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ACCESS TO JUSTICE FOR ACID ATTACK SURVIVORS IN INDIA: A FEMINIST LEGAL PERSPECTIVE

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Abstract

Acid attack is one of the most brutal and irreversible forms of gender-based violence. It is not merely a physical assault on the body of the survivor, but also an attack on her dignity, identity, autonomy, confidence, social existence and future opportunities. In most cases, acid attacks are committed with the intention of permanently disfiguring, punishing, controlling or silencing women. The consequences of such violence are lifelong. Survivors often suffer severe burns, loss of eyesight, facial disfigurement, repeated surgeries, chronic pain, psychological trauma, depression, social isolation, interruption of education, loss of employment, and financial dependency. Therefore, acid attacks must be understood not only as a criminal offence, but also as a serious violation of human rights, equality, bodily integrity, and the right to live with dignity.

In India, acid attack was earlier dealt with under general provisions relating to grievous hurt, which failed to recognise the distinct nature and gravity of the offence. The absence of a specific legal provision resulted in inadequate punishment, weak investigation and insufficient attention to the needs of survivors. Due to continuous public interest litigation, feminist legal activism, recommendations of law reform bodies and public pressure after rising cases of violence against women, the Criminal Law (Amendment) Act, 2013 introduced Sections 326A and 326B into the Indian Penal Code. Section 326A deals with voluntarily causing grievous hurt by use of acid, while Section 326B deals with attempt to throw acid. These provisions marked an important step in recognising acid attack as a separate and serious offence.

The Supreme Court of India has also played a significant role in strengthening the legal response to acid attacks. In *Laxmi v. Union of India*, the Court issued important directions regarding regulation of acid sale, minimum compensation, free medical treatment and rehabilitation of survivors. Later, compensation schemes framed by the National Legal Services Authority and State Legal Services Authorities attempted to provide financial

assistance to acid attack survivors. These developments show that Indian law has moved beyond the narrow idea of punishment and has started recognising the need for victim compensation, medical care and rehabilitation.¹

However, the existence of laws and schemes does not automatically ensure access to justice. Many acid attack survivors continue to face serious practical barriers. These include delay or refusal in FIR registration, poor police investigation, lack of gender-sensitive handling by authorities, inadequate medical treatment, repeated visits to hospitals and courts, delay in compensation, difficulty in proving the offence, intimidation by the accused, social stigma, family pressure, financial hardship and lack of long-term rehabilitation. Survivors are often forced to fight not only against the accused, but also against social prejudice and institutional indifference. This shows a clear gap between legal rights available on paper and justice available in practice.

This paper examines acid attack from a feminist legal perspective. Feminist legal theory helps in understanding acid attack as an expression of patriarchy, gender inequality, male dominance and control over women's bodies and choices. It challenges the traditional criminal justice approach that focuses only on conviction and punishment. The paper argues that real justice for acid attack survivors must be survivor-centric and restorative in nature. It must include immediate medical treatment, free reconstructive surgeries, speedy compensation, psychological counselling, witness protection, safe shelter, educational support, employment opportunities, social reintegration and respect for the survivor's dignity.

The paper further studies the existing legal framework, important judicial decisions, compensation schemes and rehabilitation measures relating to acid attack survivors in India. It also analyses the practical difficulties faced by survivors in accessing justice and the limitations of implementation by police, hospitals, legal services authorities and state agencies. The study concludes that India has made significant legal progress by recognising acid attack as a separate offence and by creating compensation and rehabilitation mechanisms. However, the effectiveness of these laws depends upon strict implementation, timely support, survivor-sensitive procedures and accountability of authorities. A strong legal framework must be supported by social awareness, institutional responsibility and long-term rehabilitation so that acid attack survivors are able to rebuild their lives with dignity, independence and equality.

Keywords: Acid attack, access to justice, feminist legal theory, compensation, rehabilitation, gender-based violence, victim rights, dignity, India.

¹ Laxmi v. Union of India, (2014) 4 S.C.C. 427.

Introduction

Acid attack is one of the most violent and inhuman forms of assault. It takes place when acid or any other corrosive substance is thrown, poured or administered on a person with the intention of causing burns, disfigurement, disability, permanent injury or grievous hurt. The injuries caused by acid are not temporary in nature. They often leave lifelong physical, psychological, social and economic consequences. Acid can burn the skin, damage tissues, destroy facial features, affect eyesight, cause hearing problems, restrict movement and require repeated surgeries. Therefore, an acid attack is not only an attack on the body of the victim, but also an attack on her identity, dignity, confidence and ability to live a normal life.

In most cases, acid attack is not committed only to cause physical pain. It is used as a method of punishment, revenge, domination and control. Many acid attacks are committed against women because they refuse marriage proposals, reject romantic relationships, resist sexual advances, oppose harassment, demand separation, assert property rights or try to live independently. The attacker often acts with the intention of permanently damaging the woman's appearance and destroying her social confidence. This makes acid attack a deeply gendered crime. It reflects the patriarchal mindset that women's bodies, choices and decisions can be controlled by men. When a woman refuses to obey such control, violence is used to punish her.

From a feminist legal perspective, acid attack cannot be treated as an ordinary offence of hurt or grievous injury. It must be understood as a form of gender-based violence rooted in inequality, patriarchy and male entitlement. Feminist legal theory shows that violence against women is not only an individual act, but also a social problem connected with unequal power relations between men and women. In acid attack cases, the face and body of the survivor are often targeted because society attaches great importance to a woman's appearance. The attacker tries to destroy not only her physical features, but also her dignity, marriage prospects, employment opportunities, social acceptance and mental peace. Thus, acid attack becomes a tool of social and emotional destruction.

The consequences of acid attack continue long after the actual incident. Survivors may suffer from severe pain, infections, loss of vision, permanent scars and physical disability. Many survivors need multiple reconstructive surgeries, skin grafting and long-term medical care. Along with physical injuries, survivors also experience fear, trauma, depression, anxiety, loss of self-confidence and social isolation. They may be forced to leave education or employment because of medical treatment, stigma or lack of support. Families also face heavy financial pressure due to hospital expenses, medicines, travel costs and legal proceedings. In this way,

acid attack affects not only the survivor, but also her entire family and future life.

Indian criminal law has changed significantly after 2013. Before 2013, acid attack was not recognised as a separate offence under the Indian Penal Code. Such cases were generally dealt with under provisions relating to grievous hurt, attempt to murder or other general offences. This was inadequate because it failed to recognise the special nature, severity and lifelong impact of acid attacks. After continuous legal debates, public interest litigation, women's rights activism and recommendations for criminal law reform, the Criminal Law (Amendment) Act, 2013 inserted Sections 326A and 326B into the Indian Penal Code. Section 326A deals with voluntarily causing grievous hurt by use of acid, while Section 326B deals with throwing or attempting to throw acid. Section 326A provides punishment of imprisonment for not less than ten years, which may extend to imprisonment for life, along with fine. The fine is required to be just and reasonable to meet the medical expenses of the victim and must be paid to the victim.²

The judiciary has also played an important role in developing the legal framework relating to acid attack. In *Laxmi v. Union of India*, the Supreme Court issued important directions for regulation of acid sale, free medical treatment, compensation and rehabilitation of acid attack survivors. The Court recognised that easy availability of acid was one of the major reasons behind such attacks. It directed the government to regulate the sale of acid and ensure minimum compensation for survivors. Later, compensation schemes framed by legal services authorities attempted to provide financial support to acid attack survivors. These developments show that the law has slowly moved from a purely punishment-based approach to a broader victim-oriented approach.

However, the main problem is that legal recognition alone is not enough. The existence of Sections 326A and 326B does not automatically ensure justice. In reality, many survivors face difficulties at every stage of the justice process. There may be delay in registration of FIR, insensitive behaviour by police officials, weak investigation, pressure from the accused, delay in trial, lack of proper medical facilities, non-payment or delayed payment of compensation and absence of long-term rehabilitation. Even when the accused is punished, the survivor may still struggle for medical treatment, livelihood, education, counselling and social acceptance. This shows that justice for acid attack survivors cannot be limited only to conviction of the offender.

Access to justice must be understood in a wider sense. For an acid attack survivor, justice

² The Criminal Law (Amendment) Act, 2013, No. 13 of 2013, India Code.

means immediate rescue, proper first aid, free and specialised medical treatment, repeated surgeries, psychological counselling, legal aid, protection from threats, speedy trial, fair compensation, employment support and social rehabilitation. Justice also means that the survivor should be treated with dignity by police, hospitals, courts, family and society. A survivor should not be forced to beg for basic rights that are already recognised by law. When she has to fight separately for FIR registration, hospital treatment, compensation and rehabilitation, access to justice becomes incomplete and burdensome.

The aim of this paper is to examine whether the Indian legal system provides real and meaningful justice to acid attack survivors. It analyses the legal framework, judicial decisions, compensation schemes and practical barriers faced by survivors. The paper also studies the issue through a feminist legal perspective, where the focus is not only on punishment of the accused, but also on equality, dignity, bodily autonomy, rehabilitation and social reintegration of the survivor. It argues that a survivor-centric approach is necessary for achieving true justice. India has made important legal progress, but stronger implementation, institutional sensitivity and long-term support are required to ensure that acid attack survivors are able to rebuild their lives with dignity and independence.

Statement of Problem

The problem addressed in this paper is not merely the occurrence of acid attacks in India, but the continuing failure of the legal and institutional system to provide timely, complete and meaningful justice to survivors. Acid attack is a serious form of gender-based violence that causes permanent physical, psychological, social and economic harm. However, the suffering of the survivor does not end with the incident itself. In many cases, the struggle continues for years because survivors have to face repeated medical procedures, social rejection, financial hardship, legal delays and lack of proper rehabilitation.

Although Indian law now recognises acid attack as a separate offence under Sections 326A and 326B of the Indian Penal Code, the actual enforcement of these provisions remains a serious concern. The law provides strict punishment for the offender, but punishment alone does not repair the damage suffered by the survivor. A survivor requires immediate medical care, reconstructive surgeries, psychological counselling, legal aid, compensation, protection from intimidation and support for education or employment. In practice, these needs are often not fulfilled in a timely and effective manner.³

³ Indian Penal Code, 1860, No. 45 of 1860, India Code.

The Supreme Court of India, especially in *Laxmi v. Union of India*, issued important directions regarding regulation of acid sale, free medical treatment and compensation for survivors. The Ministry of Home Affairs has also issued advisories to States and Union Territories regarding prevention of acid attacks, control over sale of acid, medical assistance and compensation. Compensation schemes have also been framed for women victims and survivors of serious crimes, including acid attack survivors. These measures show that the legal framework has developed significantly.

However, there remains a wide gap between legal provisions and actual implementation. Many survivors face delay in registration of FIR, insensitive treatment by police authorities, weak investigation, lack of proper evidence collection and delay in trial. Hospitals may deny or delay free treatment, or survivors may not receive specialised burn care and reconstructive surgery on time. Compensation is often delayed, insufficient or difficult to obtain due to complicated procedures. Survivors may also face threats from the accused, pressure for compromise and lack of witness protection.

Another major problem is social stigma. Acid attack survivors are often judged by their appearance and treated with pity, fear or discrimination. Many survivors lose educational and employment opportunities because of disfigurement, trauma or social prejudice. Families also suffer emotional and financial pressure. In such circumstances, access to justice becomes a long and exhausting process. The survivor is forced to fight not only against the offender, but also against institutional delay, social discrimination and economic hardship.

The existing legal system still appears to be more offender-centred than survivor-centred. The criminal justice process mainly focuses on investigation, trial and punishment. While these are important, they are not enough. From a feminist legal perspective, justice must also include dignity, bodily autonomy, equality, rehabilitation and social reintegration. A survivor-centred approach requires that the survivor should not have to struggle separately for every legal benefit. The system should automatically provide medical treatment, compensation, counselling, legal aid and rehabilitation support.

Therefore, this paper studies the gap between legal promise and actual justice in acid attack cases. It examines whether the present legal framework genuinely protects and supports acid attack survivors or whether implementation failures continue to deny them meaningful justice. The paper also questions whether existing laws, compensation schemes and state mechanisms are sufficient to address the lifelong consequences of acid attacks. The central problem is whether India's legal response has moved beyond punishment to ensure complete rehabilitation, dignity and empowerment of survivors.

Research Objectives

The main objectives of this research paper are:

- ❖ To study the legal framework relating to acid attacks in India, especially the provisions under Sections 326A and 326B of the Indian Penal Code, along with relevant provisions relating to compensation, medical treatment and victim protection.
- ❖ To analyse important judicial decisions of the Supreme Court of India dealing with acid attack survivors, particularly the directions given for regulation of acid sale, free medical treatment, compensation and rehabilitation.
- ❖ To understand acid attack as a form of gender-based violence, where the offence is often connected with rejection of marriage proposals, refusal of relationships, resistance to harassment, domestic disputes, revenge and patriarchal control over women's bodies and choices.
- ❖ To examine the practical difficulties faced by acid attack survivors in accessing justice, including delay in FIR registration, weak investigation, lack of proper medical care, delay in trial, delay in compensation, social stigma, financial hardship and lack of psychological support.
- ❖ To assess whether the present legal and institutional system is survivor-centred, or whether survivors are still required to struggle separately for medical treatment, compensation, legal aid, rehabilitation and social acceptance.
- ❖ To study the role of compensation and rehabilitation schemes in helping acid attack survivors rebuild their lives, and to examine whether such schemes are properly implemented in practice.
- ❖ To suggest necessary legal, administrative and social reforms for strengthening the response to acid attacks, including stricter regulation of acid sale, faster compensation, free specialised medical care, counselling, employment support and long-term rehabilitation.

Research Questions

This paper is based on the following research questions:

- ❖ How does Indian law recognise acid attack as a separate offence, and what punishment is provided for causing or attempting to cause injury through acid or other corrosive substances?
- ❖ Whether the present legal framework, including criminal law provisions, compensation

schemes and Supreme Court directions, provides effective and meaningful access to justice to acid attack survivors?

- ❖ How does a feminist legal perspective help in understanding acid attack as a form of gender-based violence connected with patriarchy, control, revenge, rejection and violation of women's bodily autonomy?
- ❖ What are the major practical difficulties faced by acid attack survivors during the justice process, especially in relation to FIR registration, police investigation, medical treatment, compensation, trial delay and rehabilitation?
- ❖ Whether the existing compensation and rehabilitation mechanisms are sufficient to address the long-term physical, psychological, social and economic needs of acid attack survivors?
- ❖ What reforms are required to make the criminal justice system more survivor-centred, sensitive and effective in providing medical support, financial assistance, psychological care, protection, employment opportunities and social reintegration?

Research Methodology

This research paper follows a doctrinal research method. The study is mainly based on the analysis of existing legal materials, statutory provisions, judicial decisions, reports, schemes and official documents relating to acid attacks in India. Since the focus of the paper is to examine the legal framework and its effectiveness, doctrinal research is suitable for understanding how the law recognises acid attack, how courts have interpreted the rights of survivors and what duties have been placed upon the State.

The primary legal sources used in this paper include the Indian Penal Code, 1860, particularly Sections 326A and 326B, the Code of Criminal Procedure, 1973, the Criminal Law (Amendment) Act, 2013, and relevant provisions dealing with compensation, investigation and victim protection. The study also relies on important judgments of the Supreme Court of India, especially decisions that have dealt with acid attack survivors, regulation of acid sale, free medical treatment, compensation and rehabilitation.

In addition to statutes and case laws, the paper also refers to secondary and official materials such as the Ministry of Home Affairs advisories, the NALSA compensation scheme, victim compensation schemes, and Law Commission Report No. 226. These materials help in understanding the policy approach of the State and the recommendations made for improving the legal response to acid attacks. Relevant articles, reports and legal commentaries are also used to support the discussion and to understand the practical problems faced by survivors.

The research also adopts a feminist legal approach. This approach is important because acid attack cannot be understood only as a crime causing physical injury. It must also be examined as a form of gender-based violence connected with patriarchy, control, rejection, revenge and unequal power relations. A feminist legal perspective helps in analysing how violence against women affects their dignity, bodily integrity, social position, mental health, education, employment and economic independence.

Therefore, the methodology of this paper is both legal and analytical. It studies the law as written in statutes and judgments, and also examines whether those laws are capable of providing real justice to survivors in practice. The paper does not limit the idea of justice to punishment of the accused. Instead, it evaluates justice in a wider sense, including medical treatment, compensation, psychological support, rehabilitation, protection and social reintegration of acid attack survivors.

Meaning and Nature of Acid Attack Violence

Acid attack means throwing, pouring, administering or using acid or any other corrosive substance on a person with the intention of causing burns, bodily injury, disfigurement, disability, deformity or grievous hurt. The nature of acid attack makes it different from many other forms of physical violence because the harm caused by acid is often permanent and irreversible. Acid burns the skin and damages the tissues beneath it. It may destroy facial features, affect eyesight, damage hearing, restrict movement of the body and leave deep scars. In many cases, the survivor has to undergo repeated surgeries, skin grafting, eye treatment, physiotherapy, counselling and long-term medical care.

The injury caused by acid does not end at the moment of the attack. It continues throughout the survivor's life in different forms. The survivor may suffer from constant pain, infections, breathing problems, difficulty in eating, loss of vision or limited body movement. Many survivors require several reconstructive surgeries, but even after medical treatment, complete recovery may not always be possible. This shows that acid attack is not a temporary injury; it creates lifelong physical suffering and dependency on medical care.

The mental and emotional impact of acid attack is equally serious. Survivors often suffer from trauma, fear, anxiety, depression, loss of self-confidence and social withdrawal. The sudden change in appearance and the painful treatment process may deeply affect their mental health. Many survivors also fear going outside, meeting people or continuing education and employment. The attack may destroy their sense of security and make them feel unsafe in ordinary social spaces.

Acid attack also has a strong social impact. Society often focuses on the changed appearance of the survivor instead of recognising her courage, dignity and rights. Survivors may face pity, discrimination, rejection and insensitive behaviour from neighbours, relatives, employers and even institutions. In some cases, families also treat survivors as a burden because of medical expenses, social pressure and fear of stigma. This further increases the suffering of the survivor and makes rehabilitation more difficult.⁴

The economic impact of acid attack is also severe. Many survivors are forced to leave school, college or work because of treatment, trauma or social discrimination. Loss of education and employment leads to financial dependency. At the same time, the cost of surgeries, medicines, travel, counselling and legal proceedings creates heavy financial pressure on the survivor and her family. Therefore, acid attack does not only damage the body; it also affects livelihood, independence and future opportunities.

From a feminist legal perspective, acid attack must be understood as more than physical violence. It is also a form of social and gender-based violence. In many cases, the attack is connected with rejection of marriage proposals, refusal of romantic relationships, resistance to sexual harassment, domestic disputes, property conflicts or assertion of independence by women. The attacker uses acid as a weapon to punish the woman for exercising her choice. The aim is often to destroy her appearance, confidence and social acceptance. This reflects patriarchal control over women's bodies and decisions.

Therefore, acid attack attacks the survivor at many levels. It attacks her body, but it also attacks her dignity, identity, mental health, family life, education, employment and public participation. It pushes the survivor into a long struggle for medical treatment, justice, compensation and social acceptance. This is why acid attack must be understood as both physical violence and social violence. It attempts to remove the survivor from normal family, social and public life.

The Supreme Court has also recognised acid attack as a serious and cruel form of violence. In *Suresh Chandra Jana v. State of West Bengal*, the Court observed that acid attack has developed into a form of gender-based violence and causes not only physical damage but also deep psychological trauma. This observation is important because it supports the feminist understanding of acid attack. It shows that acid attack is not merely an individual criminal act, but a gendered form of violence that requires a strong legal, medical, social and rehabilitative response.

⁴ Acid Survivors Trust Int'l, What Is an Acid Attack?, <https://www.asti.org.uk/acid-attacks>

Thus, the meaning and nature of acid attack violence must be understood in a broad manner. It is a crime that produces permanent physical injury, psychological suffering, social exclusion and economic hardship. Any legal response to acid attack must therefore go beyond punishment and include treatment, compensation, counselling, rehabilitation, employment support and restoration of dignity.

Feminist Legal Perspective on Acid Attack

A feminist legal perspective studies how law affects women differently and how social power relations shape the actual enjoyment of legal rights. It does not look at law only as a set of rules written in statutes. It also examines whether those rules are able to protect women in real life. In the context of acid attack, feminist legal theory helps in understanding that the offence is not merely an act of physical injury. It is often a form of gender-based violence connected with patriarchy, male dominance, control, rejection and revenge.

In many acid attack cases, the survivor is targeted because she has exercised her personal choice. She may have refused a marriage proposal, rejected a relationship, complained against harassment, resisted sexual advances, demanded separation, claimed property rights or tried to live independently. The attack is therefore not random. It is often committed to punish a woman for making decisions about her own body, life and future. This shows that acid attack is closely connected with denial of women's autonomy.

Acid becomes a weapon of control in such situations. The attacker uses acid not only to cause pain, but also to permanently mark the survivor's body and appearance. The face is often targeted because the face is connected with identity, confidence, dignity and social acceptance. In a society where women are often judged by physical appearance, disfigurement can lead to stigma, rejection and discrimination. The attacker may try to destroy the survivor's confidence, marriage prospects, employment opportunities and social life. This clearly shows the gendered nature of the offence.

A feminist legal approach also highlights the role of patriarchy in acid attack violence. Patriarchy creates a belief that men have authority over women's choices, relationships and mobility. When a woman refuses to obey such control, violence may be used to discipline or punish her. Acid attack is therefore not only an individual crime between two persons. It reflects a wider social structure where women are expected to remain submissive and where their independence is sometimes met with violence.

Traditional criminal law generally focuses on the offender, the act committed, evidence, trial and punishment. This approach is necessary, but it is not sufficient. Punishment of the accused

cannot by itself restore the survivor's health, confidence, livelihood and dignity. A feminist approach asks wider and more survivor-centred questions. Did the survivor receive immediate medical treatment? Was her FIR registered without delay? Did the police investigate the case properly? Was she treated with dignity by hospital staff, police officials and courts? Did she receive compensation on time? Did she get psychological counselling? Was she protected from threats or pressure for compromise? Was she able to continue her education or employment? Did the State provide rehabilitation and social support?

These questions are important because they shift the focus from a purely offender-centred justice system to a survivor-centred justice system. For an acid attack survivor, justice cannot mean only imprisonment of the accused. Justice must also include physical recovery, mental healing, financial support, social acceptance and restoration of independence. The survivor should not be forced to struggle separately for every basic right, such as treatment, compensation, counselling and livelihood support.

From a feminist legal perspective, acid attack also raises questions of equality and dignity under the Constitution. The right to life does not mean mere physical survival. It includes the right to live with dignity, safety, bodily integrity, mental peace and social participation. When a woman is attacked with acid, these rights are seriously violated. Therefore, the legal system has a duty not only to punish the offender, but also to ensure that the survivor is supported in rebuilding her life.

A feminist approach also criticises social stigma attached to acid attack survivors. Society often views survivors through the lens of disfigurement instead of recognising them as rights-bearing individuals. This attitude increases their trauma and creates barriers in education, employment, marriage, public interaction and social participation. The survivor should not be treated as helpless or incomplete. She must be treated with respect, dignity and equal opportunity.

Therefore, from a feminist legal perspective, justice is not complete when the accused is punished. Justice becomes meaningful only when the survivor receives timely treatment, fair compensation, counselling, legal aid, protection, rehabilitation, employment opportunities and social acceptance. The aim of law should not only be to punish violence after it occurs, but also to challenge the patriarchal mindset that produces such violence. A truly just legal system must restore the survivor's dignity, autonomy and ability to live independently.⁵

⁵ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 161–62 (Harvard Univ. Press 1989)

Legal Framework in India

The legal framework relating to acid attack in India has developed gradually. Earlier, acid attack was not recognised as a separate offence. It was dealt with under general provisions of hurt, grievous hurt, attempt to murder or murder, depending on the facts of the case. However, these provisions were not sufficient because acid attack has a special and permanent impact on the survivor's body, mind, dignity and social life. After judicial intervention, law reform recommendations and public pressure, acid attack was specifically included in Indian criminal law. The present legal framework focuses on punishment, compensation, free medical treatment and rehabilitation of acid attack survivors.

❖ *Position Before 2013*

Before 2013, acid attack was not treated as a separate offence under the Indian Penal Code. Such cases were usually dealt with under provisions relating to hurt, grievous hurt, attempt to murder or murder, depending on the seriousness of the injury and the intention of the accused. This approach was inadequate because acid attack has a special nature. It causes permanent disfigurement, disability, repeated medical expenses and long-term social consequences.

The existing provisions before 2013 failed to recognise the lifelong impact of acid attacks. A survivor may suffer severe burns, loss of eyesight, damage to facial features, infection, chronic pain and restricted movement. She may also require repeated surgeries, skin grafting, counselling and long-term medical treatment. Apart from physical injury, acid attack also affects mental health, education, employment, marriage prospects, family life and social participation. Therefore, treating acid attack only as hurt or grievous hurt did not reflect the seriousness of the offence.

Another weakness of the earlier legal position was that it focused mainly on punishment of the accused and did not adequately address the needs of the survivor. There was no specific provision dealing with medical expenses, rehabilitation or compensation in acid attack cases. Survivors were often left to arrange their own treatment and financial support. This created a serious gap between criminal punishment and actual justice.

The Law Commission of India, in its 226th Report, recommended that acid attack should be included as a specific offence. It also recommended that compensation should be provided to victims because the cost of treatment is high and the injury is usually permanent. This report became an important step in recognising acid attack as a separate legal issue. It helped in creating awareness that acid attack is not an ordinary form of assault, but a serious crime requiring special legal attention.

❖ *Criminal Law Amendment, 2013*

The Criminal Law (Amendment) Act, 2013 inserted Sections 326A and 326B into the Indian Penal Code. This amendment was a major development in Indian criminal law because it specifically recognised acid attack as a separate offence. It also showed that the law understood the seriousness and special nature of acid violence.

Section 326A punishes a person who causes permanent or partial damage, deformity, burns, maiming, disfigurement, disability or grievous hurt by throwing acid, administering acid or using acid in any form. The punishment under this section is imprisonment of not less than ten years, which may extend to imprisonment for life, along with fine. The section also states that the fine must be just and reasonable to meet the medical expenses of the victim and must be paid to the victim.

This provision is important because it does not treat fine merely as a punishment payable to the State. It connects fine directly with the medical expenses of the survivor. This shows that the law recognises the financial burden faced by acid attack survivors. The survivor may require emergency treatment, plastic surgery, eye treatment, medicines, counselling and repeated surgeries. Therefore, the fine under Section 326A has a victim-oriented purpose.

Section 326B punishes throwing or attempting to throw acid. The punishment is imprisonment of not less than five years, which may extend to seven years, along with fine. This provision is also important because it punishes the attempt itself. It is not necessary that the victim must suffer serious injuries before the law can take action. Even attempting to throw acid is treated as a serious offence because the intention and possible consequences are extremely dangerous.

Sections 326A and 326B are important because they recognise the special nature of acid attack. They also show that acid attack is not an ordinary case of hurt, but a serious offence that can destroy the survivor's body, confidence, dignity and future. However, although these provisions provide strict punishment, punishment alone cannot ensure complete justice unless it is supported by proper treatment, compensation and rehabilitation.

❖ *Compensation and Free Treatment*

The Code of Criminal Procedure contains important provisions relating to victim compensation and medical treatment. Section 357A requires the State Government to prepare a victim compensation scheme for victims who have suffered loss or injury and need rehabilitation. This provision is significant because it recognises that victims of

serious crimes, including acid attack survivors, may require financial assistance from the State.

Section 357B provides that compensation payable under Section 357A is in addition to the fine payable under Section 326A of the Indian Penal Code. This means that an acid attack survivor can receive compensation from the State as well as fine from the accused. This is important because the expenses of acid attack treatment are usually very high and continue for a long period.

Section 357C requires all hospitals, whether public or private, to provide free first aid or medical treatment to victims of certain offences, including acid attack. This means that hospitals cannot refuse treatment to an acid attack survivor. Immediate medical care is extremely important in acid attack cases because delay can increase the damage caused by acid. The survivor may need urgent washing, burn care, pain relief, infection control and specialised treatment.

The Ministry of Home Affairs has also issued advisories to States and Union Territories regarding prevention of acid attacks, regulation of acid sale, treatment and compensation. The Ministry has stated that the Criminal Law (Amendment) Act, 2013 created specific provisions dealing with acid attack, including provisions relating to non-treatment of victims and non-registration of offences. These advisories show that acid attack requires not only criminal punishment, but also administrative action and coordination between police, hospitals and State authorities.

However, in practice, survivors may still face difficulty in getting proper treatment, especially in private hospitals or smaller towns. Some hospitals may not have specialised burn units or may delay treatment because of police formalities or lack of awareness. Compensation may also be delayed because of complicated procedures, lack of documents or poor coordination between authorities. Therefore, although the law provides compensation and free treatment, the actual implementation remains a major challenge.

Thus, the legal framework in India has improved significantly after 2013. Acid attack is now recognised as a separate offence, strict punishment is provided, and survivors are legally entitled to compensation and free medical treatment. But the real effectiveness of these provisions depends on proper implementation. A survivor-centred legal system must ensure that survivors receive immediate treatment, timely compensation and long-term rehabilitation without unnecessary delay or struggle.

Regulation of Acid Sale

One of the most important parts of preventing acid attacks is the strict control and regulation of the sale of acid. Acid is a dangerous substance which can cause permanent physical injury, disfigurement, blindness, psychological trauma and even death. Therefore, its free and uncontrolled availability in the market creates a serious risk to public safety. If acid can be purchased easily from shops without identity verification, proper records or enquiry about the purpose of purchase, it becomes easier for offenders to misuse it for criminal acts.

In *Laxmi v. Union of India*, the Supreme Court of India took serious note of the easy availability of acid and issued important directions for regulating its sale. The Court directed that acid should not be sold to any person below the age of 18 years. It also directed that sellers must maintain a proper register containing the details of the buyer, such as name, address, identity proof and the purpose for which acid is being purchased. The seller is also required to disclose details of acid stock to the concerned local authority. These directions were given to ensure accountability and to reduce the possibility of misuse.

The Ministry of Home Affairs also issued an advisory dated 30 August 2013 regarding measures to prevent acid attacks and to provide treatment, compensation and rehabilitation to acid attack survivors. The advisory emphasised that States and Union Territories should frame proper rules for regulating the sale of acid and other corrosive substances. It also highlighted the responsibility of district authorities and police officials in monitoring the sale and storage of acid.⁶

However, the main problem lies in the implementation of these rules. Acid continues to be used in many industries, laboratories, cleaning activities and households. Because of this, it is difficult to completely ban acid. But this does not mean that its sale should remain unchecked. The authorities must ensure that only genuine buyers are allowed to purchase acid and that every sale is properly recorded. Regular inspection of shops, chemical suppliers, laboratories and industrial units is necessary. Weak monitoring and lack of strict inspection allow illegal and unrecorded sale of acid to continue. In many cases, small shops sell acid without asking for identity proof or maintaining proper records. This defeats the purpose of the Supreme Court directions. Therefore, regulation of acid sale must be strictly enforced at the local level by district administration, police authorities and municipal bodies. Strict punishment should also be imposed on sellers who violate the rules. If a shopkeeper sells acid without proper record or

⁶ Ministry of Home Affairs, Government of India, Measures to be Taken to Prevent Acid Attacks on People and for Treatment and Rehabilitation of Survivors (2013)

to a minor, his licence should be cancelled and legal action should be taken against him. Public awareness is also important so that people understand that acid is not an ordinary household item but a dangerous substance which can destroy a person's life.

Thus, regulation of acid sale is a necessary preventive measure against acid attacks. Legal provisions alone are not sufficient unless they are properly implemented. Effective monitoring, strict inspection, accountability of sellers and active involvement of local authorities are essential to reduce acid attacks and protect potential victims.⁷

Important Case Laws

➤ *Laxmi v. Union of India*

The case of *Laxmi v. Union of India* is considered one of the most important judicial decisions relating to acid attack survivors in India. This case brought the issue of acid attacks before the Supreme Court in a serious and systematic manner. Laxmi, who herself was an acid attack survivor, filed a petition before the Supreme Court seeking effective legal measures for preventing acid attacks, regulating the sale of acid and ensuring proper compensation and rehabilitation for survivors.

Before this case, acid was easily available in the market and there was no strong mechanism to control its sale. This easy availability increased the risk of misuse. The Supreme Court recognised that prevention of acid attacks is directly connected with the regulation of acid sale. Therefore, the Court directed the States and Union Territories to frame proper rules for controlling the sale of acid and other corrosive substances.

The Court directed that acid should not be sold to persons below 18 years of age. It also directed sellers to maintain proper records of sale, including the name, address, identity proof and purpose of purchase of the buyer. These directions were important because they created accountability on the part of the seller and made it difficult for offenders to purchase acid anonymously.

The Supreme Court also dealt with the issue of compensation. It directed that acid attack survivors should receive minimum compensation of ₹3 lakh, out of which ₹1 lakh should be paid within 15 days for immediate medical treatment and the remaining amount should be paid within two months. This was an important step because acid attack survivors require urgent medical care, repeated surgeries, medicines and long-term treatment.

⁷ Law Comm'n of India, 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 (2009).

This judgment is important because it connected three major issues: prevention, medical treatment and compensation. It recognised that acid attack is not only a criminal offence but also a social and human rights issue. The case gave a strong legal foundation for protecting acid attack survivors and also placed responsibility on the State to ensure their rehabilitation and dignity.

➤ ***Parivartan Kendra v. Union of India***

The case of Parivartan Kendra v. Union of India is another important judgment relating to the rights of acid attack survivors. This case came after the decision in Laxmi v. Union of India and showed that, even though the Supreme Court had already given directions, the implementation of those directions was still weak.

In this case, the Supreme Court again emphasised that acid attack survivors must be provided proper compensation, medical treatment and rehabilitation. The Court observed that the purpose of compensation is not merely symbolic. It must be practical and sufficient enough to help the survivor in treatment, recovery and rebuilding life. Acid attack causes permanent injury and affects not only the body but also the confidence, dignity and social life of the survivor.

The Court also highlighted the need for strict control over the sale of acid. It noted that despite earlier directions, acid was still easily available in many places. This showed the gap between legal directions and ground-level implementation. The case therefore became important because it reminded the State authorities that passing rules is not enough. There must also be proper enforcement, inspection and accountability.

This judgment is significant because it strengthened the rights-based approach towards acid attack survivors. It recognised that survivors need continuous support, not only immediately after the attack but also during long-term recovery. The Court's approach in this case clearly shows that the State has a duty to protect the life, dignity and rehabilitation of survivors.⁸

➤ ***Ravada Sasikala v. State of Andhra Pradesh***

The case of Ravada Sasikala v. State of Andhra Pradesh is important because it deals with the issue of punishment in acid attack cases. In this case, the High Court had reduced the sentence of the accused to the period already undergone, which was only about 30 days. The Supreme Court strongly disapproved of such leniency and restored the sentence.

⁸ Parivartan Kendra v. Union of India, (2016) 3 S.C.C. 571.

The Supreme Court held that acid attack is a very serious offence and cannot be treated lightly. The Court observed that such crimes cause permanent physical and mental suffering to the survivor. Unlike ordinary injuries, the consequences of an acid attack continue for the entire life of the victim. The survivor may suffer from disfigurement, disability, social rejection, psychological trauma and repeated medical treatment.

This case is important because it makes clear that courts should not show unnecessary sympathy towards the accused in acid attack cases. The punishment must reflect the gravity of the offence and the seriousness of the harm caused. If the punishment is too lenient, it weakens the deterrent effect of criminal law and fails to provide justice to the survivor.

The Supreme Court also directed compensation to the survivor. This shows that the Court considered both punishment of the offender and relief to the survivor as necessary parts of justice. The case therefore strengthens the principle that acid attack must be treated as a grave offence requiring strict punishment and proper compensation.⁹

➤ ***Suresh Chandra Jana v. State of West Bengal***

The case of Suresh Chandra Jana v. State of West Bengal is important because the Supreme Court recognised acid attack as a form of gender-based violence. The Court noted that acid attack is not merely an act of causing bodily injury. It is often used as a weapon to punish, control or dominate women, especially when they reject proposals, resist harassment or assert their personal choices.

The Court observed that acid attack causes serious damage to the physical appearance of the survivor. However, the harm does not end with physical injury. The survivor also suffers deep psychological trauma, emotional pain and social difficulties. The attack affects her dignity, confidence, personal identity and ability to participate freely in society.

This case is useful for a feminist legal analysis because it clearly highlights the gendered nature of acid attacks. Most acid attacks against women are connected with patriarchal attitudes, male ego, rejection, revenge and control over women's bodies. The offence is not only against the individual survivor but also reflects a broader social problem where violence is used to suppress women's autonomy.

The judgment is significant because it helps in understanding acid attack beyond the limits of criminal law. It shows that acid attack is also connected with gender inequality, social stigma and violation of dignity. Therefore, legal response must include not only punishment but also

⁹ Ravada Sasikala v. State of Andhra Pradesh, (2017) 4 S.C.C. 546.

rehabilitation, compensation, medical support and social reintegration of survivors.¹⁰

➤ *Nipun Saxena v. Union of India*

The case of *Nipun Saxena v. Union of India* is mainly known for issues relating to victim privacy, identity protection and compensation. However, it is also relevant for acid attack survivors because the Supreme Court dealt with the broader question of victim compensation schemes for women survivors of serious offences.

In this case, the Supreme Court accepted the NALSA compensation scheme for women victims and survivors of sexual assault and other crimes. NALSA's victim compensation framework includes provisions relating to compensation for women victims, including acid attack survivors. The scheme and the Supreme Court orders dated 11 May 2018 and 5 September 2018 are important because they helped in creating a more structured and uniform compensation system.

This case is important because compensation for survivors should not depend only on the discretion of individual authorities. There must be a clear and organised system so that victims can receive financial support without unnecessary delay. Acid attack survivors often need immediate funds for emergency treatment, surgeries, medicines, counselling and rehabilitation. A structured compensation scheme helps in ensuring that survivors are not left helpless after the crime.

The case also supports the idea that the justice system must protect the dignity and privacy of victims. In crimes involving serious bodily harm and social stigma, privacy becomes very important. Survivors should not be forced to face humiliation or public exposure while seeking justice.

Thus, *Nipun Saxena v. Union of India* is important because it strengthens the victim-centred approach in Indian criminal law. It supports compensation, dignity, privacy and institutional responsibility. For acid attack survivors, this case is useful because it connects their rights with a broader framework of victim protection and rehabilitation.¹¹

Compensation, Medical Treatment and Rehabilitation

Compensation is one of the most important aspects of justice in acid attack cases because the impact of acid attack does not end with the incident. The survivor may suffer permanent disfigurement, loss of eyesight, burns, disability, emotional trauma and social exclusion. The

¹⁰ Suresh Chandra Jana v. State of West Bengal, (2017) 16 S.C.C. 466.

¹¹ *Nipun Saxena v. Union of India*, Writ Petition (Civil) No. 565 of 2012, order dated Sept. 5, 2018.

treatment is usually expensive and continues for a long period. Many survivors require repeated surgeries, skin grafting, eye treatment, medicines, counselling and regular follow-up care. Therefore, compensation should not be treated as sympathy or charity. It must be understood as a legal right of the survivor and a responsibility of the State.

Acid attack affects almost every part of a survivor's life. A survivor may be forced to leave education, employment or social life due to injuries, trauma or stigma. In many cases, the survivor's family also suffers financial hardship because they have to spend money on treatment and care. The immediate period after the attack is the most critical because urgent medical care is required. If financial support is not provided quickly, the survivor may not receive proper treatment at the right time. Therefore, compensation must be timely, sufficient and easily accessible.

The Supreme Court in *Laxmi v. Union of India* recognised the importance of compensation for acid attack survivors and directed that a minimum compensation of ₹3 lakh should be provided. Out of this amount, ₹1 lakh should be paid within 15 days for immediate medical treatment and the remaining amount should be paid within two months. This direction is significant because it shows that the Court understood the urgent nature of medical expenses in acid attack cases. The purpose of compensation is not only to provide monetary relief but also to ensure that the survivor can begin treatment without delay.

The Ministry of Home Affairs has also recognised the need to strengthen victim compensation schemes. It stated that the Central Government granted ₹200 crore as a one-time measure under the Central Victim Compensation Fund to support State and Union Territory victim compensation schemes. The Ministry has also stated that additional financial assistance of ₹1 lakh is provided under the Prime Minister's National Relief Fund for acid attack victims. These measures show that the State has accepted that acid attack survivors require special financial assistance because of the serious and long-term nature of the injuries.

The NALSA Compensation Scheme, 2018 is also important because it provides a structured framework for compensation to women victims and survivors of sexual assault and other crimes. This scheme helps in making the compensation process more organised and uniform. It reduces the possibility of unequal treatment of survivors in different States. A structured compensation framework is necessary because victims should not have to depend on the discretion or sympathy of individual officers. They should receive support as a matter of right. However, the major practical problem is delay. In many cases, compensation is not provided immediately. Survivors are required to approach different offices, submit documents, wait for verification and follow long administrative procedures. This delay defeats the purpose of

compensation. Acid attack survivors need money immediately for emergency treatment, medicines, surgeries and hospital expenses. If compensation is paid after several months or years, it loses much of its value. Medical treatment cannot wait for paperwork. Therefore, compensation must be provided through a fast, simple and survivor-friendly procedure.

Medical treatment is another essential part of justice for acid attack survivors. The law must ensure that every survivor receives free and complete medical treatment. This includes emergency treatment, reconstructive surgery, plastic surgery, eye treatment, medicines, counselling and long-term medical care. Acid injuries are complex and may require several stages of treatment. A single surgery is usually not enough. The survivor may need repeated operations over many years. Therefore, the right to treatment must include both immediate and future medical needs.

Hospitals also have an important duty in acid attack cases. They should not refuse treatment to survivors. The first priority should be to save life and reduce injury. Treatment should not be delayed because of police formalities or payment issues. Acid attack is a medical emergency, and the survivor must receive urgent care without discrimination. Proper medical treatment can reduce the severity of injuries and help the survivor recover physically and emotionally.

Rehabilitation is wider than compensation. Money alone cannot restore the life of a survivor. Rehabilitation means helping the survivor rebuild her life with dignity, confidence and independence. It includes physical recovery, mental health support, social acceptance, education, employment and legal assistance. The purpose of rehabilitation is not only to treat injuries but also to ensure that the survivor can live a meaningful and independent life after the attack.

Psychological counselling is an important part of rehabilitation. Acid attack survivors may suffer from fear, anxiety, depression, trauma and loss of self-confidence. The attack may affect their sense of identity and dignity. Many survivors also face social stigma and isolation. Therefore, counselling and mental health support should be provided as a regular part of rehabilitation. The survivor should not be expected to deal with trauma alone.

Legal aid is also necessary because many survivors may not have the financial or social support to fight a long legal battle. Free legal aid should be provided from the beginning of the case. The survivor must be informed about her rights, compensation schemes, medical facilities and protection measures. Legal support should be sensitive and respectful. The survivor should not be forced to repeatedly narrate the incident in a humiliating manner.

Education and employment support are also very important. Many survivors are young women whose education or career may be interrupted due to the attack. Rehabilitation should include

support for continuing education, skill development, job opportunities and financial independence. Employment gives the survivor dignity and helps her regain control over her life. Without education and employment support, compensation alone may not be enough.

Protection from threats is another important requirement. In some cases, the accused or his family may threaten the survivor or her family. The survivor may feel unsafe while pursuing the case. Therefore, police protection and witness protection measures should be provided where necessary. The justice system must ensure that the survivor is not forced into compromise because of fear or pressure.

A feminist approach requires that rehabilitation should be survivor-centred. This means that the needs, choices and dignity of the survivor should be placed at the centre of the process. The survivor should not be treated as a passive victim. She should be consulted about her medical treatment, rehabilitation plan, education, employment and safety needs. The system should support her autonomy instead of making decisions on her behalf.

The survivor should also not be forced to repeatedly prove her suffering before different authorities. Repeated questioning, unnecessary paperwork and insensitive behaviour can cause secondary victimisation. The process should be simple, respectful and coordinated. Police authorities, hospitals, legal services authorities, compensation boards and social welfare departments should work together so that the survivor does not have to run from one office to another.

Thus, compensation, medical treatment and rehabilitation are essential parts of justice in acid attack cases. Punishing the offender is important, but it is not enough. Real justice requires that the survivor receives immediate financial assistance, complete medical treatment, psychological support, legal aid, education and employment opportunities, protection and social acceptance. The legal system must ensure that acid attack survivors are able to live with dignity and independence.

Barriers in Access to Justice

- Delay in FIR and Investigation - In some cases, the police may delay FIR registration or may not apply the correct legal provisions. If Section 326A or 326B is not properly invoked, the seriousness of the offence may be reduced. Delay also affects evidence collection.¹²

¹² Code of Criminal Procedure, 1973, No. 2 of 1974, India Code.

- Medical Neglect - Although the law requires free treatment, survivors may face refusal, delay or incomplete treatment. In acid attack cases, immediate treatment is extremely important. Any delay can increase the injury.
- Delay in Compensation- Compensation is one of the biggest issues. The law and court directions provide for compensation, but survivors may face long delays in receiving it. This affects treatment, travel, medicines and daily survival.
- Social Stigma - Survivors often face stigma because of change in appearance. Society may treat them with pity or discrimination instead of respect. Marriage prospects, employment opportunities and social life may be affected.
- Economic Dependence - Many survivors lose their jobs or are unable to continue education. This creates economic dependence on family or charity. True access to justice requires economic rehabilitation also.
- Court Delay- Criminal trials may take years. During this period, survivors may face pressure, fear and repeated trauma. Fast trial is necessary, but it should not ignore the survivor's comfort and dignity.

Suggestions and Reforms

- Compensation should be automatic after FIR registration or medical confirmation of acid attack. The survivor should not have to file many separate applications.
- Every district hospital should have a clear protocol for acid attack treatment. Private hospitals should also be strictly made accountable if they refuse treatment.
- Acid sale must be monitored more seriously. Sellers should maintain proper records, and regular inspection should be done by local authorities.
- Survivors should receive free legal aid from the first stage itself. Legal services authorities should contact the survivor directly instead of waiting for her to apply.
- Psychological counselling should be made compulsory and free. Acid attack affects mental health deeply, and counselling should be treated as part of medical treatment.
- Survivors should be given support for education and employment. Rehabilitation cannot be complete without economic independence.
- Fast-track courts should handle acid attack cases, but the process should remain sensitive to the survivor.
- The State should maintain proper data on compensation, treatment, surgeries, disability certificates and rehabilitation. Without data, implementation cannot be properly checked.

Conclusion

Acid attack is one of the most violent expressions of patriarchy. It is not merely a physical assault, but an attack on a woman's dignity, identity, autonomy and confidence. In many cases, acid is used as a weapon to punish women for exercising choice, rejecting proposals, resisting harassment or asserting independence. Therefore, acid attack must be understood not only as an individual crime, but also as a serious form of gender-based violence.

Indian law has made important progress in recognising the seriousness of acid attacks. The insertion of Sections 326A and 326B of the Indian Penal Code marked a major development because acid attack was recognised as a separate offence with specific punishment. This helped in giving legal recognition to the special nature of the offence, as acid attack causes permanent physical, psychological and social consequences.

The role of the judiciary has also been very important. In *Laxmi v. Union of India*, the Supreme Court gave important directions regarding compensation, medical treatment and regulation of acid sale. The Court recognised that prevention of acid attacks is closely connected with controlling the easy availability of acid. The directions relating to minimum compensation and sale regulation became an important step towards survivor protection. Similarly, later cases and NALSA's compensation scheme strengthened the rights of survivors by supporting a more structured system of financial assistance.

However, access to justice is still not complete. Survivors continue to face many practical problems in receiving immediate medical treatment, timely compensation, psychological support, rehabilitation and social acceptance. Many survivors have to struggle with long procedures, repeated documentation and insensitive behaviour from authorities. The justice system often places too much burden on the survivor, even though she is already dealing with physical pain, trauma and social stigma.

A feminist legal perspective makes it clear that justice should not end with the punishment of the accused. Punishment is necessary, but it is only one part of justice. Real justice means restoring the dignity, independence and confidence of the survivor. It means ensuring that she can continue her education, get employment, access medical care, receive counselling and participate in society without discrimination or shame.

Therefore, India needs not only strong laws but also strong implementation. Acid sale regulation must be strictly monitored, compensation must be released without delay and hospitals must provide complete treatment without hesitation. Rehabilitation should be survivor-centred and must include medical, emotional, legal, educational and economic support.

Acid attack survivors require a justice system that is sensitive, fast, coordinated and humane. The law must treat survivors not as objects of sympathy, but as rights-bearing individuals who deserve dignity, equality and full social participation. Only then can the legal system truly provide justice in acid attack cases.

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