
ACID ATTACKS: A MAJOR THREAT TO WOMAN

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ABSTRACT

Acid attacks, has become a daily news that, it has just become a usual thing for us, this apprehension is not just in our country but all over the world. This heinous crime is an act of violence that necessitates throwing acid on the victim. Usually they target the victim's face that leads to severe pain and permanent blemish of that body part, sometimes it may lead to dreadful infection. According to a survey this unfortunate event comes to pass mostly when women take a firm decision by saying NO to marriage or rejection of love for any cause, this does not go right for men and their male instinct comes to their fore. Accessibility and inexpensiveness of acid makes it easy to purchase and makes it a major point for gradual inclination of acid attacks. This has become an ideal weapon for a heinous crime against women. In this research paper the causes, the factors, the effects of acid attacks as well as the implementation of strong education, the role of law programs and recommendations

Keywords: Acid Attack, Legal Comparison, Causes, Effects, Criminal Acts, Apprehension on women

INTRODUCTION:

“My eyes started burning and then eventually my face, I can only describe the pain as like sitting inside a fire, My eyelids were sewn shut, I couldn’t open my mouth or stretch my arms out, I couldn’t talk, walk, bathe or feed myself The acid had covered my face, chest and arms, where it burned down to the bottom epidermis, below my nerves¹. Told by Christy Sims. It all happened just because his boyfriend wanted to manipulate and control her but Christy took her individualistic decision. Instead of respecting and supporting her decision he spit acid on her.

I felt like I was burning alive. I was still on the road, screaming for help; my skin was melting. When my dad finally reached the hospital and hugged me, his shirt singed from the acid still on my skin. I’ve had multiple operations including one where they had to sew my eyes shut while I was conscious. When I finally looked at myself in the mirror, I couldn’t believe this had happened to me. Committing suicide felt better than living with that face. But I told myself that I made my first mistake when I didn't alert my parents to the man who was harassing me, and I would be making my second one now if I killed myself and left them with unanswered questions².

This happened to Laxmi because a 32year man had proposed to him a marriage and she took her decision by firmly saying no to him, he tried many ways to reach her by texting her but it was left unread by her. But he couldn’t bear that and ended up spitting acid on her face.

Women out of all beings are the most integral part to our society. She has many major roles for running this nature, but is she attaining the same respect that she deserves? Unfortunately no they are forced to give up their lives and if they do not do so, then attempts are made to suppress them in different ways. Acid attack is so dangerous that it kills the victim not only from outside but also from inside. It takes time to embrace its new face. There are very few cases due to acid attack in which the victim has died but there is something that is hidden from us, that is when she sees her face after so much she has went through the surgeries, the death dealing pain she has to have that much guts to face herself and to fight from the society.

¹ Experience: My Boyfriend Threw Acid On My Face - The Guardian

² Acid Attack Survivor Laxmi Agarwal: “My Attacker Thought He Would Leave Me Trapped In My House” - Vogue

ACID ATTACK: A GLOBAL APOCALYPSE

A study conducted by “Stop Acid Attack”, an NGO, has found that acid is easily available in many shops in Laxmi Nagar and there was no follow up on the Supreme Court order. Reacting to the attack, the Home Minister approved of measures to crack down on acid attackers and control of open sale of acid.

there are only about 1/15th cases reported out of all attacks, this is because the victim is apprehended that if she reports maybe in future he will do worse to her than that. The report of CSAAW says that there were about 35 cases in 2000 and after that there are no accounts of numbers. In 2006 the number went up to 53 and in 2007 seven more cases added up that reached up to 60 and then eight more cases. Most of the attacks took place at home or public places and were done by someone who was known to the victim. The most commonly used acid was HCL or either sulfuric acid³.

Acid Attack victims are both men and women, but attacks on men are in a very less ration than of women, unlike men the acid is thrown on women’s body so that she could be suppressed and her freedom could be snatched away.

There was a situational analysis conducted in the case of State of U.P Vs. Smt. Aqueela and Others (1999 CriLJ 2754) CHAPTER 4 amongst various countries that included Bangladesh, China, El Salvador, Ethiopia, Nepal, Pakistan, Sri Lanka, Thailand, Uganda, UK, USA, Vietnam, Cambodia, Australia, Italy, Laos and Malaysia. India, Pakistan, Bangladesh, and Uganda are the most involved countries in terms of acid attack.

³ 226Th PROPOSAL FOR THE INCLUSION OF ACID ATTACKS AS SPECIFIC OFFENCES IN THE INDIAN PENAL CODE AND A LAW FOR COMPENSATION FOR VICTIMS OF CRIME 12 Acid Attack As On [Http://Indianexpress.Com/Article/India/India-Others/309-Acid-Attack-/](http://Indianexpress.Com/Article/India/India-Others/309-Acid-Attack-/) Statistics As On [Http://Www.Asfi.In/Webpage.Php?Title=Statistics+&P_Type=1&Parent=76&Catid=78](http://Www.Asfi.In/Webpage.Php?Title=Statistics+&P_Type=1&Parent=76&Catid=78)

Few states that have the highest record of acid attacks from 2018 - 2020 ⁴

STATES	2018	2019	2020	STATES	2018	2019	2020
BIHAR	12	15	3	GUJRAT	9	10	8
KERALA	8	8	11	UTTAR PRADESH	40	45	30
MADHYA PRADESH	9	12	13	WEST BENGAL	50	59	51

SECTIONS APPLIED, AND CASE LAWS RELATED TO ACID ATTACKS IN INDIA

As far as India is concerned, there is no specific law meant for acid attacks specifically, there have been tons of cases registered under indian penal code (IPC) notably in section 326 states that ‘Voluntarily causing grievous hurt by dangerous weapons or means’ this provision does not specifically mentions about acid as an dangerous weapon

But after the criminal law amendment act (2013) that added:-

326A OF IPC that “mentions whoever causes permanent or partial damage or deformity to, or burns disfigures or disables any parts of the body of a person or causes grievous hurt by throwing acid to that person, or by administering acid to that person, or by intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with upto ten years and can be extended with fine”⁵.

⁴ GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS- ANNEXURE RS.US.Q.NO. 1659 FOR 16.03.2022

⁵ SECTION 326A – INDIAN PENAL CODE

EXPLANATION - Bodily injury that includes, partial disability, deformity, burns, maims, disfigurement of the face, or any part of the body that has been caused by a person using acid shall be punished for not less than ten years which may be extended to life imprisonment and will be liable to fine. It also explained that the fine will be imposed in accordance with the medical expenses and the fine shall be mandatorily be paid to the victim.

326B OF IPC “whosoever throws or attempt to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or disfigurement or disability or grievous hurt to that person shall be imprisoned not less than five years and can be extended to seven years and also shall be liable to fine”⁶.

EXPLANATION - Both the section mentions the term Acid and has explained it, it has elucidated that what is an ACID what are its nature (corrosive or burning nature) that may cause bodily injuries and may lead to permanent blemish and disfiguration.

357B OF CrPC - “The compensation payable by the State Government under 357A shall be in addition to the payment of fine to the victim {under section 326A, section 376AB, section 376D, section 376DA and section 376DB of the indian penal code (45 of 180)}”⁷

EXPLANATION - This section states that compensation would be given by State Government to the victim under section 357A that would be inclusion to the fine paid by the apprehender under section 326A OR 376D of Indian penal code.

357C OF CrPC -⁸ “All hospitals, public or private, whether run by the central government, the state government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment to the victim that to free of cost that falls under the above mentioned sections that are 326A, 376,4{376A, 376AB, 376B,376B, 376C,376D,376DA,376DB} or section 376E of the IPC (45 of 1860), and shall immediately inform the police of such incident”.

WELL-KNOWN CASE LAWS

There have been some up to scratch cases in which the guilt has been given death sentence, but

⁶ IPC SECTION 326B – INDIAN PENAL CODE

⁷ SECTION 357B - CODE OF CRIMINAL PROCEDURE

⁸ SECTION 357C - CODE OF CRIMINAL PROCEDURE

even in these significant cases the punishment and the amount of fine were not upto the mark, and in some cases the victim has not even paid the fine that was amounted to him.

LAXMI V. UNION OF INDIA SC, 2006

This is a very infamous case, The movie chapak describes it well. laxmi was 26 year old, she was waiting to board a bus from Tughlaq road, and suddenly while waiting on the bus stand one of her relative threw acid on her, just because she had refused to marry him and was in relationship with another boy, the acid had burnt her face severely and her face was disfigured, she had to had many surgeries and the total expense was about 2.5 lakh. Her PIL sought framing of a new law, or amendment to the existing criminal laws like IPC, Indian Evidence Act and CrPC for dealing with the offence, besides asking for compensation. she filed a petition in supreme court to regulate the sale of acid and compensate her for the medical treatment of incidents of such attacks on women across the country.⁹

BALU V. STATE REPRESENTED INSPECTOR OF POLICE, MADRAS HC, 2006

As I mentioned above, in some cases the fine that was imposed on the accused was insignificant, this case is one of them.

The accused, who is his husband, was to pay only Rs. 2000 that he was liable to pay to his wife for throwing acid on her. such a small amount is way too insufficient.¹⁰

SONALI MUKHERJEE V. UNION OF INDIA

Sonali Mukherjee, a woman from Dhanbad was attacked by acid when she was just 18 years old. In 2003, three alleged assailants namely Tapas Mitra, Sanjay Paswan and Brahmaved Hajra threw acid on her when she was asleep on the roof of her house. She received various burnt injuries and her face got disfigured¹¹. The perpetrators were sentenced to imprisonment

⁹ SC Bans Over-The-Counter Sale Of Acid, Orders Compensation For Victims - Zee News

¹⁰ Cases Before Criminal Law(Amendment) Bill, 2013

¹¹ "A Beautiful Life Melted Away In An Acid Attack Punjab News |Breaking News|Latest Online News" Punjabnewsline.Com 22 April 2003.Retrieved On 26th November, 2015.

of nine years but were released on bail when appealed to the High court.^{12 13}

STATE OF MAHARASHTRA V. ANKUR PANWAR SC, 2002

A girl who wanted to make her career by pursuing nursing, she wanted to fulfil her dream but unfortunately had to stop. A boy named Ankur Panwar threw acid on preeti rathi just because she refused the marriage proposal. The accused was sentenced to death by a special women's Court of Mumbai and also imposed a fine of Rs. 5000 to be given to the parents of the victim. This was the first time that a convict was sentenced to death. India was the second country to do this after Bangladesh¹⁴. The perpetrator was booked under IPC section 302(murder), 326-A (voluntarily causing grievous hurt by use of acid), 326-B(voluntarily throwing or attempting to throw acid).¹⁵

LEGISLATION FOR ACID ATTACKERS ACROSS THE GLOBE

There aren't many countries that are left without the apprehension from acid attack. From the developed nation to the under developed and developing all are in its clutches, we could clearly see the gradual inclination in the number of cases.

There are many other countries like India which considered acid attack as a serious problem and made laws on it.

CAMBODIA

In 2012 the Cambodian government passed the **ACID LAW**. This law was passed to regulate the sale of acid in the market. The punishment under this law is to prosecute the accused for up to 15 to 30 years if the victim has died and 15 to 25 years if there is permanent disability. "The Cambodian government took an important step with the Acid Law by making clear promises to survivors of acid violence," said Brad Adams, Asia director at Human Rights Watch. "The government's failure to enforce the law outside Phnom Penh, hold attackers accountable, or

¹²"Give Me Justice Or Let Me Die: Desperate Plea Of Acid Attack Victim Who Was Left Blind And Deaf By The Three Men Who Had 'Sexually Abused Her'". Dailymail (UK) (London). 16 July 2012. Retrieved 26th November, 2015.

¹³ Galgotias Journal Of Legal Studies - ACID ATTACK: A BURNING ISSUE IN INDIA

¹⁴ Cases Before Criminal Law (Amendment) Bill, 2013 - Landmark Judgments - I PLEADER

¹⁵INFAMOUS CASES- ACID ATTACK: A BURNING ISSUE IN INDIA - Galgotias Journal Of Legal Studies

ensure adequate treatment and compensation for victims has left those promises unfulfilled – with consequences that last a lifetime.”¹⁶

UGANDA

The government of Uganda, under **section 216(g)** of Ugandan penal code states that the accused will be prosecuted with life imprisonment. If he attacks with the intention to harm the victim and it leads to death then it comes under section 188 and is considered as murder and will be awarded a death sentence.

However, even if an assault is premeditated – requiring the procurement of acid, possibly the hiring of the assailant, and planning the attack – prosecutions rarely entail the charge of murder or attempted murder because of actual or perceived difficulties in proving intent. Instead, suspects are often charged with the lesser crime of grievous harm, punishable by seven years in prison (Sec.219), or actual bodily harm, punishable by five years (Sec.236)¹⁷

BANGLADESH

Bangladesh tops in the affair of acid attacks, it was the case till 1990 but after that there is no account of cases. when the cases were increasing at alarming rate, the Government of Bangladesh passed 2 acts in 2002 that were-: **ACID CONTROL ACT 2002** “that states If any person causes death of any other person by acid, such person shall be punished with death or rigorous imprisonment for life and in addition to that shall also be liable to fine not exceeding Taka one lakh” and **ACID CRIME PREVENTION ACT 2002** , It restricts the regulation of acid in the open market. After these two acts Bangladesh saw gradual decline in the number of acid cases. not only this Bangladesh also established Rehabilitation centres for the victims and arranged funds for them through building the National Acid Control Council Fund.

PAKISTAN

In 2010 the Pakistani government declared acid attacks illegal and simultaneously passed the **Acid control and prevention (amendment) bill** which amended the penal code of the country

¹⁶ HUMAN RIGHTS WATCH - Cambodia: Acid Attack Survivors Denied Treatment, Justice

¹⁷ Acid Violence In Uganda - A Situational Analysis

to add section 326A and 326B which provides for life imprisonment or a minimum of fourteen years of imprisonment with a huge fine of one million rupees to anyone who causes grievous hurt to any person via acid. The Acid Throwing and Burn Crime Bill, 2012 expands upon the Acid Control and Acid¹⁸The **Acid Throwing and Burn Crime Bill, 2012** expands upon the Acid Control and AcidCrime Prevention (Amendment) Act, 2010. It provided a proper and specific definition for acid attack and also provided for investigation, protection of witnesses as well as their cognition of medical, legal and financial support for victims and their dependents.¹⁹

AFGHANISTAN

Afghanistan passed a Law on **Elimination of Violence against Women (EVAW)LAW in 2009** which states at least 10 years of imprisonment for the attacker and the compensation granted is according to the injury suffered.

ARE INDIAN LAWS RELATED TO ACID ATTACKS SUCCESSFUL?

Implementation of a plan is the most integral part to a law passed to be successful. If a law, no matter how good it is, if not implemented in that manner, then it all goes in vain. The laws which are formed in India related to attacks are a positive step taken by the judiciary, the **CRIMINAL LAW (amendment) ACT 2013** prior to this act there was no act made upon ACID ATTACKS but the execution of this act is equally important. BUT the problem remains the same after the formation of law we didn't see a significant drop in the cases related to Acid attacks. The law only primarily focuses on the conviction and punishment rather than rooting out the problem. There are about 4.1 crore pending cases, it takes years to get away with a particular case, and it does not end here. Our advocates deliberately make the case run for a long time so that their profit can be made.

If there is an acid attack victim and she goes to the supreme court with her case, then it will take at least 4 to 5 years for her case to end and that too if a good lawyer is found then.

Till then the victim must have gone through various kinds of trauma, pain, and have to live with that disfigured body till he/she receives the compensation. This is why our laws are not

¹⁸ Acid Attack: A Burning Issue In India - Legislation On Acid Violence Around The World

¹⁹ Acid Attack: A Burning Issue In India - Legislation On Acid Violence Around The World

so successful in fighting this problem²⁰.

One of the main and the biggest problems is criminals get easily bailed that creates a huge apprehension to the victim. The victim is already in trauma and is afraid to complain, thinking about what will happen after the offender gets out.

A recent survey showed that 3 out of 5 women didn't know her rights and remedies due to the lack of awareness.

Due to the inexpensiveness and easy availability of acid there is still perturbation amongst women.

SOLUTIONS:

MERE LEGALISATION WOULD NOT WORK

As we know that our courts are overloaded with tons of cases, and cases like Acid attacks needs speedy justice, thus we should make separate tribunal for cases like these we should provide lok adalats and such bodies should nonexclusive for acid attack cases and for cases that needs speedy justice

for the attackers the acid is easily available in the market so for this special stringent laws should be made and worked upon

lack of knowledge and awareness about our rights leads to a bad execution of a law to government should set a campaigns about the rights for a victim

Mere compensation can not lead to a better life for a victim. The government should provide health services, education, as well as provide them with job opportunities.

CONCLUSION

The first and foremost thing to do is eradicate heinous crimes like these, and how is this possible? As I mentioned above, mostly the offenders throw acid on the victim because they refuse men for any personal reason so instead of respecting that decision the men take that to

²⁰ Cases Before Criminal Law (Amendment) Bill, 2013 - I Pleaders

their instinct. we live ia patriarchal society when we will learn to respect each other irrespective of their cast, sex, religion we will on our own eradicate these crime.