of grievous harm such as acid attack. The sentence for voluntarily causing grievous hurt under Section 322 of IPC is merely three years, which is insignificant when compared to the horrible repercussions that the victim of an acid assault has to face.

A number of cases involving acid attacks were brought to the courts, but due to the lack of a particular provision, the judges often dealt with the cases according to their conscience. Furthermore, the act of acid attack was not recognised as a separate crime, as a result no attention was paid to the victims of such a horrible crime, whose entire life comes to a standstill as a result of several physical, emotional, economic, and social traumas caused due to this act. Neither the law nor the courts looked out for the victim's recompense. The functionaries of the criminal justice system have also not developed any guidelines for determining the amount of compensation to be paid to the acid attack victims. This can be seen in the judicial pronouncements when dealing with instances of acid attacks.

In one of the case of State (Delhi Administration) v. Mewa Singh¹³⁸, the perpetrator threw an acid on the victim's face and as result erythema (redness) has been caused on the victim's skin.

¹³⁴ Punishment for voluntarily causing grievous hurt. - Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹³⁵ Voluntarily causing grievous hurt by dangerous weapons or means—Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with 1 [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

¹³⁶ Attempt to murder. - Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

¹³⁷ Punishment for murder. - Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

¹³⁸ 5(1969) DLT 506.

Lucky enough there were no abnormalities on the skin. In this incident, the accused was found guilty of inflicting bodily harm on the victim under Section 323 of the Indian Penal Code. He was ordered to pay a meagre fine of 300 rupees and a 15 days of imprisonment. It's extremely awful to read that the accused was only sentenced to 15 days in prison for attempting such a horrific crime. Giving such a sentence without considering the gravity of the offence is an absolute absurdity. The victim will be tormented by the trauma and anxiety for the rest of her life, and inflicting such a petty penalty only adds to her suffering.

In yet another instance, *Syed Shafique Ahmed v. State of Maharashtra*¹³⁹, the husband threw an acid on his wife and one more person as he had a personal grudge against her. The wife's and the other person's face, both were deformed as a result of the incident. One of the victim i.e., wife even lost her vision from the right eye. The offender was charged under sections 326 and 324 of the Indian Penal Code and was sentenced to three years of imprisonment and was awarded a fine of Five Thousand Rupees. This case also demonstrates how the punishment awarded is inconsequential of the act done by man who flung the acid on two persons, disfiguring their faces.

At this juncture the researcher would like to cite few judgements where these sections of IPC were used to award a suitable punishment to the culprit of acid attack. In of the case of *Gulab Sahiblal Shaikh v. State of Maharashtra*¹⁴⁰, the accused mainly brother-in-law splashed acid on the women while she was carrying 2.5 years old child with her because she refused to contribute money to support her husband's second wife. The victim suffered burn injuries on her face, breast hands, and both the child and the mother lost their vision. The mother succumbed to death as a result of the injuries inflicted upon her, leaving the child alone. The accused in this case was awarded life imprisonment under section 302 of IPC and was also sentenced to rigorous imprisonment for a period of one month. He was also awarded five years of punishment under section 326 of the Indian Penal Code. The one area where the Court failed to do justice was in failing to recognise that the little child who was left blind had also lost her mother and thus should have been compensated appropriately for her grief.

In the another judgement of *Ram Charittar v. State of Uttar Pradesh*¹⁴¹, the culprits threw an acid on his wife and two daughters because they wanted the property and were next in line after them. The victims suffered major burn damage to their faces, chests, necks, and other parts of

¹³⁹ 2002 CriLJ 1403

¹⁴⁰ 1998 Bom CR(Cri).

¹⁴¹ Criminal Appeal Nos. 329 and 766 of 2006 (04.04.2007 - SC).

their bodies, and the wife eventually died as a result of the burns. The two culprits were sentenced to life imprisonment under section 302 and 34 of the Indian Penal Code. Even after suffering such a great deal of loss, the victims were not given any compensation.

Due to the absence of a specific provision to deal with the menace of acid attack, the victims were unable to get the adequate compensation. The judiciary was exercising their own discretion in determining a fair and reasonable sentence, victims were not compensated for the medical expenses, act of splashing acid was not even recognized in the penal code, are few of the factors which encouraged the perpetrators to commit the crime.

Women has several rights under International Human Rights law, such as UDHR, ICCPR, ICESCR and CEDAW to be free from all such violent attacks. Article 4(f) of the Universal Declaration on the Elimination of Violence against Women 1993 says that the state should develop preventive measures for violence against them in order to safeguard them and their rights. Further it says that the state should take some measures in rehabilitating the women who are subjected to violence. Women who have faced any violence against them should get a specialized assistance such as rehabilitation, treatment, counselling, education, social security and many more. Further it also put an obligation on the state to take all possible measures to promote their safety and their psychological rehabilitation¹⁴². Most crucially, India has ratified all of these treaties and is thus obligated to follow through with their implementation.

No doubt, our founding fathers anticipated such events and promised Justice -social, economic, and political and equality of status and opportunity for all citizens irrespective of any caste creed, gender and to promote fraternity among all assuring the dignity of the individual and the unity of the nation¹⁴³. Furthermore, it permits the government to take affirmative action measures in favour of women. Due to the proactive attitude of the judiciary, the liberal interpretation of Article 21 has stretched the scope of the 'right to life' to new frontiers by reading many other rights into it as fundamental rights thereof. As a result, in addition to the right to life, women have a fundamental right to human (read feminine) dignity¹⁴⁴, privacy¹⁴⁵, a healthy environment¹⁴⁶, primary education¹⁴⁷, free legal assistance, and a speedy trial.

¹⁴² Article 4 (g)

¹⁴³ The Constitution of India, 1950, Preamble.

¹⁴⁴ Francis Coralie v. Union Territory of Delhi, AIR 1981 SC 746

¹⁴⁵ People's Union for Civil Liberties v. Union of India, AIR 1997 SC 568

¹⁴⁶ Indian Council for Environ-Legal Action v. Union of India, (1996) 3 SCC 212; See also, State of Maharashtra v. Madhukar Narain, AIR 1991 SC 205

¹⁴⁷ J.P. Unnikrishnan v. State of Andhra Pradesh, AIR 1973 SC 2178.

Moving aside from fundamental rights, there are Directive Principle of State Policies which also include special provisions to protect rights of women. Provisions in the Indian Penal Code were insufficient to deal with the menace of acid attack on many reason as a result a need was felt to enact the new law. Some of the reasons could be: -

1. The grievous hurt under Indian Penal Code is defined on the basis of damage that has been caused by the offence and on the severity of pain but in excludes the certain other circumstances of acid attack. The grievous hurt has only been defined on the amount of damage and severity of pain it causes to the victim. Grievous hurt has been defined as debilitation of victim's reproductive or sexual organs, permanent loss of vision, permanent loss of hearing ability, permanent damage to any membrane or joint, disfiguration of face or any hurt which endangers the life of human beings. Therefore, if the culprit of acid attack violence causes only skin damage and does not cause any permanent damage to the other organs, it would not come under the umbrella term of grievous hurt. If no irreparable damage has been caused to the victim it would not fall within periphery of grievous hurt.
2. The concept of grievous hurt does not take into account the compassion, stigma and disrespect of the victim associated with the acid attack nor does it take it take into account for the earning capability of the victim.
3. If the culprit was not charged under grievous hurt, he would be charged under causing hurt and inflicting hurt only carries minimum punishment of 3 years which is very insignificant when compared to the horrendous repercussions that an acid attack victim has to face. The topic of whether to charge the offender of an acid assault with grievous bodily harm or with mere bodily harm was widely discussed, leaving a gap in the law for new legislation to address this terrible scenario. It was also worth relevant to note that there was a gap in the current existing law as there was no provision to punish the offender who makes an attempt to throw the acid. In the wake of sharp rise in the cases of vitriolage, it was needful to draft an efficacious and specific law on the subject of acid attacks.

The gang-rape atrocity in the national capital on December 16th sparked calls for stricter regulations to address the rise in crime against women across the country, including rape, molestation, acid attacks, etc. Following this tragedy, the Indian government implemented the

Criminal Law (Amendment) Act of 2013, based on the recommendations of the Justice Verma Committee Report, which also emphasised on the necessity of including provisions to cope up with the gravity of such offences.

6.1 ANALYSIS OF THE 226TH LAW COMMISSION OF INDIA REPORT

The Law Commission of India took the case by its own initiative and set out the complete context and state of acid violence in India. According to the 226th Law Commission of India Report, one of the main causes for acid assault is that the attacker cannot accept the fact that he has been rejected and then attempts to damage the body of the lady who has dared to stand up to him¹⁴⁸. In the report, the Law Commission lays out in great depth about data and issues surrounding acid attacks in India, as well as a comparison towards how acid attacks are handled in other nations. This report examines some of the most significant cases in India that dealt with the subject matter of acid attack, prior to the landmark case of Laxmi.

After a thorough analysis, the report concluded that there were issues with charging the accused under Section 326 of the Indian Penal Code for an acid assault¹⁴⁹. The Law Commission of India finally issued certain suggestions, some of which were taken into account by the Parliament when acid attack was made a separate crime. The Law Commission of India suggested that a new provision should be introduced to the Indian Penal Code to make acid attacks, as well as the act of tossing or administering acid on another person, be illegal¹⁵⁰.

¹⁴⁸ LAW COMMISSION OF INDIA, THE INCLUSION OF ACID ATTACKS AS SPECIFIC OFFENCES IN THE INDIAN PENAL CODE AND A LAW FOR COMPENSATION FOR VICTIMS OF CRIME (2008), Available at: <http://lawcommissionofindia.nic.in/reports/report226.pdf>

¹⁴⁹ Law Commission of India states the problems with respect to Section 326 of IPC in the words “Firstly, the definition of grievous hurt is not broad enough to cover the various kinds of injuries which are inflicted during acid attack. Secondly, the section does not cover the act of administering acid. Thirdly, the section gives a wide discretion to the courts as far as punishment is concerned. The cases on acid attacks in India show that normally inadequate punishment is awarded in these cases. Fourthly, the section in the IPC does not punish the intentional act of throwing of acid if no injuries occur. Lastly, the section also does not specify who the fine should be awarded to.”

¹⁵⁰ The Law Commission of India recommended the insertion of the following provision in IPC:

Section 326 A - (i) Hurt by acid attack- Whoever burns or maims or disfigures 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 life and with fine which may extend to Rs. 10 Lakhs. Provided that any fine levied under this section shall be given to the person on whom acid has been thrown or administered.

Classification Of Offence- Minimum Imprisonment of 10 years extendable up to imprisonment for life and fine-cognizable- non-bailable—triable by court of session—non compoundable.

(ii) Intentionally throwing or administering acid- Whoever throws acid on, or administers acid to, any person with the intention of causing burns or maiming or disfiguring or disabling or causing grievous hurt to that person shall be liable to imprisonment of either description for a term not less than 5 years but which may extend to 10 years and with fine which may extend to Rs. 5 Lakh.

The Law Commission of India suggested that both of these offences be punished severely, with a maximum fine of Rs 10 lakhs in the case of damage to the victim and a maximum fine of Rs 5 lakhs in the case of an attempt to cause damage. In the event where the victim is injured, the commission recommends that the fine be paid directly to the victim. The sole flaw in this propositions made by Law Commission was that there was no set minimum amount of compensation to be awarded to the victim, which could lead to the Court having broad discretion in determining the amount of compensation and to differences in the factors taken into account by different Judges.

Another proposition made in the 226th Law Commission of India Report was to include a presumption clause¹⁵¹ in the Indian Evidence Act, 1872, to presume the perpetrator's intent when tossing or throwing the acid.

This suggestion was additionally taken forward by the report planned by Justice Verma Committee on revisions to Criminal Law¹⁵², but it was not taken up by the Parliament, and hence it did not get incorporated in the Evidence Act by the 2013 Amendment Act. Moving aside from this, Law Commission of India also advocated the creation of a new law known as "Criminal Injuries Compensation Act" to offer adequate interim and final pecuniary compensation to victims of specific crimes such as rape, acid assault, sexual crime and others. This proposition has yet to be taken up by Parliament, however the question of compensation has been investigated and discussed later in the upcoming chapter.

The Law Commission of India finally suggested to curb the sale of acid and other corrosive substances across the retail counters and it is mandatory on part of the shopkeeper to check the photo Id of the person procuring the acid from his shop. However, this thing was further expander by the Supreme Court in the landmark judgement of *Laxmi vs Union of India*¹⁵³.

Classification of Offence - Minimum Imprisonment of 5 years extendable up to 10 years and fine- cognizable-non-bailable—triable by Court of Session—non compoundable.

¹⁵¹ The Law Commission of India recommended the insertion of the following provision in the Evidence Act: Section 114 B - Presumption as to acid attack - If a person has thrown acid on, or administered acid to, another person the court shall presume that such an act has been done with the intention of causing, or with the knowledge that such an act is likely to cause such hurt or injury as is mentioned in Section 326 A of the Indian Penal Code.

¹⁵² JUSTICE VERMA COMMITTEE, REPORT OF THE COMMITTEE ON AMENDMENTS TO CRIMINAL LAW (2013)

¹⁵³ (2014)4SC C 427- wherein the Supreme Court ordered with respect to the prohibition of sale of acid by stating that "In the States/Union Territories, where rules to regulate sale of acid and other corrosive substances are not operational, until such rules are framed and made operational, the Chief Secretaries of the concerned States/Administrators of the Union Territories shall ensure the compliance of the following directions with immediate effect:

Justice Verma Committee¹⁵⁴ praised the work of Law Commission of India report and their only recommendation was that the Central and the respective state governments should donate a significant sum to establish a compensation fund for the victims of these assaults.

The Law Commission of India in its 226th report mentioned that-

“victim of acid attacks suffers a great deal due to slow judicial process, inadequate compensation and obviously from the after effects of the acid attack itself. Thus, there is an urgent need to legislate distinct sections in the IPC to deal with acid attack and to set up a Criminal Injuries Compensation Board in India to deal with such cases in an effective and efficient manner, to help the victims of acid attacks to get compensation for medical expenses and rehabilitation apart from making section 357 CrPC37 mandatory in certain respects¹⁵⁵”.

-
- (i) Over the counter, sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.
 - (ii) All sellers shall sell acid only after the buyer has shown the photo id and stated the reason for procurement of acid
 - (iii) All stocks of acid must be declared by the seller with the concerned Sub- Divisional Magistrate (SDM) within 15 days.
 - (iv) No acid shall be sold to any person who is below 18 years of age
 - (v) In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to 50,000/-
 - (vi) The concerned SDM may impose fine up to ' 50,000/- on any person who commits breach of any of the above directions.

¹⁵⁴ JUSTICE VERMA COMMITTEE, REPORT OF THE COMMITTEE ON AMENDMENTS TO CRIMINAL LAW (2013).

¹⁵⁵ 226th Report, 'Proposal for the inclusion of Acid Attacks as Specific Offences in the IPC and a Law for Compensation for Victims of Crime, Law Commission of India, 7 July 2009.

6.2 POST CRIMINAL LAW AMENDMENT, 2013

The provisions of section 320 and 326 of Indian Penal Code were inconsequential when compared to the hardships of the victim pertaining to the menace of acid attack violence. Survivors of acid attack faces huge amount of trouble after the attack and their life is even worse than death if not proper rehabilitation has been provided to them. Proper rehabilitation, compensation, awareness, medical treatment, societal acceptance, are some of the first hand initiatives which are required to be given to the victims of acid attack, notwithstanding anything, nowhere in the section these recourse has been mentioned. There was a dire need to create a new law or amend some provisions in the existing law so as to mitigate the difficulties of the victims. After the Delhi rape case, the Justice Verma Committee recommended some provisions to be added in the existing statute regarding acid attacks and Parliament without wasting any time amended the Indian Penal Code. It was only after the Criminal Law Amendment Act, 2013 that made few amendments and inserted section 326A¹⁵⁶ and 326B¹⁵⁷ in the IPC. Apart from these two, section 100(7)¹⁵⁸ of IPC, section 357B¹⁵⁹ and section 357C¹⁶⁰ of CrPc were also inserted as per the above mentioned amendment. This was a significant step in acknowledging the plight of acid attack sufferers. Section 326A¹⁶¹ of Indian Penal Code

¹⁵⁶ Section 326A- Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine: Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim: Provided further that any fine imposed under this section shall be paid to the victim.

¹⁵⁷ Section 326B- 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 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.

¹⁵⁸ Section 100(7)- An act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

¹⁵⁹ The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code.

¹⁶⁰ All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code and shall immediately inform the police of such incident.

¹⁶¹ Supra Note 156

basically deals with the disfigurement of body or face that can be caused by splashing acid on to the other person. The injury could cause disfigurement, disability on any portion of the body, and this could be temporary or permanent. If any person commits such a crime then the punishment for such a person is a minimum of 10 years in jail, with the possibility of life imprisonment also. A fine may also be imposed on such a person and the fine that has been issued should be equitable and reasonable in light of the victim's medical expenditure. Fine should be directly paid to the victim.

Section 326B¹⁶² of the Indian Penal Code refers to a person who throws, attempts to throw, or administers acid to another person, or tries to do so by other means, with the intent of causing permanent or partial damage, deformity, burns, or to cause disfigurement of any portion of the body, any kind of disability, or even grievous harm to that person, he will face a minimum sentence of 5 years, with the possibility of a maximum sentence of 7 years, as well as a fine. One of the main difference prior to and after the amendment is that the injuries caused to the person by administering acid need not to be irreversible in nature as it was the case in section 320 of IPC which decides the quantum of punishment. The parts that have been introduced in the section covers all type of bodily injuries that can be induced by an acid assault. Unlike the provision of Grievous Hurt, which has a fairly narrow connotation, the newly inserted sections allow for a wide range of injuries that can be caused.

Furthermore, section 100(7) of Indian Penal Code which was inserted through Criminal Amendment Act of 2013, discusses the circumstances in which the right of self-defense even exists to cause the death of another person. The crux of the section states that if a person splashes or even attempt to throw the acid, which would ordinarily create a fear and anxiety that grave harm might cause to him after such incident, then a person is justified in killing that person and will be immune from any punishment. This clause emphasizes the notion that the right to self-preservation is a fundamental human instinct. One of the issues with this form of crime is that many a times the victims of acid attack are hesitant to disclose the violence before the police as they feel that police officers may harass and humiliate them by asking questions and may incline the investigation in terms of women's sexual past. In order to address the insensitive behavior of police officers in the cases of violence against women, the proviso was added in the section 154 of CrPc through Criminal Law Amendment Act, 2013. According to this provision victim's statement shall be recorded by the female police officer in the cases

¹⁶² Supra Note 157

pertaining to violence against women. And if the person who is seeking the report is suffering from any sort of disability, such facts shall be recorded at the convenience spot of the victim or as per his choice in the presence of interpreter or special officer¹⁶³. Failure on the part of a public official to register a First Information Report in the case of acid attacks is a punishable offence as per section 166A (c) of Indian Penal Code, which carries a sentence of rigorous imprisonment for a term of not less than six months but not more than two years, as well as a fine¹⁶⁴.

In addition to the above two sections, the Law Commission of India also proposed to section 114B to be added in the Indian Evidence Act through its report. Justice Verma Committee also likewise proposed the same, however Parliament didn't accept the proposition and that part was not inserted. If the same had been included, the injustice that victims have to face as a result of evidentiary problems may have been averted. In one of the case before the Madras High Court, both the culprits colluded and poured acid on the face of the doctor as a result he faced 100% damage and later succumbed due to the injuries. Both the accused in the present case were acquitted as there were no evidences against them¹⁶⁵.

Inculcation of of section 357B and 357C into the Code of Criminal Procedure is another pleasant step brought about by the Amendment Act of 2013. Apart from this, section 357 of the Code of Criminal Procedure outlines an obligation on all hospitals, regardless whether being private or public, regardless of state government or federal government, to dispense immediate first aid relief to the victims which are covered under sections 3236A, 376, 376A, 376B, 376C, 376D, 376E of the Indian Penal Code. It is also their responsibility to report the incident to the police as soon as possible.

Besides this there is section 357A of crpc which deals with Victim Compensation Scheme. This section acts as an umbrella clause which orders each state to set up Victim Compensation Fund in association with the federal government. The motivation behind this is to give financial assistance to the survivors of the wrongdoing. The compensation is to be given with respect to the plan that has been embraced by the specific state or in accordance with the scheme of state government. The remuneration could be given either to the person in question or his dependents who has suffered harm or injury on account of wrongdoing and who additionally requires

¹⁶³ See, Section 154, Information in cognizable cases- Amendment to the Code of Criminal Procedure code of Criminal Amendment Act, 2013

¹⁶⁴ See Section 166 A (c) Indian Penal Code 1860- Public servant disobeying direction under law Amendment to the Indian Penal Code 1860 by the Criminal Amendment Act, 2013

¹⁶⁵ Mahesh and Parimaladevi v. State, Criminal Appeal Nos.533 and 551 of 2000 (10.04.2003, Mad HC).

recovery. The District Legal Service Authority or the appropriate State Legal Service Authority will determine the amount of compensation awarded under this section after receiving a recommendation for remuneration from the court. Remuneration can also be granted in such situations where the guilty party has not been discovered or preliminary trial has not started. Keeping aside this, the Central Victim Compensation Fund (CVCF) has likewise been established with a Rs 2 Lacs starting corpus as per the directions of Ministry of Home Affairs. The reason for it is to help the victim in getting the remuneration and to diminish the disparity in quantum of remuneration given by the various state government and the union territories. Victims will be provided with the remuneration on the various grounds such as rape, acid attacks, trafficking¹⁶⁶.

The 2013 Amendment to the Code of Criminal Procedure, 1973, by including Sections 357B and 357C, addressed the problem of remuneration and giving assistance to victims, which was raised in the case of Laxmi. Section 357B¹⁶⁷ of the code of criminal procedure provides for remuneration that would be paid to the victim by the State Government irrespective of the fine under section 326 A of IPC. Furthermore, section 357C¹⁶⁸ was added by the Criminal Law Amendment which accommodated the victim in the event of acid attack to be entitled for free medical service or first aid service from any hospital be it private or government.

On one hand section 357C of CrPC is clear, concerning the obligations on part of the hospitals, while on the other hand we have section 357B of CrPC which leaves some room for discrepancy when it comes to providing remuneration to the victims. The case of Laxmi was still running in the court when the Criminal Law Amendment, 2013 was presented for the first time. In the meanwhile, states were invited to present their remuneration schemes of compensating the victims of acid attacks. In the case of an acid assault, the court ruled that the schemes submitted by the states were not in accordance with one another, for example, when the state of Rajasthan provided the remuneration of Rs. 2 lakhs, the state of Bihar only provided the remuneration of Rs. 25,000 to the victims.

¹⁶⁶ Available at: <https://pib.gov.in>

¹⁶⁷ Section 357B of CrPC read as- Compensation to be in addition to fine under Section 326A or 376D of the Indian Penal Code - The compensation payable by the State Government under Section 357A shall be in addition to the payment of fine to the victim under section 326A, section 376AB, section 376A, section 376DA and section 376DB of the Indian Penal Code.

¹⁶⁸ Section 357C of CrPC read as- Treatment of victims - All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code, and shall immediately inform the police of such incident.

These uneven remuneration schemes were the ideal illustration of a joke made out of an arrangement under the law. There were strange restrictions tied to the victim receiving compensation under these schemes, such as the percentage of disability and the sufferer's earning or non-earning status¹⁶⁹. In this case, the court ordered that the State Government or a Union Territory need to give a remuneration of Rs 3 lacs to the victim for the expense of his after care and recovery cost¹⁷⁰. Supreme Court through this judgement also ordered that Rs 1 lac to be paid immediately to the victims of acid attack within 15 days of happening of the event so that the victim can render his medical cost and the rest of the amount should be paid in the due course of one month.

It was also ordered that any compensation claim made by an acid attack victim will be handled by the District Legal Service Authority (DLSA), which would incorporate the District Judge and such other co-selected people who the District Judge felt would be of help, especially the District Magistrate, the Superintendent of police. The matter was also brought before the Supreme Court in one of the judgement namely Parivartan Kendra and Anr v. Union of India and Ors¹⁷¹, where the court decided that the State Government and Union Territories involved could award even greater remuneration than Rs 3 lacs which was ordered in Laxmi's case. The Supreme Court observed that-

“We have come across many instances of acid attacks across the country. These attacks have been rampant for the simple reason that there has been no proper implementation of the regulations or control for the supply and distribution of acid. There have been many cases where the victims of acid attack are made to sit at home owing to their difficulty to work. These instances unveil that the State has failed to check the distribution of acid falling into the wrong hands even after giving many directions by this Court in this regard. Henceforth, a stringent action be taken against those erring persons supplying acid without proper authorization and also the concerned authorities be made responsible for failure to keep a check on the distribution of the acid¹⁷²”.

In this case, the Supreme Court held that the sum of 3 lakhs (as stipulated by the Court in the Laxmi case) is inadequate. The Court further stated that compensation must be paid not only in terms of the physical injuries, but also in terms of the victim's incapacity to live a full life

¹⁶⁹ See e.g., Schedule, Goa Victim Compensation Scheme, 2012. See also Schedule, Odisha Victim Compensation Scheme, 2012

¹⁷⁰ Laxmi v. Union of India, (2014) 4 SCC 427, para 11-12.

¹⁷¹ (2016) 2 SCC (Cri) 143; (2016) 3 SCC 571

¹⁷² Ibid, para 13

and to enjoy the facilities that have been stripped away from her as a result of the horrendous attack, must also be taken into contemplation before granting the remuneration¹⁷³.

Another key directive in this judgment was that all states and the union territories should take into account the hardships of such victims and take proper efforts to include their names in the disability list. Acid attack survivors are now considered physically impaired under the amended act of Rights of Persons with Disabilities Act, 2016¹⁷⁴. As per this implementation, victims of acid attacks will be able to obtain jobs in the government and education sectors through disability quotas and reserved positions¹⁷⁵.

The Supreme Court of India have also framed some guidelines for State Governments and Union Territories hospitals to make sure that any hospital be it pvt or govt, should not refuse to treat the victims at first hand and full treatment should be given to them such as food, medicines, bedding so that the victim can be properly treated and rehabilitated. Strict actions may be initiated against the hospital if they fail to treat the victims of acid attack or contravenes any of the provision of section 357C of CrPC. Also the directions were issued to the hospitals who treat the victims at prior stage, to handover a certificate to the victims of acid attack mentioning that they are victims of acid attack so that victim can use that certificate to avail the benefits as per the various schemes of the state government and union territories¹⁷⁶.

One of the aggravating factor for the rise in cases of acid attack is the deficiency of law on regulating the sale of acid. Acid is a perilous armament and is used as weapon because it is not much costly and is easily available in the market. The cost of an acid may vary from Rs 20 to Rs 25 per litre in India. And since there was no restrictions on selling of acid, therefore anyone can purchase it form the counter. As a result, Acid Control Act, 2002 was passed to create a licensing regime which will regulate the sale, distribution, storage of acid and also provides for 3-10 years of imprisonment if the said regime is not followed. This regime regulates the unlicensed import, production, transport, sale, storage of acids or other corrosive

¹⁷³ Ibid; at para 21

¹⁷⁴ Section 34(1)(c) of Rights of Persons with Disabilities Act 2016

¹⁷⁵ Source: <https://thelogicalindian.com/legal/disabilities-act/>

¹⁷⁶ As per the Supreme Courts norms, Delhi Government has announced compensation of up to Rs 3 lakhs to aid acid victims in case of disfigurement of face. See Ayush Arvind, "Delhi governments comes to aid 21 years old Acid Victims" India Today (New Delhi), April 5,2014, sources: indiatoday.in; Karnataka government had increased the cash compensation for acid attacks victims from Rs 2 lakh to Rs 3 lakh. The compensation would be given under the Suraksha scheme of the government and victims get cash compensation of Rs 3 lakh irrespective of the percentage of the burns sustained in the incident. See Nagesh Prabhu, "Compensation for acid victims hiked", The Hindu (Bangalore) June 27, 2015, sources:www.thehindu.com/news.

substances. Since the government of Bangladesh has implemented this law in 2002, acid assault cases have been progressively dropped by 15% to 20% each year.

Supreme Court of India for the first time in a landmark case of Laxmi vs Union of India directed Ministry of Home Affairs and the Ministry of Chemical Fertilizers to enact appropriate law or provisions for the effective regulation of acid sale. As a result, Indian government made some amendments in which acid and other corrosive substances were declared as poisons indeed poisons and regulation act of 1919. Persons selling poison in contravention to the Poison Act of 1919 are also subject to penalty. For the first time offence, the penalty is one month in prison, with the penalty increasing to six months for subsequent offences as per this provision¹⁷⁷.

Many states are doing amendments in the regulation of acid in their states. States such as Rajasthan, Madhya Pradesh, Maharashtra have framed statutory rules regarding distribution of acid and other corrosive substances. After the direction from the Supreme Court, many states are coming forward and making rules for regulation of acid in their states, and recently Karnataka amended its rules in Karnataka Poisons Rules 2015, under the Poison Act of 1919.

The National Legal Services Authority (NALSA) has also noted that legal service institutions can play an important role in facilitating access to compensation under the Victim Compensation Scheme. The NALSA (Legal Services to Victims of Acid Attacks) Scheme was launched in 2016. The main objective of this scheme were as follows¹⁷⁸:-

1. To strengthen legal aid and representation at the national, state, district and taluka levels for victims of acid attacks in availing the benefits of the various legal provisions and schemes for compensation which exists.
2. To enable the victims of acid attacks to get access to medical facilities and rehabilitative services.
3. To create and spread awareness about the entitlements of the victims of acid attacks through the District Legal Services Authorities, Taluka Legal Service Committees, panel lawyers, para legal volunteers and legal service clinics.

¹⁷⁷ In 2013 amendment was done in the Poison Act, 1919

¹⁷⁸ See <https://nalsa.gov.in/acts-rules/preventive-strategic-legal-services-schemes/nalsa-legal-servicesto-victims-of-acid-attacks-scheme-2016>

4. To enhance capacities at all levels of penal lawyers, para legal volunteers, volunteers in legal services, government officers tasked with the implementation of the various schemes, service providers, police personnel, non-governmental organizations by organizing training, orientation and sensitization programme; and
5. To understand research and documentation to study the various schemes, laws, etc., to find out the gaps, the needs and to make suggestions to the appropriate authority¹⁷⁹.

The Legal Service Authorities Act of 1987 was enforced to establish legal service authorities to provide free and legal services to the poorer sections of society, to make sure that no civilian's right to justice was denied due to financial or other disabilities, and to establish Lok Adalats to ensure that the legal system's operation encouraged justice on a basis of equality. In the event where a victim dies as a result of an acid assault, legal assistance should be provided to the victim's heirs. State Legal Services Authorities must guarantee prompt interim compensation without any delay while complying with the legal formalities. A criminal lawyer needs to be appointed by the District Legal Service Authority (DLSA) or Taluka Legal Service Authority (TLSA) as a legal officer to provide legitimate help to the victims. The District Legal Services Authority will appoint a suitable number of paralegal volunteers to implement the provisions of the scheme. Legal volunteers will serve as a link between acid attack victims and legal aid institutions. As per the provisions of the act, legal services clinic will be set up in hospitals to provide care to the victims of acid attack. Legal volunteers will assist and support the victims as well as obtain certificates from the hospital and to make sure that they receive every single rehabilitative assistance.

All the NGO's and the government departments should be communicated about the inaugural of legal services clinic. Actions will be taken against the hospital if they refuse to treat the victims of acid attack who are suffering. NALSA rules, 2011 will be applicable to all the clinics in the matters regarding infrastructure, maintenance of register, functioning of clinic, control over the clinic etc. State Legal Service Authority shall conduct orientation and training programmes for legal advisers and PLVs as part of the scheme to familiarize them with how to deal with cases involving victims of acid attacks and to enhance their capabilities knowledge, and expertise. SLSAs will work in co-ordination with the respective state governments and

¹⁷⁹ Ibid

union territories and are duty bound to maintain the records relating to hospitals and are bound to inculcate the various schemes of the central, state and respective union territories with respect to acid attacks. The objective of the scheme also includes the organisation of various awareness, training, and orientation programmes in order to raise awareness¹⁸⁰.

The 2018 judgement of the Supreme Court paved way for grant of monetary aid to help the poor victims of sexual and acid assault and the court approved the remuneration scheme for the victims. These schemes are applicable in all the states and the court also said that compensation can be granted more than the stipulated one on case to case basis. As per this scheme, a person who is a victim of sexual assault would receive a minimum compensation Rs 4 lacs to Rs 7 Lacs while the victims of gang-rape will receive upto Rs 10 lacs as compensation. Compensation amount may range from Rs 2 lacs to Rs 7 lacs for a victim of acid or corrosive assault. The initiative also allows the legal services authority to take suo moto action against sexual assault and acid attacks in order to provide victims with interim remedy¹⁸¹.

¹⁸⁰ Ibid

¹⁸¹ Amit Anand Choudhary, Supreme Court approves scheme to grant compensation to rape & acid attacks victims, May 11, 2018, Available at: <https://timesofindia.indiatimes.com>

6.3 JUDICIAL TRENDS

State (Delhi Administration) vs Mewa Singh¹⁸²

In the above mentioned case, the perpetrator threw the acid on the face of the victim because of which some injury has been caused to victim. The victim was fortunate enough as there were no abnormalities. The offender was found guilty of causing physical harm to the victim under Section 323 of the Indian Penal Code in this case. He was sentenced to a meagre fine of 300 rupees as well as 15 days in prison. It's shocking to see that the accused received only a 15-day sentence for attempting such a heinous act. Giving such a sentence without taking into account the seriousness of the offence is ludicrous. The victim will be plagued for the rest of her life by the stress and fear, and implementing such a tiny penalty just adds to her misery.

After committing such a heinous crime, it was very inconsequential to give a punishment of just 15 days in the prison. Victim continues to suffer throughout her life and the perpetrator who made her life hell would face only simple imprisonment for 15 days and after which he is free to roam.

Devanand v. State¹⁸³

In this case, husband and wife were living separately as they were not having good terms with each other. As a result, wife of the offender, Prem Lata (victim) left his husband's home and went to stay at her parents' home. One day her husband came to her place and compelled her to cohabit, which was resisted by her, to which he said that he will pour an acid on her if she won't cohabit. Next day he did what he said earlier, he came with an acid and threw it on her. His wife was screaming in pain due to terrible burning sensation and was soon taken to the hospital. Court in this case was of the opinion that the accused had enough of the time to consider the ramifications of his planned deed. The facts revealed that he had already acquired the sulphuric acid and intended to teach his spouse a lesson for going against his sexual desire. The court held him liable under section 307 of IPC and awarded rigorous punishment for 7 years to the accused. This judgement still had some lacuna as the punishment awarded was only punitive and nowhere in the judgement court provided any kind of compensation to the victim. Apart from giving punitive punishment, rehabilitation and compensation schemes also play an important role in providing justice to the victims of vitriolage.

¹⁸² 5(1969) DLT 506

¹⁸³ 1987 (1) Crimes 314, 31.

Sabana Khatun v. State of West Bengal & Others¹⁸⁴

The victim in the present case got serious injuries after the perpetrator poured acid into her mouth. The chief secretary of West Bengal refused to grant the compensation to the victim as result, victim filed a writ petition in Calcutta High Court. The state government in this case argued that the compensation can only be provided to the victim on the approval of SLSA. However, this contention of the government was rejected and the court ordered to award Rs 3 lacs as a compensation to the victim and her family. There are several hurdles in getting a compensation from the state government and through this judgement, Calcutta High Court tried to ensure that the victim should get the compensation in a stipulated period of time and without facing any difficulty.

State of Maharashtra v. Ankur Panwar¹⁸⁵

In this case, 23-year-old victim died as a result of several organ failures in her pulmonary system, which was exacerbated by the acid attack. The accused namely Ankur Panwar was the next door neighbor of the victim and on one fine day he flung acid on her since she was a successful and independent woman who has turned down his wedding proposal. The perpetrator was found guilty under Sections 302 and 326A of the Indian Penal Code, and was sentenced to death. In addition, a fine of Rs 5,000 was also levied on him as part of his punishment. This was the first instance where a death penalty was given to the offender of acid attack in India. Through this judgement, a strong message was sent to the perpetrators of acid attack that such kind of horrendous crime will not be tolerated in the society. If not curbed in the beginning, it would have a terrible ramification on the society. In this judgment, hon'ble court was of the opinion that the level of cruelty in acid attacks was higher than in cases of rape.

¹⁸⁴ Writ petition no. 34704 of 2013. Judgement delivered on 28 February 2014, available at www.indiankanoon.org/doc/143261972

¹⁸⁵ Decided by Bombay High Court on 8 December 2016, available at www.Indiankanoon.org/doc73058320

Suresh Kumar v. State¹⁸⁶

This case involves a lady who worked as a software engineer rejected a marriage proposal of the accused. The accused was working as worker in construction, who intended to marry the victim and he also knowing the victim. His intention of wedding was turned down by the victim as well as by her father. They also filed a complaint with the police, and the offender was punished. After a while he flung acid on the victim which rendered her blind from one eye and later succumbed to death as a result of serious infection. The perpetrator was found guilty under section 302 of the Indian Penal Code by the Sessions Court and was awarded life imprisonment along with two years of imprisonment under section 326 of the IPC. A fine of Rs 1 lac was also imposed by the court on the accused.

State of Uttarakhand v. Ajam¹⁸⁷

In this case the victim and the accused had met earlier and were knowing each other as the accused harassed her. After receiving a warning from the victim's brother he stopped coming to her residence. One day while the victim was returning back to her home from the tuition, accused splashed the acid on her. The Uttarakhand High Court held the offender guilty as per section 307 of the Indian Penal Code and issued following guidelines. The state government should establish a criminal injuries compensation board for the survivors of acid attack, private hospitals are bound to provide medical aid to the victims, no one should sell acid or other corrosive substance without obtaining a license. If found doing so, criminal complaint will be made as per the relevant provisions of IPC. Indian Penal Code requires the filing of a FIR and the completion of an inquiry within seven days, as well as the filing of a challan before a criminal court within seven days.

¹⁸⁶ Judgement delivered on 29 June 2016 by Madras High Court, Criminal appeal No. 361 of 2014, available at www.Indiankanoon.org/doc/43357895

¹⁸⁷ Appeal No. 12 of 2011, decided on 12 June 2017

Laxmi vs. Union of India¹⁸⁸

This is one of the landmark judgement in India pertaining to acid attack violence. In this case a PIL was filed by Laxmi for amendment to be made in the criminal laws of India. Through this PIL, the contention was made before the Supreme Court to alter the sections of criminal laws or enact a new law on acid attacks. This PIL argued to make some changes in the current IPC, CrPC and IEA and also asked for compensation provision to be provided to the survivors of acid attack. Another contention made through this PIL was to ban the sale of acid from the open market as it was one of the easiest weapon which can be procured easily from the market at a low cost. In 2013, the Supreme Court of India granted this PIL in the favor of Laxmi and new sections (namely 326A and 326B) were inserted in the IPC as a result of this judgement. The selling of acid is now subjected to a variety of regulations and constraints after the guidelines framed by the Supreme Court through this judgement. The distribution of acid is now prohibited to anyone under the age of 18, according to the new legislation. Furthermore, when acquiring an acid, a person must present a photo ID card and must state a reason for the procurement of acid. The remuneration amount was also increased from Rs 50,000 to Rs 3 lacs as a part of compensation. The government was also ordered by the hon'ble court to provide free care for the operations of acid attack victims.

Parivartan Kendra and Anr. V. Union of India and Ors¹⁸⁹

The hon'ble Supreme Court in this case held that the state government and the union territories can give remuneration in excess of Rs 3 lakh as it was set in the case of Laxmi vs Union of India. Though the guidelines were framed regarding the distribution and sale of acid in the case of laxmi, however, it is an instance of sheer embarrassment for us that despite all the efforts acids are readily available in the retail market. This is in return nullifies the court ruling and makes the life of women sad and wretched.

¹⁸⁸ (2014) 4SCC 427

¹⁸⁹ WP(Civil)No. 867 of 2013 decided on 7.12.2015.

CHAPTER 7

ACID ATTACK AT INTERNATIONAL LEVEL

The violence against women can be demonstrated historically where there is unequal power distribution among men and women, which has led to the biasness and domination women by men as a result full advancement of the women has been prevented. Violence against women is keeping them in a subordinate position and prevents them from full advancement. United Nations General Assembly passed the Declaration on the Elimination of Violence against Women in 1993, where violence against women would include any act which causes women to suffer physically, sexually, psychologically and many at times economically too. Article 1 of the CEDAW convention prevents women from getting discriminated and it's their right to be free from any sort of violence against them. It has also been mentioned in various other International instruments where their right to be free from any sort of violence is protected such as ICCPR 1966, CAT (Convention against Torture) 1984. These two International Conventions, when taken together, imposes a duty on the member states to defend and secure the basic human rights of all, including women, such as freedom from being tortured or cruel behavior, right to life, right to self-esteem, and the foremost equality before the law.

In one of the landmark judgement of UK Supreme Court, it was held that whenever a state government knows that there is an immediate risk to life because of a criminal act of third party, the government has a positive obligation as per Article 2 of the European Convention on Human Rights to take precautionary and effective measures to shield the life of an individual. If the state fail to take a precautionary measure within the area of their authority, it will invite breach of obligations. If done so, it could have been reasonably expected to mitigate the risk¹⁹⁰.

The United Nations Declaration on the Elimination of Violence Against Women requires its member countries to enact criminal, civil, and administrative laws in their national laws to prosecute and redress the wrongs committed against women who are victims of the violence¹⁹¹. Parties to this convention shall also establish preventive methods, enforcement procedures, or other initiatives to avoid recurrence of violence against women, according to Article 4 (f) of this Declaration.

¹⁹⁰ Chief Constable of Hertfordshire v. Van Colle (Administrator of the Estate of GC, Deceased) and another [2008] UKHL 50

¹⁹¹ UN, Study of the Secretary-General, "Ending violence against women: from words to action", published on 9th Oct, 2006; Also available at <<http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-exeE-use.pdf>>.

Thus states are bound to adopt an effective legislation to deal with the menace of acid attack that is well supported by their judiciary and executive. These regulations should impose stiffer punishments on the offenders, ensure strict adherence to the rules, and should offer proper compensation for the treatment and rehabilitation of acid assault survivors, and regulate sale of acid and other corrosive substances in the country. Indian judiciary by way of judicial activism has taken a proactive stance in enforcing India's foreign obligations particularly in the areas of human rights and environmental law¹⁹².

Article 3 of the UDHR ensures that everyone has the right to life, liberty and security. This article is applicable to everyone irrespective of caste, gender, and creed of a person. The frequent occurrences of acid assaults, however, severely undermine this important clause of the declaration. Acid attacks are one of the most horrendous crime prevailing in a society whereby victims of this attack is left in miserable conditions i.e., physical and mental both. The commission of acid attack violence can take place anywhere, be it public place, private room, residence of a victim or anywhere. The occurrences of acid attack show that people are not safe anywhere, and the rights provided under this article has remained a meaningless provision¹⁹³.

Torture and other cruel and inhuman acts are prohibited under article 5 of the Universal Declaration of Human Rights. However, the effects of acid assault on the other hand are no less than degrading and inhuman behavior. Since, the harsh effects of acid attack change the victim's look and behavior, as a result this act can be considered as one of the most horrific, dehumanizing type of violence that is still prevalent in the countries. Article 25(1) of the UDHR declares the right to health care to be a fundamental human right. Despite the inclusion of this major safeguard in the UDHR, many victims who cannot afford the high costs of surgeries receive substandard or no medical care at all.

Working on a global scale, Acid Survivors Trust International (ASTI) is the sole group dedicated to curb the menace of acid violence. This organization strives to raise public awareness regarding acid violence and establish effective domestic and international measures to curb the occurrences of the acid attack. Currently ASTI is working as a partner organization with six countries namely India, Bangladesh, Pakistan, Cambodia, Nepal and Uganda. This organization works hand-in-hand with the several other agencies such as United Nations Agencies, NGO's and other international organizations. ASTI provides financial and technical

¹⁹² Ibid

¹⁹³ Awasthi and Kataria, Law Relating to Protection of Human Rights, Orient Publishing Company, New Delhi. 2011. Print

support to its partner organizations by deploying surgeons, burn therapist, counsellors and even nurses. ASTI works with the following objectives when partnered with countries-

Firstly, to make sure that the victims of acid attack receives the best medical care possible.

Secondly, it focusses at legal assistance and counselling for the victims and their relatives

Thirdly, to assist the victims with their recovery, training and education

Lastly, it aims to avoid, curb, and eventually eliminate the violence of acid attack.

7.1 STATE RESPONSES

The menace of acid attack has been prevalent in many parts of the globe including Pakistan, UK, USA, Cambodia, Sri Lanka, Bangladesh, India, Nepal and many others. The number of occurrences of acid attack in India, Bangladesh, Cambodia, Pakistan and Uganda are substantially more and increasing at a rapid pace when compared with other countries of the world. It can be said that the crime of acid attack is more prevalent in the Asian countries than the remaining parts of the world. The system of patriarchy, love failure, refusal to marry or sexual advances, dowry, family disputes, etc. are some of the factors which are blamed for the menace of acid attack violence.

The researcher at this juncture would be taking some countries one by one and will try to highlight the laws prevailing in their territories in order to curb the menace of acid attack.

Bangladesh

The Constitution of Bangladesh says that men and women should have equal rights and as per Article 28(1) of the Constitution of Bangladesh, there shall no discrimination on the basis of caste, color, creed, sex or place of birth. Article 28(2) of their Constitution guarantees equal opportunity for men and women in all aspects of state and public life. Bangladesh has a specific department on Ministry of Women and Children Affairs which is tasked with ensuring that violence against women is eradicated. Somewhat in 1980's, Bangladesh Government received peer pressure from the various international human rights organizations and the activists to pass a law which will protect women from all sorts of cruelties such as rape, acid attacks, domestic violence, etc. As a result of this pressure, Cruelty to Women (Deterrent Punishment) Ordinance was passed in 1983 which made certain offences like kidnapping, abduction and acid attacks as some major punishable offences which were punishable with death or life imprisonment. After this some of the other laws also came into existence such Women and Children Repression (Special Provision) Act 1995 and The Nari-o-Shishu Nirjatan Daman Ain, 2000, with an aim to curb the violence against women and children.

During the 1990s, the number of cases pertaining to acid violence in Bangladesh steadily increased. Many NGO's such as ASF (Acid Survivors Foundation) and some women advocacy groups played a proactive role in reporting of acid attack incidents as a result this kind of violence came in the lime light. In 2001, there were 351 cases of acid attacks which were

reported and in 2002 there 494 reported cases of vitriolage¹⁹⁴. The government was worried by the escalating number of acid attacks, and in 2002, Bangladesh passed two laws to fight acid violence against women. As a result, the Acid Crime Prevention Act of 2002 got enacted to curb the sale of acids across the country. Acid Crime Control Act of 2002 was another strict law passed by the government to curb the menace of acid attack. As per this act anyone who is found guilty of hurling acid on to the body of other person can face a death penalty. The severity of the punishment is proportional to the injury caused to various bodily parts. The perpetrator can face the death sentence or a life imprisonment, as well as a fine of up to fifty thousand Takas (approximately \$700 USD) if the victim dies or if the victim loses his eyesight or hearing capacity or if the victim's face or any other body part gets seriously damaged¹⁹⁵.

Attempting to hurl acid or actually throwing acid without causing any physical or mental anguish is also made punishable as per this laws by imprisonment for 3-7 years, along with a fine of up to 50,000 Takas¹⁹⁶.

The police are now required to perform time-bound investigations as per the new law. The police or the investigating agency must normally investigate the cases of acid attacks within 30 days, although they might be permitted up to a 60-day extension. If the investigation is not finished within the specified time period, the courts may order the police department to appoint a new investigating officer to undertake the inquiry within the specified timeframe, as well as take action against the previous investigating officer. These two laws, when coupled together, provides a comprehensive and multifaceted approach in combating acid attacks by prohibiting the unlicensed importation, production of corrosive substance, storage of acid, transportation, it's uses, and sale of acids, as well as imposing harsher penalties (prison sentences of at least three years) on offenders.

Since its inception, the proper application of these laws has resulted in a decrease in the overall number of acid assaults cases in Bangladesh. According to the Acid Survivors Foundation's (ASF) statistics, the number of acid attack cases in Bangladesh has been steadily decreasing by 15-20 percent each year. As per their data, the number of acid attack cases has shown a decreasing graph from 494 incidents in 2002 to 69 incidents in 2013¹⁹⁷.

¹⁹⁴ Jordan Swanson, "Acid Attacks: Bangladesh's Efforts to Stop the Violence", Harvard Health Policy Review, vol. 13, no. I (Spring 2002).

¹⁹⁵ Acid Crime Control Act, 2002, Section 5(b)

¹⁹⁶ Ibid, Section 6

¹⁹⁷ Statistics available at <<http://www.acidsurvivors.org/statistics.html>

Pakistan

The misogynist attitude of the people in Pakistan can partly be blamed for the occurrences of acid attack as well as for the use of acid as form of punishment against women. Hundreds of acid assault cases are documented in Pakistan with many of them goes unreported due to the societal stigma or taboo linked with the crime and partially due to the police and courts indifferences. According to the Acid Survivors Foundation, 143 cases of acid attacks were reported in 2013 and many of them were against the females¹⁹⁸.

An Oscar-winning documentary named 'Saving Face' brought international attention to the plight of acid attack survivors in Pakistan in 2012¹⁹⁹. This documentary focused on the difficulties of acid attack victims and the initiatives of Mohammed Jawed, a British Pakistani doctor who does reconstructive surgery on acid attack victims' faces. Zakia and Rukhsana, two survivors of the acid attack, are the main subjects of this documentary. Zakia, a Pakistani woman, was wedded to Pervez, a druggie and an alcoholic who use to steal money from her and then beat her up if she runs out of cash. Zakia finally decided to give him a divorce ending his abusive relationship. As she stood outside the court premises on the date of hearing, her husband approached her and said something making a mockery of her before throwing acid on her face. Within few seconds, her gorgeous face started melting from one side and she lost her vision from one eye. In another incident where Rukhsana (victim) was firstly assaulted with acid by her husband and then by her sister-in-law, who then splashed gasoline at her. After such a dreadful attack she still continues to live with her in laws, hoping that by satisfying them she would be allowed to meet her daughter, who was separated from her by a wall²⁰⁰.

Pakistan made some amendments in their Penal Code and the code of criminal procedure by giving maximum sentence of life imprisonment to the offenders of acid attack in 2011. This action from the government yielded some positive result as this action encouraged reporting of cases. When there was an increase in the number of instances, Pakistan drafted "Acid Throwing and Burn Crime Bill" in 2012, however it is yet to be passed. For acid throwing, this bill proposes a sentence ranging from a minimum of 14 years to a maximum of life imprisonment, based on the facts and circumstances of each occurrence. As per this bill, fine upto one million

¹⁹⁸ Valerie Khan, Chairperson Acid Survivors Foundation (ASF) at the launch of a report titled "Fostering Effective Implementation of Pro Human Rights Laws: Criminal Law Amendment Act 2011 (Act XXV), An Example of Good Practice", In Islamabad on April 15, 2014. Available at <acidsurvivorspakistan.org>

¹⁹⁹ Homa Khaleeli, "Saving Faces in Pakistan", The Guardian, Feb 12 Lh, 2012

²⁰⁰ David Wiegand, "Saving Face", Oscar-winning Documentary Looks at Disfigured Pakistani Women, San Francisco Chronicle, July 3'd2012

Pakistani rupees may even be levied in addition to the imprisonment. This new bill has 35 sections that respond to various aspects of acid violence, such as giving standards for investigating acid attacks, witness protection, and the formation and responsibility of an Acid and Burn Crime Monitoring Board. This proposed legislation, however, is silent on the critical subject of giving compensation, treatment, and rehab to acid attack victim.

Cambodia

Prior to 2011, there was no separate law dealing with acid attack violence in Cambodia, it was covered by the domestic violence laws under the definition of violence. Furthermore, the incident of acid attacks is covered under Article 41 of their criminal law²⁰¹ under the category of assault and battery which invites a maximum punishment of ten years. 'Crimes against humanity' is defined under Article 188 of the Criminal Code of the Kingdom of Cambodia, 2009. As per the Article 188(1) of the code, acid violence is defined as cruel acts that cause considerable anguish or serious attack on physical integrity. Article 189 of the code make this conduct punishable by life imprisonment. Even a planning to commit a crime against humanity is punishable by a sentence of 20 to 30 years in prison. Moving on ahead Article 210 of the code penalizes the cruel and barbaric act with imprisonment and where the acts of the offenders causes any permanent disability to the victim then it is punishable by imprisonment ranging from 10-20 years. Acid attack or vitriolage are always pre-meditated and they are also governed by Article 217 of the code under the category of intentional violence. Intentional violence invites a punishment of imprisonment from 1-3 years and imposition of fine varying from two million Riels to six million Riels.

Since 2004, Cambodia has reported 900 occurrences of acid attacks, according to one of the reports. The readily availability of acid and other corrosive substances contributes to the incidence of acid attacks in Cambodia. Cambodia produces a lot of rubber, and the rubber business uses a lot of acid. As a result, in 2011, Cambodia approved an Acid Control Law, which addresses acid attacks and its related issues. Article 5 and Article 8 of this statute mentions that no one can use, buy, sell, or distribute any corrosive substance or acid unless they have a license or an approval letter from the concerned authority of Royal Government of Cambodia (RGC). If anyone is seen operating without having a license, they will be liable to fines and confiscation. In the event of acid attacks, the governing body must take care of the survivors and shift them to the nearest health care centre immediately, and all the state owned

²⁰¹ The Criminal Code of Kingdom of Cambodia, 2009

health institutions are bound to provide free support and care to the sufferer. However, this is a gender neutral rule both men and women who have been the victims of acid attack can seek a restitution under it²⁰².

Iran

In Iran, the punishment for the violence of acid attack is retributive i.e., tit for tat. It would mean the offender would face the retributive punishment of eye for an eye and tooth for a tooth. In Iran, the Sharia Code of Quisas or equivalent justice is applied against the menace of acid attack, and the offenders of acid attack are compelled to pay a fine and also they are made to suffer in the same fashion as they treated the victim. As per the punishments mentioned in the code, if the victim has been blinded as a result of the attack, then the perpetrator is also made blinded by the government as a punishment apart from hefty fines and imprisonment. One of the incident occurred in 2004, where one of the man namely Movahedi assaulted a 24 years old women named Amenah Bahrami with an acid after she declined his proposal. Earlier also he had vowed to end her life in such a way that no one would marry her. The honourable court in this incident gave the order that the perpetrator should also blinded by the acid. He was also condemned to prison and was ordered to compensate the victim. Nevertheless, she forgave her assailant for his act and exempted Movahedi of his crime, which ultimately put the end of retributive justice mechanism of quisas in his case²⁰³. Previously also some of the Islamic vigilantes use to threaten some of the women with acid attacks if they did not wear the hijab. As per the laws in Iran, acid attack or acid violence now invites for a death penalty and increased restrictions have been imposed in response to an uptick in acid attack cases in Iran²⁰⁴.

Uganda

In Uganda, acid is commonly being used as a revenge tool if there are any personal conflicts, infidelity, property disputes, business conflicts and many other such things²⁰⁵. The cases of acid attack show an upward graph during political activity, or particularly around election seasons owing to political rivalry. In most of the acid attack cases in Uganda, sulphuric acid is used as it can easily be procured from petrol stations and is also used in automobile batteries.

²⁰² Article 10 & 11, Acid Control Law

²⁰³ Afshin Molavi, *The Soul of Iran: A Nation 's Journey to Freedom*. (W. W. Norton, New York, 2005), p. 152

²⁰⁴ Islamic Penal Code of the Islamic Republic of Iran, 2012.

²⁰⁵ Suzan Kabarwani, "Acid Attacks- A Vengeance Weapon in Uganda", available at-cwww.ugandapiks.com»

In Uganda, there is no particular legislation prohibiting acid assaults. Moreover, the fundamental criminal statute of Uganda, the Penal Code Chapter 120, defines acid violence as a crime and specifies the punishment for perpetrators. Section 216 (g) of the above mentioned code specifically states that the perpetrators of acid or corrosive assault with an intent to disfigure the bodily parts are punishable with life imprisonment. If an acid assault has been carried out with a malafide intention, in that case it is considered as murder (as per section 188) of the code and is penalized with death penalty as per section 189 of the code. Then there is section 204 of the code which prescribes for life imprisonment in cases of less heinous crimes. However, there are some lacuna in the code of Uganda, as they do not provide for compensation to the victims, and there is no specific law on curbing or regulation of sale of acid. The code of Uganda does not lay a provision of maintaining a register and keeping records of purchase of acid.

Afghanistan

The Talibanis while ruling the country until 2001, had forbidden girls from pursuing elementary education owing to its stringent interpretation of Islam. They use to throw acid or other corrosive substances on girls in order to refrain them from going to school. More than a dozens of schoolgirls in Kandahar district were showered with acids by the attackers on motor bikes, who later claimed that they were hired by Taliban terrorists, who were against the schooling of girls. There were number of other factors which were mentioned for increasing rate of acid attacks, such as rejection of love, private disputes, opposing of education to girl child, etc²⁰⁶. As a result of increasing number of acid attack violence, the government of Afghanistan passed the “Elimination of Violence Against Women Law” in 2009. This was the first time where Afghanistan recognized the violence against women and prohibited them. In Afghanistan acid attacks have been identified as a form of oppression against women and are now made punishable by a minimum sentence of ten years and maximum of life imprisonment.

²⁰⁶http://latimesblogs.latimes.com/world_now/2011/11/afghan-sisters-hurt-acid-attack-rejected-proposal.html

CHAPTER 8

CONCLUSION AND SUGGESTIONS

Envy is the desire to own something that someone else does not. Jealousy is the fear of losing one's possessions. The more insecure you are about yourself or your relationship, the more jealous you are, because you are afraid to lose your significant other to someone else²⁰⁷.

In India women are gifted with all forms of subjugation and atrocities right from their birth and they have an extremely poor or frail position all throughout their life. They are subjected to never ending barrage of assaults since from their birth. They are exposed to female foeticide, dowry death, sexual assaults, trafficking, rape, domestic violence, child marriage, and many more. Women of all races, classes, faiths, ethnic groupings, and nationalities are victims of violence against women. Among the numerous forms of violence, acid attack is considered to be most horrendous and horrific crime against the women. In acid attack women are made to suffer without any error or blunder on their part. There are many questions which comes to our mind when we talk about subjugations and atrocities on women committed through acid attacks. Some of them are how far the act of throwing acid is justified? Is it worse than being raped? Don't they have a right to live with dignity and self-respect? Should the society continue to bother, anguish, torment or subjugate in the same way as it has been doing in the past? Do they deserve to be treated in such a pitiful and deplorable manner by the society? And the biggest question is how long or how far will they suffer and be treated like this. We are living in a 21st century and still our society continues to be a male domineering society where women are always asked to act as per the directions and conditions of the male.

For every woman, acid assault or splashing of corrosive substance is a life-threatening situation. It is the most horrible kind of assault against women, affecting not only the victim's physical look but also her entire existence because it haunts her mentality throughout her life. Victims of vitriolage deals with long-term physical, social, psychological, and economic ramifications along with a number of other long-term medical problems.

The face of the victim is the key part of the body that the wrongdoer wishes to degrade. The survivors of acid attack need to undergo a series of agonising surgeries and their medical problems do not end here. Even after the surgery, they never regain their former facial appearance. The harmful repercussions of acid attack can even cause blindness, deafness and

²⁰⁷ Oliver Markus, Available at: https://www.goodreads.com/author/quotes/7736866.Oliver_Markus

several pulmonary complications. There are high chances that the victims of acid attack will survive this dreadful flung but after the attack their life becomes miserable and many at times even worse than death thus making them continue to think “burning like hell”. Their life becomes worthless and the void created after the attack becomes even more deep when they are subjected to ostracization from the society and in some cases from their family too. They have to come across to various psychological, societal, economical and physiological consequences due to menace of acid attack.

Violence against women has been a result of patriarchy system which is prevailing in our society and acid attacks also have not been left from the curb of patriarchy or male domineering society. This disparity can be seen right from the birth whenever a boy or a girl is born in a family. Whenever a boy child is born out in family, the happiness prevails, however, this is not the case when a girl child is born. Sometimes even a mother of the child remains unhappy because she thinks she has not fulfilled the dream of the family by giving birth to a boy. Many a times girl becomes the victim even before their birth. Classic example is a female foeticide where a foetus of a girl child is killed by the like-minded people as they feel that girl will be a burden on their family unlike boys who will take their generations ahead. These kind of actions makes it visible that our society gives more importance to the male than females which ultimately results in the gender based violence. In one of the case before the Supreme Court, the accused flung the acid on the face of one of his daughter while she was sleeping. The accused did so because of his sick mindset that only boys can reap a benefit to the family and girls are a burden and he wanted a birth of a male child rather than two daughters. As a result of this attack his daughter got several injuries and was left with permanent scars. Many at times it is seen that the victim is bound to live with the accused, who has made her life hell just because society feels that a woman needs a man for the support and her existence.

In our country, it is common to see that the legislations being enacted, but its execution has been a major issue. The rules framed by the Supreme Court regarding restrictions on the sale of acid must be effectively implemented. Regulations governing the sale of acids should be strictly enforced, and any lapses on the part of authorities should pave way for severe penalties.

In order to have a deterrent impact there should be an exemplary reprimand. Mere enactment of laws won't be sufficient to curb this menace until and unless the mentality of the people is modified or changed. As stated earlier we are living in modern era and still our society is a male domineering, where male is taught not to listen 'no' from a woman. On the other hand,

we have the same society who teaches woman to never say 'no' to a man. Women are not allowed to define their own comfort rather they are taught to live as per the comfort of his man. They are not allowed to break the male dominating stereotypes which is prevailing in the society, they are not even allowed to go against the patriarchal norms of the society, and bound to accept the old age taboos that have engulfed the society at large. Need of the moment is to change the thinking of the people and make them realise that women also has the right to say 'no' to some obnoxious practices and has a right to live with self-esteem and self-respect. Whenever any girl rejects the boy or denies the proposal of a boy, the male ego of the persons does not get satisfied, as a result like-minded persons pour acids because they cannot digest the fact that they have been said 'no'. People are not aware about the after effects of this menace and what kind of devastation it causes in the life of victim. People barely understand the sensitivity of this attacks, so the need of the hour is to sensitize this sombre issue as early as possible.

Topic of gender sensitization should be taught in schools as a part of their curriculum. It should educate the students about the consequences and implications of living in a male dominated society. Furthermore, it is evident that the life of a woman changes after the occurrence of the attack and they continue to live in a depressed state and in gloomy and devastation, counselling can be extremely beneficial during this time. We have seen many at times that the process of counselling has yielded good results and done miracles. Thus, psychiatrists, counselling and rehabilitation programmes should be made available to the victims of acid attack to help them overcome from their depression. More often we see that the victims of acid attack undergo various sufferings and more frequently they are made to suffer financially as well, causing them to actually run out of money while receiving expensive medical treatments.

The Constitution of India play an important role in safeguarding the rights of the women by eliminating all forms of gender biasness. Constitution contains several provisions which safeguards their right. Article 21 of the Constitution talks about right to life and the vast ambit of right to life also includes right to live with dignity, self-esteem and confidence. The preamble of the Constitution is enshrined with the concept of equality and there are several Fundamental Rights and Directive Principles are available with the victim, which gets infringed from the menace of acid attack. Although the Constitution of India does not talk specifically about acid attack violence, however there are above mentioned provisions which provides protection to the people against such horrendous acts.

Availability of acid at a cheaper price is one of the major factor in occurrences of such crime coupled with illiteracy and backwardness. Specifically, in Uttar Pradesh many acid attacks which have occurred are due to backwardness and uneducation. It has been observed by the researcher in most of the acid attack violence that the cases go unreported in India. Most of the cases in India goes unreported due to fear factor, illiteracy, threat of getting killed, peer pressure from the society and so on. In the prevailing society woman's are blamed for men's fault. In most of the cases it is believed that something wrong must have been done by the woman, that's why she is facing this violence. Due to uneducation and unawareness, poor girls accept the repercussions of these attack as their fate and do not report about it.

The primary requirements at this juncture is that the state should provide free medical care to the survivors of the acid attack, and the further surgeries and medications should be given at reduced cost if not free. The compensation schemes that have been launched by the government should be taken sternly and sedately and it should be ensured that these schemes are accessible to the victims without any complications and problems. These schemes should also be enhanced as it is evident that the medical surgeries and treatments after the attack costs a lot. Apart from this media can also play an important role in instilling awareness of this issue among the general public.

Furthermore, workshops and seminars should be conducted so as to make large number of people aware of this serious issue and they should understand the suffering that a woman goes through as a result of this dreadful tragedy. This will the assist the victims to get back in to society- a society that currently shuns and castigates her.

Suggestions

Equal rights of the gender should be instilled in children right from an early age. Since our society is ingrained with inequality in our culture, it should be eliminated starting from the house by educating male child. Each person should make an attempt to reform the patriarchal system that allows male supremacy and inequality. Both the female and male infant should receive the same level of care. The male child should be trained to accept justifiable rejection so that they can accept 'NO' for something and can have respect for everything. In a democratic country, the male attitude should not be allowed to encroach on women's rights. The urgent necessity of the hour is to establish a human environment through ongoing efforts to raise knowledge of human equality.

Education is the most effective means of preventing all forms of violence. Gender equality should be taught to both young boys and girls. Boys must be taught that girls are also human beings and they are not caretakers who must follow male orders. Furthermore, every girl should receive an education.

The remuneration of Rs 3 lacs provided to the victims of acid attack is insufficient, keeping in mind the lengthy procedures of treatment and significant cost of medications. It's also worth remembering that attempting to throw acid on a person is just as bad as actually throwing acid on a person. The disparity between the penalties for acid attack and attempt to acid attack should be abolished. Many people (especially shopkeepers and dealers) are unaware of the new laws governing the sale and procurement of acid due to ignorance or illiteracy. So the government should take some initiatives to educate the public about the new rules. Since this is a crime against a society rather than a specific individual, there should be no compounding in between the offender and the victim. A special tribunal may be established to deal with acid assaults, or hearings might be held in fast track courts to ensure that the victim receives justice quickly.

The majority of the victim experiences psychological distress as a result of this horrendous act and they give up their hope of living. So it is important for them to provide a counselling session in order to rebuild their belief in life. Survivors of acid attack should be provided with employment. The Delhi Legal Services Authority has placed an advertisement of vacancies in which only acid attack sufferers are eligible to apply. Other offices may also take some initiatives like this. Acid attack victims should be given special consideration, particularly in

the fields of education and employment. They can be provided with reservations in the job sector.

“We donot believe in capital punishment.

We do not ask for acid attacks in retaliation.

All that we are asking for is a change in the mentality of the society.”

- Laxmi, Acid Attack Survivor

CHAPTER 9
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