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# **THE CRISIS OF ACID VIOLENCE AND THE NEED FOR LEGAL AND SOCIAL CHANGE**

AUTHORED BY - BABY

## **Abstract:**

Violent acts of interpersonal violence, such as Acid attacks, which mainly target women, nowadays have been ordinary. Despite being widespread across the globe, India has witnessed an upsurge in acid attack cases mainly due to male dominance running across the society and ego in cases of refusal. Acid attack consequences are remarkable in that they cause bodily disfigurement, lifting of psychological trauma, and enormous socioeconomic difficulties. How do you expect the victims suffering from such excruciating pain and social rejection to go back to the world? This paper seeks to fill some of the literature gaps by explaining the influence of acid violence on the victims, families, and society at large, focusing on both physical, psychological, and social aspects and their interrelationships. It discusses how reforms such as the provision in the Indian Penal Code Amendment Act 2013, which recognizes acid attacks as a crime, have been ineffective where there is a problem of weak legal frameworks and existing law enforcement. The paper notes the challenges in other nations addressing acid violence successfully, as in the case of legislation in Bangladesh. They present the case for stricter measures to control the availability of acid and robust rehabilitation of acid attack survivors.

In discussing society's response to acid attacks, the paper calls for a comprehensive approach, including deterrents in the form of laws and changing society through education, awareness, and supporting victims. In conclusion, the research recommends improvement of law implementation, installation of appropriate restitution mechanisms, and transformation of public perception towards gender-based violence in efforts to provide safety for women and minimize incidents of acid violence.

## **Keywords:**

Acid Attacks, Gender-Based Violence, Interpersonal Violence, Psychological Trauma, Socioeconomic Challenges, Legal Frameworks, Law Enforcement, Indian Penal Code Amendment Act 2013, Public Awareness, Social Stigma, Deterrent Measures, Victim Support, Access to Justice, Acid Sale Regulation

### Introduction:

Today, among many forms of violence against women, acid violence or acid attacks are the most debilitating. Acid attacks refer to throwing concentrated sulfuric acid, oil of vitriol, onto a person's body to ruin their appearance or cause harm. Most importantly, the motivation to commit such an act is primarily jealousy or revenge. For most parts of the world, acid assaults are seen as extreme cowardice, committed with vile intent. An acid attack can be explained as throwing or spraying acid on a face and other parts of an individual, for the most part, face and body, with the intent to kill or permanently damage the person. In connection with that, this practice of acid abuse first appeared in Scotland, England, where acid was frequently implemented using sulphuric acid in violent revenge acts by industrial workers long before the "Offences Against the Person Act of 1861" was passed. Every violent form, such as set in the earlier context, can deploy such experienced forms of bullying and acts to irritate, disrupt, and harm. Over time, children or even older generations have held the belief that acid abuse was always deployed from a distance and violence, and no up close projection or contact was necessary. But by the late century, the expansion of inappropriate sexual violence against women's abuse darkly proliferated.<sup>1</sup> It must be noted that Women in Indian society have been impacted and continue to be impacted, starting from what was referred to as the "Vitriol age". An acid attack is illustrated as any act that can be termed as throwing acid or any other similar caustic agent onto a person with the desire of wilfully disfiguring, maiming, torturing, or killing them.

It is a type of violence that can be perpetrated against men and women, although in most instances, it is directed toward women. The frequency of attacks using the substance known as acid has been on the rise in India, and the majority of the people who suffer from such incidents are women. Several factors contribute to the incidence of acid attacks, including financial problems, the status of women in society, which is inherently prejudiced, and the prevailing patriarchal culture of India. The fundamental reason for most acid injuries is that in male-dominated societies, men cannot handle when women say 'no', and to appease their ego and seek retribution, they use acid to cause harm to women both physically and psychologically. Acids can be used in many ways, but their application in crime cannot be overlooked. Acids have been used for many years as instruments for crime.<sup>2</sup> The perpetrators of this vicious crime

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<sup>1</sup>Indian Penal Code, 1860 (Act No. XLV of 1860), Section 326 B, inserted via Criminal Law Amendment Act, 2013

<sup>2</sup>Laws-Scar-Right-Dignity Delhi Acid Attack: Weak Laws a Scar on Right to Dignity

then use a corrosive substance and pour it onto the faces and other body parts of their victims, which causes the degradation of skin and subcutaneous tissues and bone resorption, even resulting in the death of the victim in some cases. It has been established that the most destruction of acid burns occurs within the first thirty minutes, for instance. Leftover acid is a great risk.

Today, acids, which are inexpensive and easily accessible, have become first-hand instruments to perform offenses against women.

Acid attacks are not unique to a single country, religion, or race; they happen globally. According to the BBC, on average, around fifteen hundred acid attack cases are reported worldwide annually. Acts of Acid Attacks Worldwide Austria However, the cases of acid attacks are on the alarming rise in countries like Pakistan, Bangladesh, Cambodia, Uganda, the UK, etc.

Acid attack cases in India have also proliferated during the last decade. The garden originating this Satanic crime is the patriarchal masculine ideology, which does not allow a man in his glory to be rebuffed by a woman. A study Report of the Campaign and Struggle against Acid Attacks on Women states that sexual.<sup>3</sup>

Report of National Crime Report Bureau is also mum on acid violence cases, and the data are unavailable from any source. Acid crimes in India are an area where data is sparse– only recently has it been specifically recognized as a crime under the Indian Penal Code, which happened just a few years back in 2013. Hence, before 2013, there was no national database for statistically mapping cases of acid violence in India. But despite this, according to the report of the learned ministry, there were 57,77 and 83 cases of acid attacks in the years 2010,11and12, respectively. Note: The report has not taken data from Chhattisgarh, Jharkhand, Meghalaya Rajasthan, and West Bengal into consideration. <sup>4</sup>According to a study by Acid Survivors Foundation India, the estimated number of acid violence cases across territories is around Ministry of Home Affairs, in the case of *Laxmi v. Union of India*<sup>5</sup>, provided data from 2010 to 2012. Acid Survivors Foundation, India also published data for 2013- 2014.11 National

<sup>3</sup>(2011). Combating Acid Violence in Bangladesh, India and Cambodia. <https://doi.org/10.2139/ssrn.1861218>

<sup>4</sup>Patel, M. (2014). A Desire to Disfigure: Acid Attack in India. <https://core.ac.uk/download/230206342.pdf>

<sup>5</sup> WP (C)NO.129 OF 2006



Crime Record Bureau has published state-wise data for 2014 - 2015 of acid violence cases in India. The combined chart of all the data published from the above sources follows.

In the year 2009, the Law Commission of India submitted a report named Inclusion of Acid Attacks as Specific Offences in Indian Penal Code and a Law of Compensation for the Victims of Crime<sup>6</sup> in which the Commission pointed out the severity of acid attack cases and the necessity to deal with crimes of acid violence specifically<sup>6</sup>. There are a large number of women who are affected by this horrific crime. As per the report of the Law Commission, Most of the reported acid attacks have been committed on women, particularly young women, by spurning suitors, rejecting proposals of marriage, denying dowry, etc. The attacker cannot bear the fact that he has been denied and seeks to destroy the body of the woman who has dared to stand up to him. As per the Home Ministry's data in 2012 and 2013, the number of victims is 83 and 85, respectively, and almost 66 cases are pending in the High Court.

Despite many reports, surveys, and articles, which constantly pointed out the enormity of acid violence, it was only in the year 2013 that some specific provisions were added to the criminal law of India. However, even after the insertion of particular provisions in Criminal Law via Criminal Law (Amendment Act), 2013, and the introduction of The Model Poisons Possessions and Sales Rules, 2013, incidences of acid attacks are on the rise. Almost every other day, there is news of acid being thrown at some females in some parts of the country. Despite the order by the Supreme Court regulating the sale at retail outlets and banning over-the-counter sales, acid continues to be readily available in markets in many cities. As per a newspaper report, there were 20 reported cases of acid attacks in Delhi in the year 2013, which increased to 31 in 2014 and 25 in 2015. Moreover, it was also recorded that from January 2002 to October 2010, there were 174 cases found which are related to the acid attack, but only 153 cases were tried before the judicial bodies.

### **Effects of Acid Attacks on Victims, their Families, and Impact on Society**

Most acid attacks are not intended to kill the victim but to disfigure the face and body, mainly targeting women. In many cases, the primary motive behind these attacks is revenge, often stemming from rejection or a desire to satisfy a wounded male ego by destroying the victim's

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<sup>6</sup> 226th Report, Proposal for the Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime, Law Commission of India, 7 July 2009

beauty. The perpetrators believe that if they cannot possess the woman, no one else should and that by disfiguring her, their vengeance is complete. They view a woman's facial beauty as her most valuable asset, thinking their goal is achieved once it's destroyed. However, the damage caused by an acid attack goes far beyond physical disfigurement. Acid has a lasting and devastating impact, not only on the body but also on the mind and life of the victim. The physical scars are permanent, leading to ongoing mental anguish and suffering, even if the victim survives. While the physical injuries, such as facial disfigurement, are visible, the psychological trauma, depression, and emotional scars are hidden, deeply affecting the victim's inner self.

Moreover, acid attacks do not just devastate the individual; they have a profound and catastrophic impact on the victim's family. The victim endures prolonged physical pain as well as psychological, social, and economic hardships, leaving a lasting toll on every aspect of her life. It is not only the victim alone, but her whole family has to undergo psychological, social, and economic trauma. Many acid attack victims feel that the psychological impacts of acid attacks are more horrifying than the physical impacts. Their main ordeal begins after Researchers tried to find out the various impact of acid attacks on the victim and her family. The following are the main impacts of acid violence

1. Physical Consequences
2. Psychological Consequences
3. Social and Economic Consequences
4. Impact on Society

### **1. Physical Consequences:**

When the acid is thrown on the face, it affects the eyes, ears, nose, lips, and facial tissues. In many cases, acid attacks on the face led to loss of vision and hearing. If eyelids are burned, the victim can never close their eyes. If it comes in contact with the nose, it may melt the nose and close the nostrils. The victim, in such a case, can never smell anything. When the acid is thrown on the face, it impairs the lips and mouth also; it becomes tough for the victim to eat anything. This leads to further complications as the victim can no longer open her mouth. Breathing failure is one of the immediate dangers after an acid attack. Inhalation of acid vapors can create breathing problems in two ways: i.e., by causing a poisonous reaction in the lungs or by swelling the neck, which constricts the airway and strangles the victim.

Even if the victim survives the attack, her physical trauma does not come to an end. The 226th report of the Law Commission of India<sup>137</sup> mentions the following physical effect of acid attack on victims:

- Skull: May be partly destroyed or deformed. Hair is often lost.
- Forehead: Skin may shrink and be scarred as though stretched tightly.
- Ears: Shriveled up and deformed. Deafness may occur immediately or later. Cartilage in the ear is usually partly or destroyed, exposing the victim to future infection and hearing loss.
- Eyes: Direct acid contact or acid vapors can damage the 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 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.
- Mouth: Shrunken and narrowed and may lose its shape.
- Lips may be partly or 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 severely damaged. It may have a thick cord of scarred flesh from the chin to the upper chest or a wide, heavily scarred area on one side of the neck. The 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 obliterated.
- 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.

How deep the injury is depends upon how strong the acid is and how long it remains on the body. The burning continues until the acid is thoroughly washed off with water. Acid is so corrosive that when thrown upon the human body, it melts the skin tissues within 20 to 30 seconds. Initially, for a few seconds after the attack, the victim feels like some hot water is

thrown on them, but within a few seconds, skin tissues start melting as acid penetrates fat as well as muscle layers of the skin. If there is any delay in the first aid, it also goes into the bone and dissolves it. Delay in the initial treatment of the victim also increases the chances of septic, and if it is not treated on time, it may lead to the death of the victim.

In one of the studies, it was found that, on average, the victims suffered 14% burns on their body surface area, and the part mainly affected includes the face in around 87% of victims; 67% of victims suffered injuries on the head and neck, 60% suffers on upper limbs and almost 54% on the chest. Around 31% of victims suffered partial or complete blindness. Another deformity that results from an acid attack is loss of hearing if the acid goes into the ears of the victim. Deafness may occur at the same time or later, depending upon the nature of the acid and its composition. If the cartilage of the ear is deformed or burned, there is a high chance of hearing loss and infection. Another sense organ generally affected by the acid attack is the nose, which can be shrunken. If the cartilage is destroyed, then the nostrils may be closed completely, and the victim loses the sense of smell and becomes incapable of breathing through the nose.

Breathing becomes difficult for victims when their nostrils are closed completely as they have to breathe from their mouths. Cheeks, mouth, and lips lose their shape when acid is thrown upon the face. Lips get burned completely, exposing teeth and jaws. The mouth may shrink and lose its shape. In many cases, it is seen that victim of acid attack become incapable of moving their cheeks, mouth, and lips, due to which chewing food becomes difficult for them. If the acid touches the chin, the skin may melt downward and attach to the victim's neck or chest. As such, it becomes impossible for the victim to move her neck. If the acid is thrown on the neck, it may damage the neck permanently, and, in many cases, it is seen that the victim becomes incapable of moving the neck, and the head remains lean to one side only. Sometimes, the flesh or skin of the neck runs downward, welding the neck to the chest. The chest or breast is another organ of the body that is badly affected by the acid. If the acid is splashed on the breast of a young girl, it may stop its growth completely, and the breast may be destroyed. It burns the tissues inside the breasts, which give birth to other complications, including hormonal imbalances, etc. Moreover, burn marks and white patches of acids also become visible on the chest. If acid touches the arm, it becomes difficult for the victim to move her arms, especially if it is around the underarms. In a few victims, it is observed that their arms get attached to their bodies, and they become incapable of moving them.

In many cases, doctors perform plastic surgery to graft skin onto areas severely burned and melted by acid. This process involves taking healthy skin from another part of the victim's body, often the thigh or back, to cover the damaged area. Unfortunately, this means that not only the original injury site is affected, but the donor areas, like the thigh and back, also endure pain and suffering. Skin grafts typically last only five years before becoming nonviable, requiring further surgery to graft new skin. In cases where there is no remaining suitable skin on the victim's body, doctors may use donor skin from external sources, but this carries a high risk of infection. Therefore, doctors generally avoid using foreign skin unless necessary.

Another significant challenge with acid burns is the lack of proper first aid or the use of incorrect methods. A common misconception is that pouring milk over the acid burns will help, but this is incorrect and may lead to infections. The correct first aid for acid burns is hydrotherapy, which involves thoroughly washing the affected area with clean, running water to dilute the acid. Any clothing or items in contact with the acid should be carefully removed, but the burned body parts should not be submerged in water, as they can become contaminated. The affected area should be continuously rinsed under running water until the acid is diluted. Afterward, the wound should be loosely wrapped in a clean, dry cloth to prevent infection. Once first aid is administered, the victim should be taken to the nearest burn and trauma center for specialized medical care.

Three main types of chemical burns are Epidermal Burns, Dermo-Epidermal Burns, and Deep Burns. Epidermal burns are first- or second-degree burns that cause blisters and inflammation but typically heal without leaving scars. Third- and fourth-degree burns, also known as dermo-epidermal burns, involve damage to the full thickness of the skin and result in scarring. Finally, deep burns, classified as fifth- and sixth-degree burns, destroy not only the skin but also the underlying tissues, bones, and nerves, leading to severe physical deformities and disabilities.

## **2. Psychological Consequences:**

Apart from physical consequences, victims of acid violence have to suffer from deep psychological consequences also. The psychological consequences of acid arising from shock and trauma are worse than the physical, social, and financial consequences. As per the report of the Law Commission of India, 152 victims of attacks do not only suffer from severe physical trauma but also undergo traumatic changes in the way they feel and think. Terror causes psychological trauma; victims suffer during the attack as they feel their skin burning away and



acid eating their skin, and also after the attack due to the disfigurement or disabilities that they have to live with for the rest of their lives.

Despite undergoing treatment for many years and many corrective surgeries, it is not possible to reclaim normalcy, and this leads to more disappointment and depression in a survivor. Whenever they look into the mirror, their disfigured face reminds them of the ordeal that they have gone through during and after an acid attack. Many acid attack victims said that the burn marks on their faces do not let them forget their misfortune. Acid attack not only causes physical discomfort to the victim but also tarnish their hopes and dreams. Physical discomfort can be relieved by medicines, treatment, and corrective surgeries, but the mark that physical trauma left on the body and mind of the victim is almost impossible to forget.

Victims of acid attacks suffer severe psychological symptoms for years due to the physical scars on their bodies, which constantly remind them of the incident. This leads to a persistent feeling of hopelessness. Their physical and financial dependence on family members and the cost of treatment further contribute to their depression and stress. They often lose their self-esteem and sense of self-worth. In some cases, victims have even filed petitions before the court for mercy killing. Additionally, they may be afraid to testify against the perpetrator out of fear of another attack on themselves or their family. Furthermore, young female victims of acid attacks often face reduced prospects of marriage and starting a family.

### **3. Social and Economic Consequences:**

Social and economic consequences of acid attacks are just as damaging as the physical and psychological aftermath. The Law Commission of India's report also highlights the social and economic repercussions of acid attacks. Acid attack victims often endure a lifetime of discrimination and become alienated from society. They feel humiliated when ridiculed by others and fear negative reactions, causing them to retreat into their homes. Additionally, unmarried victims are less likely to find a spouse, and if they do get married, they often face abandonment or mistreatment from their husbands.

### **4. Impact on the Society:**

When a person is attacked with acid, it does not affect only that person, but it affects society as a whole. It affects the victims, their relatives, their families and friends, and somehow the whole society. Acid does not affect only the girl on whom it is thrown, but it affects all women

in one way or another. When a girl is attacked with acid, the parents of the other girls also get scared and impose many restrictions on their daughters in terms of their behavior, dress, and outings so that they would not get noticed, attacked, and troubled.

In cases where women are attacked by their family members like cousins, fathers, stepparents, etc., life becomes more horrible not only for the victims but for other girls also as they get scared to trust anyone. This mistrust adversely affects their overall development and well-being.

This also encourages the orthodox system of Indian society as there are several attacks carried out on the face of the girl to destroy her beauty due to rejection in one-sided love and jealousy, which in return encourages the parda system as people feel that if a girl keeps her face covered, no man will be able to see her face and all this would not start. Many politicians and religious institutions feel that the modernization and education of girl children are responsible for crime against women. They feel that girls should stay home only and cover their faces. Every case of acid attack gives them a chance to make people believe in these orthodox and backward systems of society, which in turn adversely affect the social and economic development of the country. Parents withdraw their daughters from school so that they will not interact or communicate with any male. This attitude of parents and society spoiled their prospects of a bright career, and they become victims of society's wrong thought process, which leads them nowhere in life. They have to live a life that is dominated.

## **LEGISLATIVE PROVISIONS IN INDIA AND OTHER COUNTRIES**

Acid violence is a global issue, but the majority of cases are concentrated in five countries: Bangladesh, Pakistan, India, the United Kingdom, and Cambodia. To address this problem, Bangladesh enacted two new laws in 2002, which significantly reduced the number of acid attacks. In contrast, India had no specific legislation addressing acid attacks until 2013. According to recent reports, in India, around 72% of acid attack victims are women, and the number of incidents has been rising over the years, unlike in Bangladesh, where stricter laws led to a decline.

### **A. Bangladesh**

In Bangladesh, the highest number of acid attacks occurred before 2002. Reports from the Acid Survivors Foundation show that there were about 3,000 victims before 1999, but after the new

laws were implemented, the number dropped to approximately 260 after 2002. However, a New York Times report suggests that acid attacks on women in Bangladesh are on the rise again. The Constitution of Bangladesh refers to the equality of rights of men and women. As per Article 28(I) of their Constitution, "there shall be no discrimination on grounds only of religion, race, caste, sex or place of birth," and Article 28(2) provides equal opportunity to men and women in all spheres of state and public life. Bangladesh has a separate Ministry of Women and Children Affairs entrusted with the responsibility of securing an end to violence against women. In the eighties, Human Rights groups and women activists pressured the government to enact laws to protect women from cruelties like domestic violence, sexual exploitation, rape, and acid attack. In this wake, it was in 1983 that the Bangladeshi Government brought in the Cruelty to Women (Deterrent Punishment) Ordinance, which made many of the offenses such as Kidnapping, Abduction, and Acid Attacks on women serious ones punishable by death or life imprisonment. Later, this ordinance was amended by the Cruelty to Women (Deterrent Punishment) (Amendment) Act (No. 37 of 1988). Other followed laws were the Women and Children Repression (Special Provisions) Act 1995 and The Nari-o-Shishu Nirjatan Daman Ain, 2000 (Law on the Suppression of Violence against Women and Children, 2000).

Acid violence incidences have increased smoothly in Bangladesh over the nineties.

This visibility was partially due to the better reporting as well as NGO efforts, such as Acid Survivors Foundation and 'Naripokkho', which was a women's advocacy organization." Better documentation has resulted in a listing of 351 incidents in 2001 and 494 in 2002. The government was alarmed by increasing acid attacks in Bangladesh and passed two Acts in 2002 to combat acid violence against women. These were the Acid Crime Prevention Act in the same year, which fenced the entire country on acid sales, and the other was the Acid Crime Control Act, both in 2002. These Acts punish the offenders with maximum death penalty of acid throwing. The level of punishment depends on the affected body part; the attacker can be sentenced to death or life in prison and fined up to fifty thousand Takas (approximately seven hundred US Dollars) if the victim dies, loses sight or hearing, or causes damage to the victim's face, breasts, or sexual organs."

Attempting to throw acid or the actual throwing without causing either physical or mental suffering is punishable with imprisonment ranging from three to seven years and also entails liability to pay fines of up to 50,000 Takas. Police is now mandated to conduct investigations within time limits regarding the new law. Normally, acid attack investigations must be

conducted within 30 days but can have extensions of up to 60 days. If not completed within the set period, the courts can direct the police department to appoint some other investigative officer to complete the investigation within the prescribed period and punish the defaulting investigating officer. These two legislations, in combination, thus, tend to offer a comprehensive and multidimensional array of measures towards combating acid attacks, restricting most of their avenues from unlicensed importation, production, storage, transportation, and usage, as well as the sale of acids, prescribing heavy punishments (prison sentence for minimum three years) for the violators." Effective implementation of these legislations and measures has shown a complete decline in acid attacks since enactment. Data from the Acid Survivor's Foundation (ASF) states that acid attacks in Bangladesh are decreasing continuously by fifteen to twenty percent every year." As per their data, acid throwing incidents have gone down from 494 in 2002 to 69 in 2013.

### **B. Cambodia**

In Cambodia, acid attacks affect both men and women. An analysis of the country's gender distribution of victims reveals that 48.4% of the attacks target men, while 51.6% target women, with the overall numbers increasing over time.

Before 2011, there was no law specific to acid violence in Cambodia because the crime came under an undefined broad term of such an act as "Violence" under their Domestic Violence law. Also, under their Criminal Law, such a case could be covered under Article 41 as 'Assault and Battery', where punishment would entail imprisonment of up to ten years. 'Crimes against Humanity' are defined under Article 188 of the Criminal Code of the Kingdom of Cambodia, 2009. Acid violence comes under clause 11 of Article 188, which constitutes other inhuman acts that cause great suffering or seriously attack physical integrity. Such acts are punishable with life imprisonment according to Article 189. Even preparation to commit such a crime against humanity is punishable with a penalty set forth between 20 (twenty) and 30 (thirty) years imprisonment. Article 210 punishes tortures and barbarous acts with imprisonment, and where such acts are aggravated, causing maiming or permanent disability to the victim, then the act is punishable by imprisonment ranging between ten to twenty years. Acid attacks are always pre-planned, and they are also included under Article 217 as 'Intentional Violence' where the person is punishable by one year to three years imprisonment and a fine of 2,000,000 (two million) Riels up to 6,000,000 (six million) Riels, according to the reports its state that Cambodia has recorded 900 cases of acid attacks since 2004. The easy availability of acid

partly accounts for the prevalence of acid violence in Cambodia.

Cambodia is a large rubber producer, and acid is commonly used in this industry. Consequently, it was in 2011 that the vote passed the Acid Control Act, which would deal solely with acid attacks and any related matters.

"Articles 5 and 8 forbid any person or legal entity from using, buying, selling, storing, distributing, transporting or importing acid without a license or letter from the concerned authority of the RGC. All found operating without licenses shall be subject to fines and confiscation." "Any incidence of acid violence should have the concerned authority be responsible for the immediate transfer of the victim to a health center, and all state-owned health institutions shall provide such victims with free support and treatment." However, this law is gender-neutral so that both men and women can seek redress for their grievances under acid violence.

### **C. Iran**

In Iran, the punishment for the acid offense follows the philosophy of "retaliation," that is, an eye for an eye and a tooth for a tooth. The Sharia law of qisas, or equivalent justice, is applicable against acid attacks in Iran. Under that law, the offender is required not only to pay for the fine imposed on the victim but also to be treated in the same manner, i.e., be blinded with acid in both eyes. In 2004, 24-year-old beautiful Ameneh Bahrami was attacked by Acid by a man named Movahedi for rejecting his proposal. He had previously threatened her by saying he would destroy her life and do something that no one would marry her. In 2008, the court stated that the 27-year-old Movahedi should also be punished by acid blinding. He was sentenced to imprisonment and to compensate the victim." But on July 31, 2011, she forgave her tormentor, thus granting clemency to Majid Movahedi and stopping the Qisas retributive justice. Earlier, some women had been threatened by Islamic vigilantes with acid attacks for not wearing hijab. Now Iran has laws that classify acid attacks as a capital offense." These more severe punishments come after a rise in acid violence in Iran.

### **D. Afghanistan**

The Taliban government, which ruled the nation until its ouster in late 2001 and had a highly conservative interpretation of Islam, prohibited girls from attending school. To discourage females from going to school, they still throw acid at them. In 2008, for example, more than a



dozen schoolgirls in the southern city of Kandahar were doused with acid by attackers on motorbikes. The attackers reportedly claimed that Taliban rebels who were against girls' education had paid them to carry out the attack. Private clan disagreements and the typical rage over rejected suggestions are important additional causes of acid assaults in Afghanistan. "The Elimination of Violence Against Women Law" was enacted in Afghanistan in 2009. This is the first time a nation has officially acknowledged and made violence against women a crime. Now, the acid attack is an example of that de facto violence against women, and the punishment will be a minimum of ten years imprisonment to a maximum of life imprisonment.

### **E. Uganda**

In Uganda, acid is typically employed as a weapon of vengeance, meaning it is used as an agent to exact retribution in a variety of situations, including economic disputes, land disputes, personal conflicts, and adultery problems. Because of political competition, there is an increase in acid violence during political events, particularly around election season. Sulfuric acid, which is frequently found in gas stations and is utilized in automobile batteries, is the acid used in assaults in Uganda.

In Uganda, there is no explicit legislation prohibiting acid assaults. Nonetheless, the Penal Code Cap 120, Uganda's basic rule on criminal offenses, acknowledges acid assault as a crime and outlines punishment for offenders. In particular, Sec. 216(g) stipulates that those who commit acts of acid or burn violence with the intent to cause maiming face a life sentence in jail. Acid attacks that are carried out with "malice aforethought" are punished by death (Section 189) and are deemed murder (Section 188). Section 204 covers attempted murder, a lesser felony that carries a maximum sentence of life in prison.

### **F. Legislation in India:**

Declaration on the Elimination of Violence against Women was passed by the United Nations General Assembly in the year 1993. India has also ratified the same. Article 4(f) of the Declaration asked the member states to enact legal measures to prevent violence against women in their respective countries. Moreover, the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) has also recognized that the state must act with due diligence to prevent human rights violations.<sup>7</sup> The Constitution of India under Article 253

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<sup>7</sup> Convention on the Elimination of All Forms of Discrimination Against Women, General Recommendation No.

states that the Parliament has the power to make law for the whole or any part of the territory of India for implementing any treaty, agreement convention, or any decision made at an international conference, etc. Article 15 (1) of the Constitution of India, 1949 also states —that the State shall not discriminate based on religion, race, caste, sex, or place of birth. Article 15 (3) is An exception to the rule made under Article 15(1), which says that nothing in this Article shall prevent the State from making any special provision for women and children.

As most acid attacks are carried out on women, it is a fundamental right of a woman to have a special law or special provision to safeguard her body and life. Therefore, it is obligatory on the part of India to implement all international treaties, agreements, and conventions and take all the necessary steps to prevent all forms of violence against women in its country. Still, Indian law did not take into consideration the disfigurement of a woman's body and identity in an acid attack as a separate offense till 2013.

Report of Justice Verma Committee, 2013 states -In a certain sense, the aggressor is conscious that the self-worth and self-esteem of a woman often lie in her face, which is a part of her personality. The dismemberment of the face or the body is not merely an offense against the human body but will cause permanent psychological damage to the victim. What happens when there is permanent physical and mental damage to a victim is a critical question. Lawmakers must be aware that offenses are not simply based on the principles of what might be called offense against the body, i.e. damage to the body. Still, they must consider the consequences of the right to live with dignity, which survives the crime. This is an essential consideration in both the fields of criminology and sociology.<sup>8</sup>

Section 326 IPC (Voluntarily inflicting grave harm by hazardous weapons or means) would have applied to earlier acid instances. The Criminal Laws Amendment Act of 2013 added two new provisions, Sections 326A and 326B, to the IPC.

Establishing acid assaults as a distinct offense in 2013. In addition, victims of acid attacks are entitled to compensation under section 357A CrPC. It has been made clear by Section 357B of the CrPC that, in addition to the fine that the victim will receive under Section 326A of the Indian Penal Code, the State Government will also be required to pay compensation under

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<sup>8</sup> Report of Justice Verma Committee in Amendment to Criminal Law, January 2013 at pg. 147

Section 357A whenever the court grants survivors of acid violence.

Justice Ranganath Mishra said in the *Pt. Parmanand Katara v. Union of India & Ors*<sup>9</sup> case that "Every doctor, whether at a government hospital or elsewhere, has the professional obligation to extend his services with due expertise for protecting life." The primary duty placed on members of the medical profession cannot be avoided or postponed by any legislation or state action. Since the duty is absolute, entire, and preeminent, any procedural laws—whether found in statutes or elsewhere that might obstruct the fulfillment of this duty must be suspended. The court stated, "Institutes should be asked to provide immediate medical aid to all cases, regardless of whether they are medico-legal cases or not."

It is not ideal for some government institutions to deny patients even primary medical assistance and send them to other hospitals based only on the fact that they are medico-legal cases. However, if the hospital does not have the specialized facilities needed for the treatment, the patient may be referred there after receiving the initial medical assistance.

The CrPC's Section 357C offers medical assistance to victims of acid attacks and requires all hospitals, whether public or private, owned by the federal government, state governments, local governments, or any other individual, to provide free medical care or first aid to victims of acid violence right away. These hospitals are also required to notify the police of the incident right away. The Ministry of Health and Family Welfare (MOHFW) released an advisory in May 2013 on providing free medical care to victims of acid attacks. Under Section 166B of the IPC, failure to comply with the terms of Section 357C CrPC is now criminal by law. In *Laxmi v. Union of India*, the Supreme Court of India ordered all states to take action against the illegal selling of acids in July 2013. In light of this, the Poisons Possessions and Sales Rules, 2013, were created to regulate and license the sale of acid and classify it as a poison. The Poisons Act 1919 established Model Rules to control the sale of acid and other caustic materials.

India's laws against acid assaults are still in their infancy. By strictly enforcing its dual laws about the regulation of acid sales and the severe punishments meted out to those guilty of acid violence, our immediate neighbor Bangladesh has been able to reduce the number of incidents

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<sup>9</sup> 1989 AIR 2039

of acid violence. To combat this threat, even Pakistan is currently drafting a unique law. Social welfare groups in India are also advocating for a distinct law to address acid assaults in a thorough and targeted manner; nevertheless, for the time being, we must concentrate on enforcing the current rules to address this issue.

In the case of *Laxmi v. Union of India & others*<sup>10</sup>, directions were issued to the State Governments and Union Territories regarding proper treatment, aftercare, and rehabilitation of the victims of acid attacks. It is directed that the private hospitals shall not refuse the treatment to acid attack victims, citing that they lack specialized facilities to treat them. They have to provide full medical assistance to the victim. When a patient with an acid attack comes to the hospital after the attack, first aid must be administered to her. Once the patient is stabilized, then she could be shifted to a specialized hospital for further treatment, and the hospital that administered first aid to the victim should give a certificate to the victim that the patient is a victim of an acid attack.

Such a certificate can be used by the acid attack victim to claim compensation or for medical purposes, including reconstructive surgeries under the scheme of the Centre or State Government, if any. It is also clarified that if a hospital or clinic refuses to treat the victim, action may be taken against them in contravention of section 357C of the Code of Criminal Procedure, 1973. The State Governments and Union Territories were asked to seriously discuss the matter with all the private hospitals within the purview of their respective States and Territories so that they do not refuse to treat the victims of acid attacks and provide them full treatment, including medicines, food, bedding, and reconstructive surgeries.

Supreme Court has also fixed a minimum compensation of rupees three lakhs to the victim of acid attack, which has to be paid by the concerned State Government/ Union Territory as aftercare and rehabilitation costs. The court ordered that out of the total sum of three lakhs, one lakh has to be paid to the victim within fifteen days from the date of occurrence of the offense or within 15 days when the incident is brought to the notice of the State Government or the Union Territory, as the case may be so that immediate medical expenses can be met with.

Special directions were issued to the State Legal Services Authority that the Member Secretary

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<sup>10</sup> WP (C)NO.129 OF 2006

of the concerned State Legal Services Authority shall publicize and advertise the Victim Compensation Scheme in the State or Union Territory adequately so that benefits of the scheme could reach each and every victim of acid attack and all the victims can get compensation of rupees three lakhs. If an acid attack victim makes any compensation claim, the matter would be taken up by the District Legal Services Authority and include the District Judge and other persons whom the District Judge deems fit and will be helpful in assistance, especially the Superintendent of Police, District Magistrate, Chief Medical Officer or Civil Surgeon of the concerned District. Their nominees may also be appointed. Such a body shall be called the Criminal Injuries Compensation Board.

The Hon'ble Supreme Court made another important announcement in *Parivartan Kendra and Another v. Union of India & others*.<sup>11</sup> In this case, the Court held that the State Government and the Union Territories could even give more compensation as was directed by the Court in the case of *Laxmi v. Union of India*.<sup>12</sup> An important announcement or suggestion made by the Court, in this case, was that all the States and Union Territories should consider the plight of such victims and take appropriate steps about the inclusion of acid attack victims under the disability list.

Therefore, we can say that after the Justice Verma Committee report and the Supreme Court's directions and orders, acid attacks have been recognized as a separate offense under the penal law of our country, and besides section 357A Cr. P.C., a scheme is being drawn up by the State Government in coordination with the Central Government to provide compensation to the victims of acid attacks. But the irony is that despite the specific directions issued by the Supreme Court as well as specific provisions introduced in the criminal law for the hospitals to give free treatment to the victims of acid attacks, most of the victims are not able to get treatment. Hospitals are still refusing them because they lack facilities and specialized doctors. Acid is also readily available over the counter in small areas and metro cities like Delhi. Most of the acid attack victims are not aware of the provisions of the compensation either. Therefore, there is a dire need to create awareness among the people regarding the availability of compensation.

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<sup>11</sup> Wp.867.2013

<sup>12</sup> WP (C)NO.129 OF 2006



## CONCLUSION:

It is the responsibility of states to stop violence against women, look into it when it does happen, bring charges against those who commit it, and help victims. However, passing legislation itself isn't the answer; the foundation of every effective legislation is its proper implementation and enforcement.

States must provide a sufficient supporting legal structure to guarantee prompt and efficient investigations, expedited trials, and legal assistance for victims. To handle such issues, police officers and judges must be more aware of the situation. Due to the societal shame attached to such crimes, women frequently encounter resistance from their families and are hesitant to file charges against the culprits.

States must take the initiative to remove barriers that stand in the way of women's quest for justice. Cases involving acid violence should be investigated and prosecuted function within a specific time range and should expedite case trials to require a decision in the shortest time. All government hospitals should offer free care, and private hospitals should also be required to offer first aid in cases of acid attacks. The earliest possible compensation should be given. The State should provide a comprehensive rehabilitation package for the long-term care needed in these situations for full physical and psychological recovery, necessitating costly specialist therapies and counseling since money cannot buy this. In addition to offering the victim both short-term and long-term financial support, rehabilitation should also help them become self-sufficient through employment, which is crucial for their reintegration into society.

All states must implement a zero-tolerance policy for this heinous crime.