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Acid Attacks: A Burning Injustice

ASHIKA JAIN¹

ABSTRACT

Acid attacks in India are increasing day by day, and the woman who survive it, is forced to live as an outcast. India Today Data Intelligence Unit (DIU) has found that, there have been around 1,483 victims of acid attacks between 2014 to 2018 in our country. As per 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 disfigurement to any part of the body of such person”.² Acid attacks are the most atrocious form of violence, especially on women. It can also be called as the gender-based violence against females. Disputes over land, dowries, marriage or love proposal rejections, inheritances etc., often create resentment because of which women are traumatised, disfigured, shamed and outcasted every day for no fault of theirs. Acid attacks kills rarely, but causes severe physical, social and psychological complications. The easily available inexpensive acids make the attackers to use it as an ideal weapon against a female. Most commonly used acids under this crime are sulphuric, nitric and hydrochloric acid. This paper aims in highlighting the horrendous effects that acid attacks have on the innocent women and explains how acid attack affects survivors’ bodies, minds, and social and economic security.

Keywords: Acid attacks, Violence against women, Acid violence, Survivors, Disfigure, Damage

I. INTRODUCTION

Women are an integral part of any society. They are the nurturers, carers and provide us with the element of balance in the society and our lives. Swami Vivekananda said some beautiful lines, “The best thermometer to the progress of a nation is the treatment of its women. There is no chance for the welfare of the world unless the condition of women is improved.

Woman has suffered for aeons, and that has given her infinite patience and infinite perseverance. The idea of perfect womanhood is perfect independence.” The family or country

¹ Author is a student at Amity University, Noida, India.

² Law Commission Report No. 226- The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime

which gives the women freedom to achieve her dreams, has a plenty of hope of rise. In ancient times, women were highly respected in the society, as mentioned in Rig Veda and other scriptures, but then gradually women lost their status due to social, economic and political changes.

Women gives birth to a life but unfortunately, they are forced to lose their lives in the name of crimes committed against them. The main cause of gender inequality in India lies in its patriarchy system. According to the famous sociologist Sylvia Walby, "Patriarchy is a system of social structure and practices in which dominate oppress and exploit women." In this patriarchal society, violence against women has found its various ways like sexual abuse, domestic abuse, female foeticide, rape, stalking, workplace harassment, honour killing, dowry, girl trafficking, forced prostitution, Pre-natal sex determination and acid attacks, which not only damages/disfigures her body but also damages her mental health. Acid attacks are not some natural or random phenomena, but is a deliberate and a social phenomenon that is used as a means of punishment for women. Acid violence not only causes severe physical scarring but also leaves a female traumatised. Research shows that, an acid attack victim had to face other forms of violence too like casting out from societies, difficulty in arrange marriages, employment problems etc.

In this paper, focus will be laid only on Acid Attack as violence against women in India. Acid attack victims are broadly women and girls, between 11-30 years of age. The attacker intentionally splashes the acid on a female, mainly targeting her head, ears and face in order to disable, disfigure and blind physically.

II. DEFINITIONS OF ACID ATTACK

Prevention of offences (By Acids) Act, 2008 constitute the definitions of the following terms-

(a) "**Acid**" shall mean and includes any substance which has the character of acidic or corrosive or burning nature that is capable of causing bodily injuries leading to scars or disfigurement or temporary or permanent disability.³

(b) "**Acid attack**" means 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."⁴

³Section 3 (a) of Prevention of Offences by Acid (Prevention and Regulation) Act, 2007

⁴Section 3 (b) of Prevention of Offences by Acid (Prevention and Regulation) Act, 2007

A study conducted by **UNICEF** reveals that,

*“Acid attack is a serious problem all over the world, even children are becoming victim of acid attack in many cases. In an Acid Violence, acid is thrown at the face and body of the victim with intention to burn, disfigure and damage. Most of the victims are young girls, many below the age of 18, who have rejected sexual favours or marriage proposals. It is basically an act against women which is out of revenge and jealousy to show their supremacy.”*⁵

III. FACTORS RESPONSIBLE FOR ACID VIOLENCE

In many studies, it is seen that in patriarchal and conservative societies, marriage of a female is overemphasised. And involvement in a romantic relationship or an inter caste relationship is an anathema. When these lovers are turned down by the girl or her family or the observable reason being rejection/refusal by the female of sexual advances, dowry disagreements and land or property disputes, this results in these kinds of acid violence for vengeance. Some researches bring into notice the economic aspect of acid attacks. In a society of unemployed men, financially independent women often create hostility in them. when the onus of earning for the family lies on the female, they become a victim by their insecure husbands or men of the family, when they fail to live up their expectations.

In the **226th report of The Law Commission of India**, it has been asserted that the majority of the 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.”*⁶

This is the way our societies outlook women. They still cannot take a stand for themselves and their basic human right which are same for every individual of the country. In some places men are still considered as the sole decision maker of the family and if a woman denies to abide by them, it is seen as destroying and disrespecting his honour by him, which he restores it by burning her down to please his ego and mark this act as their supremacy.

The main reason of high frequency of acid attacks in India is the **easily available and cheap** acids in the market, which is as low as Rs. 10-15 per litre. There are no restrictions on sale or purchase of these harmful acids. Commonly used acids are Hydrochloric and Sulfuric acid

⁵ Research Paper on Acid Attack: Discovering A Lost Identity (<http://jcil.lsyndicate.com/wp-content/uploads/2018/09/Acid-Attack-Kalpana.pdf>)

⁶ Law Commission Report No. 226- The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime

which are easily available in our neighbourhood retail shops, which not only damages the skin and muscles but also the blood vessels and, in some cases, even melts down the bones. Acids are used in industries and trades due to which complete ban on the sale and purchase of acids is not possible. But there must be some amount of regulations to avoid its falling into unscrupulous hands. In villages and small towns, they are even used as toilet cleaner. Acids are easy to carry and one may use any kind of jug, bottle, container or even a water gun to throw it on someone. It looks like water, so it can be carried around without creating suspicion. Depending upon the nature of an acid, it may take 20-30 seconds to start reacting, which gives enough time to an accused to escape.

In the case, *LAXMI V UNION OF INDIA*, 2013, the Supreme Court directed the state governments and union territories to take the appropriate steps related to the sale of acids. The states were directed to implement stringent rules regarding the retail sale of acids, treating it as a poison under The Poisons Act, 1919. It also directed that acids would be sold only when the buyer shows a valid identity card issued by the government, specifying the purpose of the purchase in written. Despite various legislative provisions, acid bottles are freely sold everywhere to everyone. Acid attacks reduces a victim's life to a state worse than death.

IV. CONSEQUENCES AND EFFECTS OF ACID ATTACKS

An acid attack survivor once said that she will become a victim of acid throwing every single day. Acid throwing or acid attack is the most violent assault against anyone. Sometimes victims are even tricked into drinking the acid and suffer from internal damages. The most noticeable effect on a victim is the lifelong bodily disfigurement and damage, which requires long term and elaborated surgeries, that can be unaffordable for the victims. Acid attack survivors experience a host of psychological repercussions. They find difficulty in accepting themselves with an altered appearance which gets negative reactions from the society. The mental suffering prevents them in living their own lives. The psychological challenges leave them with in-depth intervention from counsellors and psychologists at every stage of recovery. One mother lamented how her own children were scared of her appearance.

The consequences faced by the victim after the attack are endless. They are as discussed below:

1. PHYSICAL CONSEQUENCES: Unlike other injuries, acid burns are the most horrifying injuries and its medical effects are extensive. Acids destroy up to two layers of the skin, i.e. the fat and the muscle and sometimes even dissolves the bone. The profoundness of injury depends on the nature of the acid and its duration of contact with the skin. When thrown on the face, acid immediately eats up the eyes, ears, mouth and melts down the nose. This can also result

in blindness. The pain is agonizing, like a burning heat cuts through the skin with a hot knife. Eyelids and lips may burn off completely on the spot. Where ever the acid touches the body, it damages and turns black and leathery, be it arms, neck, legs etc. Immediate risk for the victim is of the breathing failure due to inhalation of acid vapours which cause either swelling in lungs or poisonous reactions. *According to a study, approximately, patient suffered by acid attack burns to 14% of their body area, with areas most commonly affected including the face (87% of the victims), upper limbs (60%), chest (54%) head and neck (67%) and around a third of victims suffered complete or partial blindness.* Within days of the attack, the injuries start to form a thick scar on the burned areas which makes the skin very tight and stretchy. It creates disfigurement, for example, forced opening of the eyelids, forced opening of lips or mouth with teeth showing. It creates difficulty in eating. The skin becomes prone to infections like septicaemia and gangrene and is at high risk due to internal acid injuries.

2. PSYCHOLOGICAL CONSEQUENCES: The effect of an acid attack is spontaneous and irreversible. Within seconds, the physical effect on the body is already severe. Until it is thoroughly washed with cool water, acid will continue to penetrate skin and its layers. The acid violence survivors live with their physical scars or disfigurement, it is not surprising to say that the psychological repercussions would be severe. Getting negative reactions from the people leads the survivors to anxiety, depression and in some cases suicide. The attackers for obvious reasons, targets mostly the face, which represents a person's identity. Thus, by causing damage to the face, attacker not only generates physical pain but a life sentence of emotional and psychological trauma. After the attack, survivors struggle with insomnia, nightmares, shock, anxiety and Post-traumatic stress disorder (PTSD). They have to go through long term therapies and psychological treatments at every stage of recovery.

The UK Counselling Directory recommends counselling as *“an essential and helpful tool for the victims to help overcome the trauma of acid attacks, recover and rebuild their normal lives. It provides them with a safe environment where the victim can work through their issues and anxiety, helping them to get their life back and be able to move on.”*⁷

3. SOCIAL AND ECONOMIC CONSEQUENCES: The long-term consequences of physical and psychological damages are compounded by lifelong social and economic consequences. Negative and unsympathetic behaviour towards the survivors can lead to a sense of remoteness from friends, family and neighbours. Even if they want to go back to their normal lives, victims are often ostracized. Fear of stigmatisation, negativity reactions and rejection has

⁷ Domestic Violence, “Counselling Directory, <http://www.counselling-directory.org.uk/domestic-violence.html>

created a barrier between the survivors and the society. Whenever they stepped out, the fear of being stared at, ridiculed or mistreated always kept them in self isolation. They eventually started doubting their self-worth. Many survivors become confined to their homes for years. Survivor Laxmi recalled that she hid herself indoors for eight years following an acid attack by a spurned marital suitor in 2005, because she was not confident enough to face the world with the scars on her face.

Self-isolation and withdrawals from the society has the obvious consequences like reduced opportunities of employment, marriage, education and friendships. With special medical treatments costing lakhs of rupees for so many years, acid attack survivors tend to lose all their hard-earned savings. Sometimes survivors are abandoned by their friends and family, which leads to no financial support. According to the Indian Law Commission report of 2009, *acid attack survivors are left without any kind of economic resource and many become dependent on other people for food and money*. Furthermore, an acid attack dramatically limits a survivor's present and future earning potential. It becomes extremely difficult for the survivors to attend school for education, or go to work or even secure their employment. Some workplaces even do not give jobs to the survivors because of their deformities, because of which they have to cover their scars with a stole or a burkha. Laxmi in an interview once shared, how desperately she tried to get a job, but was constantly turned away: She tried to pick up a job but nobody wanted to hire her. Someone also said, 'People will get scared if they see you.' Others said they will call her back but, obviously, the phone never rang. She even tried working in Business Process Outsourcing (BPOs), banks and beauty salons but all she got was rejection. Nobody wanted to hire acid survivors because of the way they looked."

V. CRIMINALIZATION OF ACID ATTACKS

(A) Constitutional provisions:

Article 14- *The state shall not deny to any person equality before law or the equal protection of the laws within territory of India.*⁸

Equality is not merely for the sake of being on the papers, but the state has to take positive action to ensure equality. Acid attacks largely constitute women of India, so the state should ensure special protection from the acid violence.

Article 21- *No person shall be deprived of his life or personal liberty except according to*

⁸ Constitution of India, 1949

*procedure established by law.*⁹

Right to life also includes the right to be free from inhuman treatment from other people. In the case **Francis Coralie Mullin Vs. Union Territory of Delhi & Others**, the Supreme Court held as under: “It is implied in Article 21 the right to protection against torture or cruel, inhuman or degrading treatment which is expressed in Article 5 of the Universal Declaration of Human Rights and guaranteed by Article 7 of the International Covenant on Civil and Political Rights (ICCPR).” As per the Supreme Court, Article 21 includes the right to health and the right to health services.

(B) Statutory provisions:

Before passing of The Criminal (Amendment) Act in 2013, there was not any specific law in India, which dealt with acid attack as a violence.

Before the amendment following provisions governed the cases of acid attacks-

Section 320: Grievous Hurt- The following type of hurts are considered ‘grievous’ under this section—

- Emasculation or debilitate
- Permanent sight deprivation of either eye
- Permanent hearing deprivation of either ear,
- Deprivation of any member or joint.
- Damaging or permanent impairing of the powers of any joint.
- Permanent disfiguration or defacing of head or face.
- Fracture or dislocation of a tooth or bone.
- Any hurt or damage which endangers life and which can cause the sufferer during the space of twenty days in severe bodily pain, or is unable to follow his ordinary routine.

The acid attacks were governed under this section, as it included permanent disfigurement, disability, or destruction of a body part.

Section 322: Voluntarily causing grievous hurt- Any person, voluntarily causes hurt to someone, and if the hurt which he intends to cause or knows to be likely to cause hurt, and if the hurt which he causes is grievous hurt, is said to be “voluntarily to cause grievous hurt.” Causing grievous hurt through a dangerous substance or a weapon, A “corrosive substance” is

⁹ Constitution of India, 1949

a substance which destroys other things by coming in a contact with it through a chemical reaction, hence acid attacks will be covered.

Illustration: X, intending and knowing, himself, permanently disfigures Y's face and gives Y a throw of acid which does not permanently damages his face but causes severe bodily pain for 20-25 days. In this case X has voluntarily caused grievous hurt to Y.

Section 325: Punishment for voluntarily causing grievous hurt- Any person, except the case provided under section 335 (Voluntarily causing grievous hurt on provocation), voluntarily causes grievous hurt, shall be punished with imprisonment of seven years, and shall also be liable to fine.

The 18th Commission of India, headed by Justice A.R. Lakshmanan, proposed new provisions- **Section 326A** and **Section 326B** in **The Indian Penal Code**.

PRESUMPTION AS TO ACID ATTACK: If a person throws acid on another person, the court shall presume that such an act has been done with intention or knowledge of causing grievous hurt or injury. The new provisions were introduced to widen the perspective to acid attacks as mentioned in Section 326A of the Indian Penal Code.

Section 326A: Someone causing permanent or partial damage, deformity, burns or maims, disfigures, disables, any part or parts of the body of a person or causing grievous hurt by throwing acid on that person, with the intention or with the knowledge that he is likely to cause such kind of injury or hurt, shall be punished with imprisonment of minimum ten years, and it may extend to life imprisonment too, with fine.

The fine paid to the victim shall be reasonable and just to meet the expenses of the injury or hurt caused.

Section 326B: Whoever attempts to throw acid with the intention of causing permanent or partial damage, deformity, burns, maim, disfigure, disable, grievous hurt shall be imprisoned with either simple or rigorous imprisonment for at least five years, up to seven years, and shall also liable to pay a fine.

Compensation for acid attacks:

Section 357B of The Code of Criminal Procedure provides that, in addition to the payment of fine to the victims under Sections 326A and 376B of the IPC, the State Government shall pay the additional compensation under section 357A too.

Treatment of victims:

As per the **Section 357C** of The Code of Criminal Procedure, all hospitals, public or private,

whether run by Central government, State government or any other local body, shall immediately provide the victims of the offences covered under sections 326A, 376A, 376B, 376D or 376E of the Indian Penal Code, with first-aid or medical assistance or treatment and shall immediately inform the police about the case.

VI. SOME LANDMARK CASES

(A) Laxmi Vs Union of India¹⁰

Laxmi, a 22-years old girl, was waiting at a bus stop in Delhi in 2005, when suddenly two people riding on a bike came and splashed acid on her body and her dreams, just because she refused to marry the one riding the bike. She fell on the streets with excruciating pain and burning sensations all over her body. Her face, arms, neck, chest were burnt and she was in tremendous pain. Till date, she has gone through seven surgeries and still four surgeries are left to make her physical appearance resemble of what it as. Laxmi and her family belonged to a poor family, but fortunately, one of her well-wishers bore her medical expenses of Rs. 2.5 Lakhs. After the discretion of the Supreme Court, she was paid Rs. 3 Lakhs as compensation by the accused. But she chose to stand for herself.

Laxmi, the survivor decided to take a stand against the sale of acid in India, compensations for the survivors and right actions against the attackers. She filed a petition, with 27,000 signatures to the Supreme Court to control the acid attack cases. Because of her petition, the criminal laws were amended and then in 2013 new laws relating to only Acid attacks were made. This was the first case of acid attack, that was a success. Laxmi is not the director of Chhanv Foundation, an NGO dedicated to help the victims and survivors of acid attack. She was also honoured with International women of Courage Award in 2014 by the former US first lady Michelle Obama. She was also awarded as the NDTV Indian of the Year.

(B) Parivartan Kendra Vs Union of India Or Chanchal Paswan Case¹¹

Parivartan Kendra is an NGO in Bihar, which works for the upliftment of the acid attack survivors. And one of them was Chanchal Paswan, a young Dalit girl. This NGO helped her file a petition in the Supreme Court to ensure appropriate compensations for the survivors and rehabilitative services.

Chanchal Paswan wanted to pursue her dream of being a computer engineer. She went to college and her family supported her too. But some men of her village kept harassing and

¹⁰ (2014) 4 SCC 427

¹¹ (2016) 3 SCC 571

taunting Chanchal and her sister everyday of being a Dalit, told them that they can never do anything and are powerless because her caste. They forced them for sexual favours and were threatened of being attacked with acid. On 21st October, 2012, Chanchal and her sister were sleeping on their terrace when four men climbed and attacked Chanchal with a litre of Sulphuric Acid which also spilled on her sister's arm. When their parents heard them shouting, they all instantly rushed to the Patna medical college hospital. Her parents borrowed Rs. 5 Lakhs for the treatment but still she had to wait for six months for a proper medical treatment in Delhi. Post attack, Chanchal's face was 90% and body 28% burnt. She lost her eyelids, lips and a little vision too. Doctors of Delhi told them that she will need atleast fifteen operation to function normally and a lifelong of medical treatments.

The attackers were arrested, and Bihar government also paid them Rs. 2,42,000 as compensation. The petition filed by Parivartan Kendra argued that the state does not have appropriate compensations, fast track procedures for the acid attack cases, guidelines for medical treatments etc.

(C) The State of Maharashtra Vs Ankur Narayanlal Panwar or Preeti Rathi Acid Attack and Murder Case, 2016

Preeti Rathi, a 23-years old girl cracked a job in Mumbai's INS hospital as a nurse. One day while going to her work, a man at the Bandra terminus attacked her with sulphuric acid, which disfigured her face. Entering through the oesophagus, it damaged the kidneys too, which produced unbearable pain and this led to her death. The mere reason of the attack was the rejection of marriage proposal by Preeti and her family. Ankur Panwar, the attacker was arrested from the neighbourhood of the Rathis. In 2016, Panwar was given death penalty and with this, it was the first case ever, where the perpetrator was convicted with the death penalty under Acid attack cases.

VII. CONCLUSION

An acid attack is the most dangerous violence against someone, especially women. It not only effects physically but mentally and economically too, because of which the victim has to go through a lifetime of problems. Just because some women took a stand and said 'NO', does not mean they deserved a punishment like this. Stepping out of their homes have become so embarrassing and traumatising because of their physical attributes. Simple tasks like getting married, education, children have become such a difficult thing for them. Therefore, it is essential to put a full stop to the acid attacks on women.

Until 2013, Indian legislation lacked laws relating to Acid attacks. After Laxmi's case in 2005,

Indian law saw a need of amending the Indian Penal Code. But just framing of new laws is not enough to bring upon a positive change, it requires a proper and smooth execution of laws too. Restrictions were put on buying and selling of acids but there are still some illiterate or ignorant people who are unaware of their laws and continue to sell and buy these harmful acids. Special tribunals should be made to deal with the Acid violence on people and appropriate actions against the culprits are necessary. It is essential to spread awareness related to acid attacks, or else we will continue to see a rise in the number of cases. Also, as a citizen of this country, it is our duty to step up if we see or hear anything suspicious and make a complain to the appropriate authority.
