

Acid Attack: An Inhuman and Scandalous Crime against Women in India

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ABSTRACT:

India has become a serious victim of heinous crime of acid attack, especially on women, in last decade. Acid attack is brutal crime committed with an intention to maim, disfigure and kill the victim. Acid attack is a serious threat to the dignity and existence of an individual. The Constitution of India guarantees, fundamental rights to its citizen. It safeguards their existence. It gives rights to its citizen - Right to be free, live free, express freely, move freely, Right to raise voice against discriminations based on gender, racial, sex, caste or creed. The Constitution of India denies any type of discriminations. But heinous crime of acid attack is a gender based discrimination and violence committed especially against women. According to the National Commission of India acid attack is "any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfiguration to any part of the body of such person". Refusal to marriage proposal, rejection of romance, and dispute of property, anger and gender discrimination are root cause which motivates the perpetrators to commit such heinous crime. Today, we daily come across the headlines of acid attack on young women and it is increasing day by day. The perpetrators are using this acid as crime weapon which are easily available in the market. It is cheap and readily available in the market. The retailers never maintain any record of the sale of acids due to which it has become an idle weapon for crime. The most common types of acid used in these attacks are Sulphuric and Nitric acid. Hydrochloric acid is sometimes used, but is much less damaging. Aqueous solutions of strong material such as caustic soda (sodium hydroxide) are used as well particularly in areas where strong acid are controlled substance. Acid attack rarely kills but it causes several type of physical, psychological and social scarring. It leaves the victim in trauma. It is not just a physical attack but it is an assault to the dignity and self-respect of an individual. The criminal law (Amendment) act 2013 and the guideline of Apex Court of India, the regulation for acid attack has become stricter, despite of that there is 300% increase in total number of acid attack in 2014. Our legal, medical and political systems have proved to be very weak and obsolete to fight for the victims of acid attack. This paper deals with the scars that acid attack leaves on victim – physically, psychologically, socially and economically. The subsequent paragraphs will examine the contemporary laws governing acid attack.

I. INTRODUCTION

Women constitute an important part in the society. They are responsible for giving birth to a life but unfortunately, they are made to lose their lives in name of different brutalities committed against them. Whenever a woman decides to raise her voice against her substandard position in the male-controlled society, she is shunned by different means; either by acid, physical abuse or by burning her to death. A CRIME is a wrong against the society at large. Each crime committed against an individual depicts the state's failure to respect, protect and fulfil the human rights of its subjects. Crimes against women, especially, highlight the incompetence of the state in fulfilment of the fundamental rights guaranteed by Part III of the Constitution. Acid attacks are one set of crimes committed against women which shake the conscience of the society at large while completely stripping off the victim of her basic human right to life. Acid attacks involve intentional acts

of violence in which bodies, often intending to permanently disfigure and cause extreme physical and mental suffering to victims. The trauma of not being able to recognize oneself in the mirror, the agony of lost beauty worsens the extreme physical pain which the victim is experiencing. Since, in most of the cases, the attack leaves the victims handicapped, even after recovery from physical pain, the victims become dependent for everyday activities which act as an additional trauma to both the family members as well as the victim. Acid attacks perpetuate gender inequality and discrimination. Acid violence survivors face side-lining from society after the attack. Additionally, acid violence tends to create fear amongst women in society, as some women may feel that they might get attacked, if they failed to conform to traditional subordinate gender roles. In order to free and empower women in the society, it is this fear which the law is supposed to address. Deterrence by means of strict laws dealing with crimes against women is one way of addressing the issue. However, prior to 2013, there was no specific provision in law punishing acid attacks as an offence per se. The amendment in 2013 inserted various sections to the Indian Penal Code, 5 the Criminal Procedure Code and the Indian Evidence Act in order to tackle the menace of acid attacks. However, not much change has been witnessed in the incidents of acid attacks. The paper also analyses the data made available by the National Crime Records Bureau, the legislative amendment, the judicial response to acid attacks and endeavours to suggest changes in the legal machinery in order to curb the menace of acid attacks.

In South Asia, disputes over land, inheritances, dowries, and declined marriage proposals often arouse jealousy, which lead to acid violence and women becomes the first victim of it. Men track down these women, approach them and attack them with acid leaving them severely scarred. Though the physical injuries may heal after laborious and multiple operations, the mental injuries remain for life. The victims of acid violence are overwhelmingly women and children, and attackers often target the head and face in order to maim, disfigure and blind. The act rarely kills but causes severe physical, psychological and social scarring, and victims are often left with no legal alternative, limited access to medical or psychological. Acid attacks are intensely inhuman crimes because the perpetrators plan to disfigure the victims rather than kill them. Acid is also easily available and cheap, which is thrown at women. The lives of many women, deprived of free choice and independence in this way, have been destroyed. Acid violence is the deliberate use of acid to attack another human being. Acid violence is a world- wide phenomenon that is not restricted to a particular race, religion or geographical location. Acid attack is not something unheard of in India, also. It has shocked the conscience of our nation again and again – with mutilated faces, unbeaten survivors coming to frontline to share their horrific stories and families driven bankruptcy supporting recovery. Acid attack is the worst infliction on other human – leading to complete debilitation loss of income and opportunity, and even social restoration. The means to this evil remains quiet accessible to most and the causes provoking such cruelty can be unimaginably trivial. What allows such attacks? Un-counselled anger and frustration is behind the crime as pre-disposition to sociopathic

traits, and violence plays a significant role. But real culprit to blame is the ease to get away with it. Anger over rejection causes the desire to lash out and inherent disregard for women in specific and human suffering in general seeds the thought, but the slack laws – both to limit availability and to counter the crime is what lets the perpetrators converts their thoughts in to action. The Indian Penal Code was amended on 2nd April 2013 included provisions for prosecution of perpetrators, treatment and rehabilitation of the victims, right to self-defence against acid attack and control acid sales. Before insertion of Section 326A-326B of IPC, acid attack could only be prosecuted as violence against women. This tremendously hindered data availability and made arrest and punishment subjective and lenient.

II. MEANING OF ACID ATTACK

Acid attack is also called as acid throwing, a Vitriol attack or Vitriolage, is a form of violent assault defined as throwing acid or a similarly corrosive substance onto the body of another, with the intention to disfigure, maim, torture or kill. Perpetrators of these attacks throws corrosive liquid at their victims, usually at their face, burning them and damaging skin tissue, often exposing and sometimes dissolving the bones. The most common types of acid used in these attacks are Sulphuric and Nitric acid. Hydrochloric acid is sometimes used, but is much less damaging. Aqueous solutions of strong material such as caustic soda (sodium hydroxide) are used as well particularly in areas where strong acid are controlled substance.

EFFECT

The most notable effects of an acid attack are the lifelong bodily disfigurement. There is a high survival rate amongst victims of acid attacks. Consequently the victim is faced with physical challenges, which require long term surgical treatment, as well as psychological challenges, which require in-depth intervention from psychologists and counsellors at each stage of physical recovery. These far-reaching effects on their lives impact their psychological, social and economic viability in communities. Acid has a devastating effect on the human body, often permanently blinding the victim. The aftermath being the inability to do many everyday tasks such as working and even mothering are rendered extremely difficult if not impossible. According to the Acid Survivors Foundation in Pakistan, there is a high survival rate amongst victims of acid attacks. Consequently the victim is faced with physical challenges, which require long term surgical treatment, as well as psychological challenges, which require in-depth intervention from psychologists and counsellors at each stage of physical recovery. The victims are often left with no legal recourse, limited access to medical or psychological assistance, and have no means to support themselves. The acid attack have long-lasting medical, psychological, physical, social and economic effect.

1. **Medical:** The medical effects of acid attacks are extensive. As a majority of acid attacks are aimed at the face. Severity of the damage depends on the concentration of the acid and the period of time before the acid is thoroughly washed off with water or neutralizing agent. The acid can rapidly eat away skin, the layer of fat beneath the skin, and in some cases even the underlying bone. Eyelids and lips may be completely destroyed, the nose and ears severely damaged. Acid attack victims also face the possibility of septicaemia, renal failure, skin depigmentation, and even death.
2. **Psychological Effects:** Majority of the respondents (70%) that they had to face psychological effects which included sympathetic behaviour of family, ignorance of children and taunting behaviour of relatives. The findings reflected that females were mentally disturbed and they trying to reduce their stress through weeping and shouting on others. Other psychological effects like eternal trauma, social isolation and suicide plan were also found. While other belongings like fear, threatening and frustration were very high. Major findings indicated that acid attacks adversely impact all aspects of the survivors' lives. The psychological consequences were severe in many instances rendering the survivors mentally retard and eternally shocked. Acid assault survivors face many mental health issues upon recovery. Acid attack victims reported higher levels of anxiety, depression, due to their appearance. Additionally, the women reported lowered self-esteem according to the Rosenberg Scale and increased self-consciousness, both in general and in the social sphere.
3. **Physical** - Acid eats through two layers of the skin, i.e. the fat and muscle underneath, and sometimes not only eats through to the bone but even dissolve the bone. The deepness of injury totally depends on the strength of the acid and the duration of its contact with the skin. When thrown on a person's face, acid rapidly eats into eyes, ears, nose and mouth. Eyelids and lips may burn off completely. The nose sometimes melts, closing the nostrils, and ears shrivel up. Acid can quickly destroy the eyes, blinding the victim. Skin and bone on the skull, forehead, cheeks and chin may dissolve. When the acid splashes or drips over the neck, chest, back, arms or legs, it burns everywhere it touches. The biggest immediate danger for victims is breathing failure. Inhalation of acid vapours can create breathing problems in two ways:
 - i) By causing a poisonous reaction in the lungs.
 - ii) By swelling the neck, which constricts the airway and strangles the victim.

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

4. **Social and Economic effect** – Many social implications exist for acid survivors, especially women. Such attacks usually leave victims handicapped in some way, rendering them dependent on either their spouse or family for everyday activities, such as eating and running errands. These dependencies are increased by the fact that many acid survivors are not able to find suitable work, due to impaired vision and physical handicapped. As a result, divorce, abandonment by husbands is common in the society. Moreover, acid survivors who are single when attacked almost certainly become ostracized from society, effectively ruining marriage prospects. Acid attacks usually leave victims handicapped in some way, rendering them dependent on either their spouse or family for everyday activities, such as eating and running errands. They face a lifetime of discrimination from society and they become lonely. These dependencies are increased by the fact that many acid survivors are not able to find suitable work, due to impaired vision and physical handicapped. As a result, divorce, abandonment by husbands is common in the society. Moreover, acid survivors who are single when attacked almost certainly become ostracized from society, effectively ruining marriage prospects. They are embarrassed that people may stare or laugh at them and may hesitate to leave their homes fearing an adverse reaction from the outside world. Victims who were not married are not likely to get married and those victims who have got serious disabilities because of an attack, like blindness, will not find jobs and earn a living. Discrimination from other people, or disabilities such as blindness, makes it very difficult for victims to fend for themselves and they become dependent on others for food and money.

III. FACTORS RESPONSIBLE FOR ATTACKS

The intention of attackers is often to humiliate rather than to kill the victim. The most common motivations of perpetrators are personal conflict regarding intimate relationships and sexual rejection, gender discrimination, sexual related jealousy and lust, social & political motivation, rivalry, and conflict over land ownership, housing and property, revenge for refusal of sexual advances, proposal of marriage and demand for dowry. Gender inequality and women's position in the society, in relation to men is another cause to such type of attacks. The Law Commission of India in its 226th report has asserted that the majority of acid attack victims are women particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him. A renowned academician Afroza Anwary in his study emphasized that how acid is used by men on women as a mark of their masculinity and superiority over them and to "keep women in their place, " "Acid attacks are used as a weapon to silence and control women by destroying what is constructed as the primary constituent of her identity." Anwary in his study had further maintained that in a patriarchal and conservative societies, overemphasis is laid on marriage of a girl. Her virginity and fair

complexion are the most important factors to be considered for her suitability in the marriage market and therefore, her involvement in a romantic relationship prior to her marriage is an anathema. When vindictive lovers are turned down for marriage by the girl or her family, they resort to acid attack for vengeance. There is also an economic aspect to acid attacks in view of globalization. The financial independence of women in a society of unemployed men creates antagonism in them. "Deteriorating economic conditions, high unemployment rates among male bread-winners, the increasing number of landless households, and the lack of agricultural work for male labourers"⁸ are the major reasons for their resentment. Thus, women who are burdened with the onus of earning for the family are often made victim of acid by their husbands when they fail to live up to their expectations as homemakers in their conventional gender roles. Property disputes are another cause for acid attacks on women. The motivation for acid attacks on women can be attributed to various factors and feelings. Some perpetrators use acid to defile and debase the victim's body as an expression of conscious anger, in an attempt to debase them. Others feed their deep-seated feelings of incapability and insecurity by expressing their superiority and authority by throwing acid on women, in an effort to exhibit their everlasting control over the woman's fate. Alternatively and in conclusion, it can be said that acid attacks are used by men as a medium to establish their superiority and control over them and to keep them always in a state of fear.

IV. LEGISLATION ON ACID VIOLENCE AROUND THE WORLD

No one country in the world is untouched by acid attacks. Acid attacks are universal in developing countries like United States, United Kingdom, from developed nations to India, Bangladesh etc. Although most of the attacks occur in Asia and Africa continents. As cases of acid attacks have increased over the years, countries around the world feel the need for stringent laws to prevent such violence. The United Nations General Assembly adopted the Convention on the Elimination of All Kinds of Discrimination against Women (CEDAW) in 1979. In countries where there are such attacks, there are laws on acid violence in those countries.

BANGLADESH

Bangladesh reports the highest number of acid attacks in the world. There was a sudden increase in number of acid attack cases in Bangladesh in the mid-1990s. In 2001, 340 cases were reported which got to 336 cases in 2002. The government passed The Acid Offences Prevention Act and The Acid Control Act in 2002 to check the increasing acid violence in the country. The Act punishes the offender with a death sentence or rigorous punishment for life with the fine of one lakh Takka in case of death or complete or partial mutilation of face or sexual organ of the victim. On damage to any part of the body of the victim, rigorous imprisonment of 7-14 years is awarded to the perpetrator. In addition to this, anyone who throws or attempts to throw acid on any person is rigorously imprisoned for 3-7 years along with a fine of 50,000 Takka even if no physical or mental harm is caused. The Act also addresses the problem of delay of prosecution of cases by allotting fixed time for

investigations. It provides a maximum of 60 days for investigation, failing which legal action is taken against the investigating officer. It also states that the trial of the case should be completed within a maximum of 90 days. The Acid Control Act, deals with restricting and controlling the sale and supply of acid in Bangladesh. A 15- member National Acid Control Councils have been established around the country to take action to enforce the laws regarding acid sales and to assist in proper treatment, reporting and rehabilitation of victims.

CAMBODIA

Earlier, there was no criminal law to punish the perpetrators of acid violence. They were charged with battery with injury, carrying a sentence of up to ten years imprisonment. In January 2012, Acid Law came into force which criminalized the acid violence. It prosecutes the perpetrator with 15-30 years of imprisonment in case of death of the victim and 15-25 years in case of permanent disability of the victim. It also lays down that the government should provide the acid victims medical care, legal support and protection.

UGANDA

Acid violence in Uganda affects all the social strata of society from the poorest to the most rich and influential. Section 216(g) of Ugandan Penal Code penalizes the perpetrator with life imprisonment. If the attack is made with malice and it leads to the death of the victim, then it is considered as murder under Section 188 and the culprit is awarded with a death sentence under Section 204 of the Ugandan Penal Code. An offence as grave as acid attack is non-bailable in nature but the culprits are still released on bail. Though there are effective laws present in the country against such violence but they are not implemented in an apt manner which is the reason why such attacks still occur in large number in the country.

JAMAICA

There is no explicit law in Jamaica to deal with acid violence in spite of the fact that it has the largest number of absolute acid attack victims. The only piece of legislation which punishes such violence is Offences against the Person Act which awards life imprisonment to the convict in case of causing grievous injury to the victim.

NEPAL

Under Nepal's legal system, there is no precise punitive provision for acid violence. Under the present laws, perpetrator is penalised under provision of hurt and culpable homicide of Muluki Ain. Number 14 of the chapter Hurt, endows with punishment for causing hurt to the body by burning substance like acid. When no grave injury is caused to the person, perpetrator is awarded with two months of imprisonment and a fine of Rs 500. A fine of a meagre sum of Rs 2,000 is imposed on burning nose or eyes of a person. In addition to this, no medical and economic assistance is provided to the victims by the government. The present law on acid violence fails to provide any severe punishment to the culprits and is thus, ineffective to curb such attacks

PAKISTAN

Pakistan passed the Acid Control and Acid Crime Prevention (Amendment) Act, 2010 which amended the penal code of the country 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 Acid Crime 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 the recognition of medical, legal and financial support for victims and their dependants. The Act also criminalizes an attempt to commit acid violence and imposes an obligation on officers for proper investigation of the attack. To promote effective implementation of law, the act provides the provision for establishment of Acid and Burn Crime Monitoring Board and described its role and responsibilities.

V. ACID VIOLENCE: A GLOBAL TRAGEDY

In a study conducted by UNICEF reveals, “Acid attack is a serious problem all over the world, even children are become victim of acid attack in many cases. In an Acid attack, acid is thrown at the face or body of the victim with deliberate intent to burn and disfigure. Most of the victims are girls, many below the age of 18, who have rejected sexual advances or marriage proposals. Acid attack is defined as the act of throwing acid onto the body of a person “with the intention of injuring or disfiguring [them] out of jealousy or revenge”. The most common types of acid utilized in these assaults include sulphuric, nitric, and hydrochloric acid. The victims of acid violence are overwhelmingly women and children. The Convention on the Elimination of All Forms of Discrimination against Women defines gender-based violence as, “violence directed against woman because she is a woman or which affects a woman disproportionately.” It includes physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivation of liberty. In order to understand the phenomenon of this type of violence one must have good understanding about violence against women”. Its various forms prevailing in Pakistan as well as rest of the world. United Nations Organization defines violence in its report as, “any act of violence that results in or is likely to result in physical, sexual or psychological harm or suffering to a person including threat of such act permanent or temporary deprivation of liberty whether occurring in the public or private life”.

World Health Organization defines in its report that, “Jamaica is one country where women are reported to have resorted to acid violence against men more often than men against women. In Bangladesh and most other countries where acid violence occurs campaigners say that violence is typically against women, it is only in that

countries where there is an Acid Survivors Foundation mobilizing public support and working with the government that action is taken”.

United Nations International Children Emergency Fund defines acid violence as, “in the acid attack a person throws acid on the face or any part of body of other person. Any number of reasons can lead to acid attacks. Sulphuric acid is ubiquitously being the basic inexpensive ingredient for making lead acid batteries in all motor vehicles all over the world. There does not appear to any way of reducing its availability anyways. Acid violence is a worldwide phenomenon and it is common misconception that attacks are exclusive to the Indian sub-continent or that committers are Islamic fundamentalists punishing women for behaving outside the territories of what is considered as modest behaviour. On the contrary research indicates that attacks are being carried out by many nationalities and are not limited by race, religion, creed and location.

Acid Survivors Trust International (ASTI) is the only organization whose sole purpose is to work towards the end of acid violence across the world. Recognizing the need for local knowledge and expertise in order to combat acid violence effectively, ASTI founded and continues to support the development of six partner organizations in Bangladesh, Cambodia, Pakistan, Nepal, Uganda and India. It also works with UN agencies, NGOs and strategic partners from across the world to increase awareness of acid violence and develop effective responses at the national and international level

VI. LEGISLATION IN INDIA

In India, often incidences of acid attacks grab the headlines of Indian media. Unfortunately there was no separate legislation to deal with acid attacks before the passing of The Criminal Law (Amendment) Act. 2013. The offence was registered under Sections 320, 322, 325, 326 and 307 of the Indian Penal Code (I.P.C).

Section 320 - Grievous Hurt- The following kinds of hurt only are designated as "grievous":-

Firstly- Emasculation

Secondly - Permanent privation of the sight of either eye.

Thirdly - Permanent privation of the hearing of either ear,

Fourthly - Privation of any member or joint.

Fifthly - Destruction or permanent impairing of the powers of any member or joint.

Sixthly - Permanent disfigurement of head or face.

Seventhly - Fracture or dislocation of a bone or tooth.

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

Section 322 - Voluntarily Causing Grievous Hurt - Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said to "voluntarily to cause grievous hurt. Explanation. - A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing he to be likely to cause grievous hurt of one kind; he actually causes grievous hurt of another kind.

Section 325 - Punishment For Voluntarily Causing Grievous Hurt

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

Section 307 - Attempt To Murder - Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned. Attempts by life convicts - When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

On 2nd April 2013 the Indian Penal Code was amended with the passing of 'The Criminal Law (Amendment) Act, 2013. The amendment resulted in insertion of Sections 326A and 326B specifically for dealing with acid violence.

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

Section 326 B states – Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

SUPREME COURT DIRECTION

Supreme Court of India has directed to States to pay Rs. 3 lakh compensation to acid attack victim and Rs.1 lakh to be paid within 15 days of incident. Photo I card with residential address must for acid buyer. Seller will need a license and will have to keep record of sales. Acid will not to be sold to minors. Illegal sale and purchase of acid is to be a non-bailable offence. Undisclosed stock to be confiscated, seller will be fined Rs. 50,000. The latest ordinance amending certain sections of the Indian Penal Code also included identifying acid attacks as a standalone criminal offence. Under the new provision a person shall be punished with life imprisonment if found guilty of acid attack. The minimum sentence of 10 years and fine of Rs. 10 lakh has also been prescribed in the amendment.

Ministry of Home Affairs issued an advisory dated 30th August, 2013 on measures to be taken to prevent acid attacks on people and for treatment and rehabilitation of survivors.¹⁷ In the said advisory, the State govt. /UT's wherein the rules to regulate sale of acid/corrosive substances were not operational, actions to regulate the existing sales through wide publicity in the media including local language were directed to be taken immediately. The directions included:

1. Banning over the counter sale of acid/corrosives unless the seller maintains a logbook/register recording the sale of acid with the details of the buyer and the quantity of the acid being sold.
2. Sale only to persons above 18 years of age on production of valid Photo ID proof.
3. Recording the reason/purpose for procuring acid in the logbook by the seller.
4. Declaration of all stocks of acid by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days. In case of undeclared stock of acid, the concerned SDM can confiscate the stock and suitably impose a fine up to Rs. 50,000/- on such seller. Imposition of a fine up to Rs.50, 000/- on any person who commits breach of any of the above directions by the concerned SDM.
5. Educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, who are required to keep and store acid/corrosive, shall also maintain a register of usage of acid and the same shall be filed with the concerned SDM.
6. Identifying a person to be made accountable for the possession and safe keeping of acid in their premises. The acid shall be stored under the supervision of such person whose responsibility shall be to compulsorily check students/ personnel leaving the laboratories/place of storage, where acid is used.

The Ministry further issued another advisory dated 20.04.2015 to all State Government and Union territories pressing the need of fast tracking of the criminal justice process in order to deter the perpetrators of such

heinous crimes.¹⁸ In the said advisory, the concerned States/UT were requested to take proactive measures to expedite investigation and trial of the acid attack cases to bring them under a definite time frame.

COMPENSATION FOR ACID ATTACK

SECTION 357 B has been newly inserted in CrPC which reads as:"The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code."

FREE MEDICAL TREATMENT: SECTION 357 C has been newly inserted whereby all hospitals, public or private are required to provide first aid or medical treatment free of cost. The section reads as."All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code and shall immediately inform the police of such incident." Apart from the above legislations, The Supreme Court of India has given state authorities three months to implement new rules to control over-the-counter sales of acids, which have been used to disfigure, maim and even kill people, particularly women, for decades. The apex court has directed all 29 states and seven union territories to issue licenses to retailers selling acid. They are now required to keep details like the quantity sold and the addresses of buyers, who will need to present photo identification to purchase acids. The retailers are required to declare the amount of acid being stocked to the police and any case of failure in doing so would lead to undeclared stock being confiscated and a fine of up to 50,000 rupees. It has also barred anyone under the age of 18 from purchasing acids like hydrochloric, sulphuric and nitric. These acids, can burn through flesh, are easily available in shops for as little as 20 rupees a litre.

VII. STATISTICS

Acid attacks are carried out because of discriminatory attitudes. There is no national database to statically track cases of acid violence. Many cases go unreported. To combat acid violence on a sustained basis, reliable statistics are necessary. Estimates vary from 500 to 1000 cases a year in India, based on research conducted by Acid Survivors Foundation India. In India, there are 29 states and 7 union territories; it gives a figure of about 350 cases per year, excluding unreported incidents. These underlying reasons need to be addressed if acid attack and indeed other forms of violence against women and girls are to be challenged and eradicated.

With the amendment in Indian Penal Code in February 2013, incidents of acid attack are now being recorded as a separate offence under section 326A and 326B. The first data available after the amendment relate to the year 2014 when 349 cases were reported from all over India. This is almost 300 per cent more than the average number of such cases witnessed during the preceding three years. The years 2011, 2012 and 2013 witnessed 83,

85 and 66 cases being reported respectively, but this number shot up to 309 in 2014 – almost four times the average number of acid attack cases in the preceding years. Uttar Pradesh topped the list with 185 cases till November 2014, followed by Madhya Pradesh with 53 cases. Among the seven UTs, acid attack cases were reported only from Delhi, which witnessed 27 such cases last year. The number of persons arrested is only 208 as against 309 cases reported. While in UP there were no arrests in at least 66 cases, in Delhi only 7 persons were arrested in 27 cases. In the preceding three years 336 persons were arrested in total 234 cases. The latest figures indicate that earlier estimates of likely number of cases at 100 to 500 per annum made on the basis of past records & comparison with neighbouring countries where similar socioeconomic conditions prevail, were perhaps nearer the truth. The Indian Journal of Plastic Surgery of Dec 2007 concluded that in India alone “we would estimate 7 00, 000 to 800, 000 burn injuries annually”. There is a big possibility of such cases being not only accidents but results of opposing and getting burnt. Indian Government statistics also show that an estimated 7000 brides are killed and 18000 are maimed every year in India over dowry disputes alone.

Various survey and analysis of news report revealed that at least 72% of reported attacks include at least one female victim. India's incident rate of chemical assault has been increasing in the past decade, with high 27 reported cases in 2010. The study of Indian news report uncovered that victims rejected sex or marriage proposal motivated attacks in 35 % of the 110 news stories providing a motive for attack. Notable cases of acid attacks are Sonali Mukherjee's case of 2003 and Laxmi Agarwal in 2005. Parikhit Nayak, a dalit Christian protestant convert from Hinduism who was tortured to death in front of his wife. He was burnt with acid, castrated and finally eviscerated. A well-known case of Bhagalpur blinding, where police blinded 31 individuals under trials by pouring acid in their eyes. The incident was widely discussed, debated and acutely criticized by several human right organisations. The Bhagalpur blinding case had made criminal jurisprudence history by becoming the first in which the Indian Supreme Court ordered compensation for violation of basic human rights. Today, acid attack are reported in many part of the world, though more likely in developing countries. Since 1990s, Bangladesh has been reporting the highest numbers of attack and highest incidents rates for women, with 3512 Bangladeshi people attacked between 1999 and 2013 and in India acid attacks are at an all-time high and increasing every year. Although acid attacks occurs all over the world, but these type of heinous violence is most common in south Asia. The UK has one of the highest rates of acid attack per capita in the world, according to Acid Survivors Trust International (ASTI). Acid Survivors Trust International (ASTI) is the only organization whose sole purpose is to work towards the end of acid violence across the world. Recognizing the need for local knowledge and expertise in order to combat acid violence effectively, ASTI founded and continues to support the development of six partner organizations in Bangladesh, Cambodia, Pakistan, Nepal, Uganda and India. It also works with UN agencies, NGOs and strategic partners from across

the world to increase awareness of acid violence and develop effective responses at the national and international level.

VIII. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Convention on the Elimination of all forms of discrimination against Women(CEDAW) was adopted in 1979 by the UN General Assembly. It is often described as an international bill of rights for women. It defines what constitutes discrimination and sets up an agenda for national action to end such discrimination. It defines discrimination against women as-

“Purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” A majority of acid attack cases occurs against women which exhibits gender inequality and discrimination in society. Acid attack is an attempt by the perpetrator to destroy and degrade a woman physically, psychologically and emotionally. It creates a sense of fear in the mind of the victim and makes her accept the traditional subordinate gender role in society. It prevents her from challenging the unjust social norms and to rise against her subordinate position in society. Countries that have ratified the Convention are legally bound to implement its provisions. They are also committed to submit national reports, at least every four years, on measures they have taken to meet with their treaty obligations. Countries with maximum number of acid violence cases like Bangladesh, Pakistan, Nepal, India etc. have ratified CEDAW which creates a legal obligation on such countries to frame stringent laws to curb such violence against women.

In addition to CEDAW, The United Nations General Assembly had passed a Declaration on the Elimination of Violence against Women in 1993. Article 4(f) of this declaration advocates member states to develop preventive approaches for violence against women by legal measures. Such a declaration gives credibility to new legislations which advocates stern punishment to the offenders, provide appropriate compensation to the victims and regulates sale of acid in the member countries.

IX. CONCLUSION

Acid violence is widespread and prevalent in our society that remains often invisible. Women are unsafe and are frequently victim even in their homes and often by their immediate family members. Women are vulnerable to every form of violence. The researcher concludes that acid attack is present in society, which has been reported in different appearances like history of burning, psychological effects as well as social isolation. Refusal of marriage proposal, sexual favour, dowry and family disputes are one of the major causes of acid

attacks practiced against women. This present study uncovered that our society is lacking of sense of belongingness which often results in insecurity and unstable environment. That is why women of our society are much suppressed. The findings showed that most of the respondents who had faced one type of violence had faced other form of violence too.

The success of any law is determined by its implementation. Most stringent of laws will be of no avail if they are not properly implemented. The Criminal Law (Amendment) Act, 2013 has brought positive changes in the laws against acid violence. Prior to the Act, no provision of strict punishment was there to punish the culprits and either no or a compensation of a very meagre amount was used to be given to the victim. The amendment made special laws to punish the culprits and also provided for the provision of providing medical aid to the victim. But, framing of laws is never enough unless it is properly executed. The Indian Judicial System is overloaded with cases. It takes years for the trial to take place. In addition to this, lawyers try to delay the prosecution of the accused by requesting the Court to extend the date of trial. As a result of this, case remains pending for years and the criminal is not punished for his acts for years in spite of the stringent laws. It is pertinent to note here that in the absence of expeditious investigation and trial of the acid attack cases, it is only the quantum of punishment which can be of deterrence.

X. SUGGESTIONS

The quantum of punishment under Section 236A and 236B is not sufficient to add the requisite deterrent value to the offence. The punishment provided in Section 326A is for imprisonment of either description for a term not less than ten years but extendable up to life and with fine. For attempt, under Section 326 B, the minimum punishment is five years up to a maximum of seven years and with fine. There is a pressing need to amend the law further in order to enhance the punishment to minimum of fourteen years which may extend up to life imprisonment which shall mean the remainder of that person's natural life in cases of acid attack under Section 326A. It is also to be kept in mind that attempt to throw acid on a victim is equally as heinous as throwing acid on a victim and needs to be checked because it is by mere luck that the victim of attempt is saved from the attack. There is absolutely no reason to have two different sections for penalizing the offence and attempt. Both should be dealt in one section with similar punishment of minimum fourteen years upto life imprisonment. Until the time a sufficient deterrent value is created in the society against this heinous offence, the menace of acid attack would not be curbed.

The Indian Judicial System is overloaded with cases. It takes years for the trial to take place. In addition to this, lawyers try to delay the prosecution of the accused by requesting the Court to extend the date of trial. As a result of this, case remains pending for years and the criminal is not punished for his acts for years in spite of the stringent laws. A separate Tribunal or Bench can be formed to look after the cases of acid attacks. Such a

body will be exclusively reserved for such cases which will ensure quick deliverance of justice and aid to the victim. The decision of the Tribunal or Bench should be binding and final which will save the victim from various appeals in different courts of the country.

In addition to the stringent penal laws, provisions have also been made to regulate the sale of acid. The acids used for attacks are easily available as they are used in domestic use as well as for scientific and research purposes. A monitoring system should be formed to check the effective implementation of the rules by the people. Many people in the country (particularly the shopkeepers and retailers) due to illiteracy or ignorance have no knowledge of the new rules of regulation on sale and purchase of acid. The shopkeepers and retailers should be forced to keep the detail record of sale of acid, they should be made to obtain ID proof of the customer purchasing acid. Any corrosive liquid should not be sold to a minor. Heavy penalty should be imposed on the retailer if found guilty and not abiding by Law. Steps should be taken by the government to make people aware of the new rules. The Criminal Law (Amendment) Act, 2013 is a welcome act which has brought positive and effective changes. Justice can never be delivered to the victim unless the law is properly implemented. Thus, steps should be taken to effectively execute the new laws to curb such a violence.

NGOs play a vital role eradicating any type of social evil. Many non-governmental organizations (NGOs) have been formed in the areas with to combat acid attacks. Bangladesh has its Acid Survivors Foundation, which offers acid victims legal, medical, counselling, and monetary assistance in rebuilding their lives. Similar institutions exist in Uganda, which has its own Acid Survivors Foundation, and in Cambodia which uses the help of Cambodian Acid Survivors Charity. NGOs provide rehabilitation services for survivors while acting as advocates for social reform, hoping to increase support and awareness for acid assault.

Acid Survivors Trust International (UK registered charity no. 1079290) provides specialist support to its sister organizations in Africa and Asia. Acid Survivors Trust International is the only international organisation whose sole purpose is to end acid violence. The organisation was founded in 2002 and now works with a network of six Acid Survivors Foundations in Bangladesh, Cambodia, India, Nepal, Pakistan and Uganda that it has helped to form. Acid Survivors Trust International has helped to provide medical expertise and training to partners, raised valuable funds to support survivors of acid attacks and helped change laws. A key role for ASTI is to raise awareness of acid violence to an international audience so that increased pressure can be applied to governments to introduce stricter controls on the sale and purchase of acid. Indian acid attack survivor Shirin Juwaley founded the Palash Foundation to help other survivors with psychosocial rehabilitation. She also spearheads research into social norms of beauty and speaks publicly as an advocate for the empowerment of all victims of disfigurement and discrimination. In 2011, the principal of an Indian college refused to have Juwaley

speak at her school for fear that Juwaley's story of being attacked by her husband would make students "become scared of marriage".

School and College student can promote awareness on acid attack through street plays, by organising campaigns. This is an insidious crime reflecting the deviant behaviour. Time has changed, Laxmi, a victim of acid attack has been selected by the US for the prestigious International Women of Courage Award. Now acid attack has become a global problem but strict law and society norms can change the scenario. The suggested amendments are hoped to create sufficient deterrent value and root out the evil of acid attack from our country.

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