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Acid Attacks in India: A Socio-Legal Analysis

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ABSTRACT

Acid Attack is one of the most hurtful and destructive crime against women. It not only causes physical pain due to burns and wounds but also torchers the victim mentally for years or even lifetime. In a country where a whole majority prays to female Gods and regards women as Devis, such acts are done with reasons such as one-sided love, jealousy etc. Acid Attack need not be just against women but the statistics show it as a crime against women as the harming a woman's facial features seems as a vengeful act to the culprits due to the beauty definitions of our shallow society. Thousands of women have suffered from this disgusting crime in our country which has left them feeling ugly, scary, lonely and damaged and has even led to suicide. This act seems so easy for the doer while the victim suffers such mental and social torment. What's worse is that acid is so easily available in the market and is a common product among households for cleaning and other purposes. Hence, anyone who plans to do so can easily purchase or just pick a bottle from the house for such a purpose. While on the other hand, the victim has to suffer as well as fight for justice as per the hefty procedures of our legal system. The burns not only affect how one looks but have even led to such high degree burns that have caused visual, respiratory and other issues to the victim that even led to permanent disabilities. There have been many cases that have brought changes to the harsh reality and the development still continues. Various laws, guidelines, judgments etc. have brought in changes and helped the victims and there still is a lot to be done. The goal needs to be more than compensating the victims for what they suffer as no amount of money can actually compensate for it. The easy access to acid, the delay in compensation leading to further troubles in treatment, the society's shallow beauty standards, the disgusting mindsets of the attackers and various other problems are to be addressed to. While some victims further become victims to the system and society, there are many others who have begun a war against this and are supported by the society as well. What has been done might be a lot but what has to be done is even more as the crime involves all aspects including social, personal, physical, moral etc.

Keywords: Society, Acid Attack, Crime, India

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I. INTRODUCTION AND INFORMATION

What is Acid Attack?

Section 326-A² helps give a legal definition to the term ‘acid attack’. The section states as follows:-

‘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.’

It further states that the fine must be just and reasonable so as to cover the medical expenses and treatment of the victim.

In the section, the term ‘acid’ can have a wide interpretation and hence the explanation 1 of this section states: *for the purpose of this section, "acid" includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.*

Also, the damage or deformity that is mentioned in the section need not be irreversible as per explanation 2.

From all of the aforementioned content, one can form a basic definition of acid attack from a legal perspective. Also, section 326-B³ punishes for attempted acid attack. These sections came in through the Criminal Law Amendment Act of 2013 along with laws on sexual harassment, voyeurism, stalking etc. For a general definition, acid attack is a self-explanatory term. The attack on someone with the use of acid so as to harm the person is acid attack. It is an aggressive crime that is done by the culprit to make the victim subject to intense physical and mental trauma.

Why Acid Attack?

It is said that the culprits in acid attack cases don’t intend to kill the victim but only to disfigure for motives such as revenge leading to a torturous life for the victim. There have been attacks not only due to one-sided love as the popular belief suggests, but also due to refusal to convert to another religion, land disputes, dowry, martial issues etc.

²The Indian Penal Code, 1860

³Ibid.

The culprit chooses to attack with acid rather than killing the victim and aims for the face in most cases as a woman's face has great importance in our society. If such an important part of her body that represents her and is her identity is disfigured, it is worse than injuring her in any other way. Every female in our society has to deal with the unrealistic beauty standards and maintaining a pretty face and dressing up in certain manners etc. Disfigurement of a woman's face leads to rejection when it comes to marriage, put hindrances in her career, lead to mental torture due to the reaction of the people or even looking at her own face in the mirror, cause concern and stress to everyone related to or involved with her etc. i.e. it is the perfect hate crime which is more than just a broken bone but less than taking one's life.

The availability of acid is one of the major reasons that made so many cases possible. One can easily find a bottle of acid that is acidic enough to cause severe burns in his/her household. Acid has always been a common household product, especially for cleaning purposes. If not at home, it is very much an easily accessible and affordable product to purchase from a general market.

The Campaign and Struggle Against Acid Attacks on Women (CSAAAW) found that refusal to advances that are sexual in nature often leads to the refused attacking the one that refuses.⁴ This is seen to be one of the major causes that have led to acid attacks.

What Are Its Consequences?

The most noticeable consequence of an acid attack is bodily disfigurement. Mostly the attacker aims at the face of the victim so the disfigurement is prominent and visible to all. The acid could even be of such corrosive nature that it melts the bone of the victim and not just expose the skin tissues which would be a lifelong bodily damage. Many times a person also loses a certain organ due to this attack like an eye or ears etc. which not only causes complete physical change but also leads to disabilities such as blindness, deafness etc. The society we live in focusses more on the outer beauty than the inner beauty and hence, even looking at the mirror causes trauma and not just reminds the victim of what she went through.

But sadly, there is a worse consequence even if one recovers or makes peace with the physical changes, which is the mental torture due to the societal outlook and standards. There are cases where a victim has even ended up committing suicide due to depression invoked due to loss of confidence due to a disfigured face or being seen as ugly by the society. The side effects of such mental mayhem leads to issues such as insomnia, headaches, depression, anxiety in facing

⁴ "Burnt not Defeated" (1sted CSAAAW 2007).

the world, tiredness etc. The victim is often left feeling boycotted and lonely.

Further, it leads to heavy expenses that may last even a lifetime depending on the damage caused to the victim by the attack for medication, surgeries etc. And to worsen the case, it also becomes a task for the victim to earn by getting a job as they don't seem pleasing or presentable to the hiring company as the narrow-minded society that we live in cannot accept such appearances and even consider them disturbing for their kids.

In the Indian society, where marriages are generally arranged, it also becomes difficult for a victim to find a spouse as most men reject a woman who does not stand up to the standards of outer beauty. Many people can't even look at the victims for long and end up making faces and noises that convey disgust or sympathy. All in all, the people end up worsening their lives as if they haven't been through enough rather than supporting them and treating them as how they would treat any other person.⁵

II. LAWS RELATED TO ACID ATTACK

As Discussed earlier in the definition, sections 326-A and 326-B of the Indian Penal Code, 1860 that were brought in through amendment in 2013 not only help define acid attack and its attempt from a legal perspective but also punish the same accordingly along with fines payable to the victim.

With the suggestions of Justice J.S. Verma Committee and the 226th Report of Law Commission of India which specifically dealt with acid attacks, Sections 357-A, 357-B and 357-C⁶ were also embedded to help the compensation for the victims of acid attack and other offences. Section 357-B states that the compensation shall be given by the concerned state government. Section 357-A specifically states that a victim of 326-A is entitled to a fine payable by the culprit. Section 357-C states that all healing facilities, be they government-owned or private, shall provide emergency treatment and medical attention to the victims. It should be reported to police at that very instance and the treatment should also be provided cost-free. No delay shall be acceptable in cases where there is a violation of sections 326-A, 326-A, 326-B, 326-C or 326-D⁷ of the Indian Penal Code.

'Despite the fact that various actions are being taken against acid attackers, throwing of acid attack is growing day by day. A large portion of the acid assaults is undertaken on ladies, especially young women for dismissing the proposition of marriage, for denying dowry and so

⁵Supra 3

⁶The Indian Penal Code, 1860

⁷ Ibid.

on.⁸

The bigger addition to this was the LaxmiCase⁹ which is a landmark case when it comes to the topic of acid attack. Laxmi, an acid attack survivor brought in a PIL which resulted in issuance of guidelines by the Supreme Court for the betterment of the acid attack victims. The verdict imposed restrictions on the sale of acid and also elaborated on providing compensation to the victim. The issues raised in this case were to bring necessary amendments in the criminal law with regards to acid attack, to impose a complete ban on the sale of acid over the counters in general markets and to prosecute acid attackers and rehabilitate the victims as well as compensate them and providing them with necessary medical attention and treatment. Laxmi, a minor, was proposed by a man named Naeem Khan who she refused to marry and for the same she was attacked by three men using acid in New Delhi on busy streets. Due to the same, she suffered a huge amount of mental and physical pain that lasted years. The physical damage and burns on her upper body were treated but even after many surgeries, she was not able to get her face back. The attack took place in 2006 and the PIL was filed at the same time accusing the three men of ‘attempt to murder’¹⁰ as at that time there were no specific sections that dealt with acid attacks. The specific sections came in the Penal Code through the 2013 amendment in the criminal law which was suggested by the Justice J.S. Verma Committee post the Nirbhaya Case in 2012. Before the amendment, acid attacks generally were filed under ‘grievous hurt’¹¹. The accused were convicted by the district court in Delhi but later got bail through High Court which led to a PIL being filed in the Supreme Court. This led to the apex court giving orders leading to a compensation scheme specifically for the acid attack victims by the National Legal Services Authority. The compensation for the victim ranged from Rs. 25,000-3lakhs which was later increased to Rs. 5-8 lakhs and is to be given within 15 days of the unfortunate event. Further, to control the sale of acid over the counters, the Supreme Court passed the guidelines that stated that the buyer of acid will have to produce an identity proof for purchasing the acid and the seller will have to be registered and will have to maintain records of the sales he makes and such records will have to be submitted to the local police station under whose jurisdiction the shop lies.

There of course were more cases of acid attacks before the inclusion of section 326-A. In an outrageous case in Andhra Pradesh¹², where the culprit was suspicious of his wife’s character

⁸LovinaMalhotra, “Know About the Punishment For Acid Attack In India”, LegoDesk (December 18, 2021) <https://legodesk.com/legopedia/acid-attack-in-india/>

⁹Laxmi v. UOI, 2014 SCC 4 427.

¹⁰Section 307, The Indian Penal Code, 1860

¹¹*Id.* Sec 320

¹²Marepally VenkataSreeNagesh vs. State of A.P, 2002 CriLJ 3625.

and hence inserted mercuric chloride into her vagina which led to the death of the victim due to renal failure, the culprit was charged under section 302 and 307 of IPC. In *Devanand vs. The State*¹³, the husband threw acid on his estranged wife as she refused to cohabit with him leading to her losing one eye and suffering severe burns on her face. The accused was charged under section 307 and was punished with an imprisonment of 7 years.

In one of the most famous acid attack cases¹⁴, a man threw acid on the victim's face as she had refused his job offer which led to her losing her sight and her natural appearance permanently. The accused was convicted under section 307 of IPC and was liable to pay Rs. 2 lakhs as compensation and Rs. 3 lakhs as Trial Court fine being punished with imprisonment for life. A culprit has also been sentenced to death in a case in Maharashtra by the Supreme Court.

III. STATISTICS

According to the National Crime Records Bureau (NCRB), there were 1,483 victims of acid attacks in the span of 5 years i.e. 2014-18. In this span of 5 years, each year saw almost 300 victims each year and with each year lesser and lesser culprits was charge-sheeted.

A total of 596 cases were reported in 2017-18 with 623 victims falling prey to acid attacks but only 298 people were charge-sheeted i.e. only half of the reported cases in the 2 years. West Bengal, Uttar Pradesh and Delhi have ranked the highest in cases of acid attacks in these 5 years as per the data. The 3 states comprise of 42% of the cases that are stated above. The year 2019 saw 249 recorded incidents, while the NCRB crime statistics reported 182 cases of this inhuman act in 2020.¹⁵ Not all these cases go to trial and of the ones that do, a very small percentage of the accused individuals get convicted.

IV. ANALYSIS

From all of the information stated before, it is very clear that acid attack is nothing but an aggressive and vengeful crime in which the culprit aims to destroy the victim mentally as well as physically which is worse than death for many victims due to the societal structure and thinking that is prominent in our nation. Section 326-A of IPC that came in through the 2013 amendment with the suggestion of the committee formed after the Nirbhaya case in 2012 along with other sections acknowledging sexual harassment and other crimes against women has helped define acid attacks legally and also given explanations clarifying what shall account for

¹³*Devanand vs. The State*, 1987 (1) Crimes 314.

¹⁴ *State of Karnataka by Jalhalli Police Station vs. Joseph Rodrigues*, LAWS (KAR)-2006-8-15.

¹⁵“*NCRB Crime in India Statistics 2014-2020*” (December 18, 2021) <https://ncrb.gov.in/en/crime-in-india-table-additional-table-and-chapter-contents>

acid under the section. The definition includes one throwing as well as administering acid under acid attack and covers it all from partial damage to grievous hurt. Further, it also clarifies that the damage caused need not be irreversible in nature as per the explanation of the section. Another section that was added at the same time was 326-B that helps define an attempt to acid attack.

The reasons for the taking place of an acid attack are more than just rejection in love or refusal to a proposal of marriage as the popular belief suggests. Of course, the major reasons of acid attacks are that the victim had refused to marry or rejected the proposal of or refrained from getting involved sexually with the culprit. But, there have also been cases with many other reasons leading to the attack such as disputes related to land, property etc., refusal by a wife to cohabit with the husband, the husband doubting on the character of the wife, demanding of dowry and what not. The culprits are mostly male and the victim is usually a female and the man's ego being hurt leads to the happening. The culprit here aims to destroy the victim's life while not generally intending to kill the victim in most cases. The culprit wants the victim to suffer physical as well as mental trauma that may even last a lifetime. In cases of love rejection, the victim wants to convey that if the woman is not his then she cannot be anyone else's either by throwing acid on her and attempting to dissolve her identity as well as her future. The unrealistic beauty standards set by the society specifically for women and the focus on the outer beauty more than the inner beauty makes acid attack a perfect hate crime which is way more than general forms of injuries and yet below the level of a murder as such. The availability of acid in the general market over the counter with no restrictions or licensing as it is considered and used as an ordinary household and cleaning item by the people also is a big reason one might adopt to use it to attack someone. If a person has decided to harm another, it is very easy to find acid as his weapon for the same due to its presence in the house itself as well as its affordable price if it is to be purchased. Even the cheapest of acids are highly corrosive in nature and can cause severe burns.

The consequences of an acid attack are worse than the acid attack itself. The victim suffers immense physical pain due to the burns as the acid can be corrosive the extent that it not just burns of the skin but also melt the bones and skin tissues. The victim is often left with a change in her appearance which is not appreciated or even accepted by the society. The victim ends up hating herself, feeling lonely, ugly and incapable. The depression caused can even lead to suicide. The victim has a tough time finding a job for herself as her 'personality' does not remain pleasing or presentable as per the requirement of the employer, the people in general have a hard time even looking at her for a long period which also leads to lower chances of

matrimonial involvement. The compensation and the quality of medical treatment is often not enough for the full recovery of the victim which leads to high expenses on medication as well as surgeries. Overall, the victim is more troubled and reminded of what has happened to her by the society while she should be supported and uplifted to carry on a normal life.¹⁶

The laws in India have evolved immensely due to the Laxmi case and the 2013 criminal law amendment which have introduced specific sections for acid attack and its attempt and also sections that assure compensation to the victim along with the fine paid by the culprit. The case brought in a more apt and sensible way and amount of compensation for the victim through the Legal Service Authorities so as to assure timely and sufficient payment for the medical expenses and also has ensured free treatment in any medical institution immediately for the victim. Moreover, the case also helped issue guidelines on controlling the sale of acid in the open market by imposing certain regulations on the sellers as well as the buyers.

Further, apart from the sociological and legal perspective, even from a statistical point of view acid attack is a huge issue in the nation requiring a lot of attention and action. The stats from 2014-18 show that there were a huge amount of cases and very less charge-sheeting proportionately, an even lesser convictions.¹⁷

V. CONCLUSION

The researcher has understood and emphasized on the gravity of acid attacks in this paper. The meaning, causes, consequences, legislations and statistics related to this hateful crime have been studied and hence, a conclusion can be withdrawn.

Acid attack is a crime that has led to consequences worse than the death of the victim due to the horrifying consequences that the victim suffers, be they economic, social, psychological or physical. And what's worse is that such a weapon (acid) is still readily available and affordable despite the efforts of the courts and victims. Many times the culprit ends up getting bailed and the victim still suffers. The crime has clearly been all over news and other media but yet the people of our society fail to treat the victims well and rather end up making their lives worse due to the narrow mindset. It is mainly the victims themselves that have to support and help the other victims. The ban imposed on the sale of acid has not been taken seriously due to the corruption and laziness of the police to give due attention to collection and maintenance of the submitted sale and buyer records and also as there exist many unlicensed suppliers and sellers for the same that barely even maintain a sale record in general. The statistics have suggested a

¹⁶Aparajita Dutta, "Mental Element in the Commission of Crime", 2 GLR (2012).

¹⁷Supra 15

stable trend when it comes to acid attacks that clearly displays that the actions that have been taken are either too slow or not sufficient at the moment. There also have been many cases after the Laxmi case that focus on the compensation schemes which shows that the scheme or amounts have not been successful in doing justice to the victims. And if we put all other aspects aside, one needs to understand what crimes like acid attack and their growing trends convey. Our society clearly has a lot of work to do if the men are growing up with such imaginary egos and hateful mindsets towards women that they are able to take up a step such as attacking someone by throwing acid at them. And the very same society also gives nothing but ill-treatment to the victims due to such unreal expectations and standards of beauty for women that lead the victims to take their lives or enter a horrifying mental state that destroys their future along with the present. There have been efforts legally to punish the attackers and compensate the victims and there also are NGOs that aim to help the victims rehabilitate and gain confidence. There also have been effort to spread awareness and attempt to expand the acceptance to the appearances of victims through movies such as ‘Chhapaak’ and other forms of media. The victims have also worked together and formed businesses and jobs for other victims. But the issue still remains that the societal, legal and policy developments have not been sufficient despite many changes as there still is a long way to go. There need to be better and quicker compensation schemes, the culprits need to be punished with the highest of sentences and as quickly as possible so the justice is not delayed, the people in general need to have a broader mindset that supports and understands all alike, the public requires more awareness so as to rise against this hellish act and each individual, be it an acid seller, a police official, a judge etc. need to perform their duties in accordance with not just law but also their humane conscience so as to bring a real change. The country that regards women as Devis and considers them divine is expected to be a safer place for them, and to take stronger actions against such monsters.
