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Revenge: The Drop of Black-water

GAURAV MITTAL¹

ABSTRACT

“Does it all get ends on punishment? If not, then, law must represent sentiments & judgement must carry consoling power.” - Author’s View.

Acid Attack is not just the pain, which is affecting the innocent victim's body; however, in reality, it is an attack on the spirit of the legal system. Acid attack is prevalent in our society, irrespective of several amendments to criminal laws. The adequate framework of law serves as an important decision-making tool to understand how different principles of justice can satisfy victims starving for justice. The acid attack has had a steep rise in the past few years, and as usual, most of the victims are women and only women. The horrific act of attacking people with acid has occurred across different parts of the country. The man has chosen an alternative form of action to exploit the life of women. Hydrochloric acid and Sulfuric acid, which are easily available in the market, are used for acid attack which melts the skin and even bones of the victim. Acid attack is such a heinous form of crime that makes the life of the victim miserable.

Apparently, why in the current scenario, the prevalent laws & latest amendments are inefficient in upholding the Psychological Violence, Social Isolation, Emotional Trauma, and Biological Injury faced by an acid attack survivor.

Although the commencement of law reforms in the acid attack legislation is a positive sign, there is a long way to go as to effectively implement these provisions. Though it is admitted that once new legislation is enacted, it takes time to settle and is subsequently evolved by the dynamism of the judiciary, some of the shortcomings faced prima facie need to be addressed. The current acid attack provisions and judicial approach on the quantum of damages are very restricted in view of the nature and the gravity of the offence. The judgment of the courts is just covering the outer verge of this particular offence, whereas the real trouble starts just after the courtroom i.e. upcoming societal hurdles & the unpleasant treatment they will be facing in the journey of their life which these pure souls and spotless hearts have never thought-off. Thus, this is an attempt to sets a future functionary goal for governments to work towards having new provisions because the punishment is the need of society, but Law valuing sentiments is the want of innocent victim.

Keywords: Acid Attack, victim, compensation.

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I. INTRODUCTION

Acid violence is widespread and prevalent in our society that remains often invisible. Women are unsafe and are frequently victim even in their homes by their immediate family members and often in their betrayed love stories or men are not able to take on their ego the so called *rejection*. Women are vulnerable to every form of violence. Acid attack is present in society, which has been reported in different appearances like history of burning, psychological effects as well as social isolation. The study aimed to investigate the causes of acid attacks as well as their consequences. Refusal of marriage proposal and family disputes are one the major causes of acid attacks practiced against women.² Another major cause has turned up in different case laws was they did not bring enough dowries with them. Another prominent reason for such attacks may be related to dowry and other marital disputes. Dowry is the system of giving money to the husband and his family at the time of marriage by the bride's family. Even though receiving dowry has been classified as an offence and invites imprisonment if practiced, still it is a widely practiced custom in India. This custom proliferates the idea of women being economic encumbrance. It is considered as a duty on the part of bride 's family to give dowry and inflicts social stigma if not complied with it. Generally, refusal to pay Dowry or additional money instigates the husband to resort to acid attack on his wife as a form of punishment to the wife 's family. In India several women have claimed that their husbands have attacked them with acid due to this reason.³ This present study uncovered that our society is lacking sense of belongingness which often results in insecurity and unstable environment. That is why women of our society are much suppressed. It depicts that the latest Criminal Amendment focuses the outer cover of Acid Attack victims, in reality, they face other form of violence too i.e. mental trauma to face society, blaming their own-self & lastly, fear to suicide.

II. MEANING OF ACID ATTACK

Violence is involving the act of causing harm physically or emotionally to one self or other. Typical act of violence includes fighting assaults of all level self-inflicted injuries exclusion of other within peer group. Acid throwing, also called an acid attack, a vitriol attack or vitriolage, is a form of violent assault defined as the act of throwing acid or a similarly corrosive substance onto the body of another "with the intention to disfigure, maim, torture, or kill"⁴.

² Avon Global Centre for Women and Justice at Cornell Law School, the Committee on International Human Rights of the New York City Bar Association, The Cornell Law School International Human Rights Clinic, The Virtue foundation.(2011). Combating Acid Violence in Bangladesh, India and Cambodia. website: www.ohchr.org/Documents/HRBodies/CEDAW/HarmfulPractices/AvonGlobalCentreforWomenandJustice.pdf.

³ Campaign and Struggle against Acid attacks on women (CSAAAW), Burnt not defeated 21-22(2007).

⁴ Karmakar, R.N. (2010). Forensic medicine and toxicology (3rd ed.). Kolkata, India: Academic

Perpetrators of these attacks throw corrosive liquids on victims, usually at their faces, burning them, and damaging skin tissue, often exposing and sometimes dissolving the bones.⁵

VITRIOLAGE or acid attack means an act of throwing acid on the body of a person (which in majority of cases have been women and young girls). In other words, it can be said that acid violence is a deliberate use of acid to attack human beings⁶.

The Indian Penal Code, 1860 by virtue of Criminal Law (Amendment) Act, 2013 under the Explanation 1 of Section 326B has defined acid to include, “any substance which has acidic or corrosive character of burning nature, capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability”.⁷

According to a proposed scheme drafted by National Commission for Women for relief and rehabilitation of victims of acid violence, the term acid attack means “any act of throwing 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 of any part of the body of such person”.⁸

At first contact, acid feels like water on the body, within seconds it causes a burning sensation that quickly becomes increasingly intense. If not washed of immediately with water, acid can melt away the victim's skin and flesh going as far as dissolving bones. It takes 5 seconds of contact to cause superficial burns and 30 seconds to result in full thickness burns.⁹

Vitriolage is the deliberate splashing of a person or object with acid, also known as vitriol, in order to deface or kill. A female who engages in such an act is known as a vitrioleuse. There are instances of this act throughout history and in modern times, often in places where honor killings are also common.¹⁰

PSYCHOLOGICAL VIOLENCE¹¹: Victims of attacks do not only undergo severe physical trauma but also undergo traumatic changes in the way they feel and think. Psychological

Publishers. ISBN 9788190908146.

⁵ "Acid attacks: Bangladesh's efforts to stop the violence". *Harvard Health Policy Review (student publication), special issue: International Health*.

⁶ Dr. Harish Verma.(2012). Acid Violence against Women and its Socio-Legal Implications: The Indian Perspective, *Civil and Military Law Journal*, 48(3), 197-207.

⁷ See, The Indian Penal Code, 1860. Section 326B - Explanation 1.

⁸ Section 3B of the Proposed Scheme drafted by National Commission for Women in India, which maybe called scheme for relief and rehabilitation of offences (by acids) on women and children.

⁹ Avon Global Centre for Women and Justice at Cornell Law School, the Committee on International Human Rights of the New York City Bar Association, The Cornell Law School International Human Rights Clinic, The Virtue foundation.(2011).Combating Acid Violence in Bangladesh, India and Cambodia available at www.ohchr.org/Documents/HRBodies/CEDAW/HarmfulPractices/AvonGlobalCentreforWomenandJustice.pdf.

¹⁰ <http://www.vday.org/contents/violence/glossary/acidattacks> {Assessed on 13-01-2022}

¹¹ Living in the Shadows: Acid Attacks in Cambodia, 2003 LICADHO Report

Violence is caused by both the terror victims suffer during the attack, as they feel their skin burning away, and after the attack by the disfigurement or disabilities that they have to live with for the rest of their lives. Victims suffer psychological symptoms such as depression, insomnia, nightmares, fear about another attack and/or fear about facing the outside world, headaches, weakness and tiredness, difficulty in concentrating and remembering things, etc. They feel perpetually depressed, ashamed, worried, and lonely. Victims suffer severe psychological symptoms for years as they are reminded every day of their physical scars. The feeling of lack of hope and worth may never leave them.

SOCIAL ISOLATION¹²: Victims face a lifetime of discrimination from society and they become lonely. 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 are 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. It has therefore been argued that acid attacks need to be classified as a separate offence and harsher punishment needs to be prescribed. It has been further stated that the new law must include guidelines for handling/supporting victims economically, socially, and psychologically as well as compensation. It is relevant to mention that in 2006 CSAAAW filed a Public Interest Litigation in the Karnataka High Court seeking a court order to the State Government to ensure speedy and gender-sensitive trials for victims of acid attacks as well as better medical treatment and rehabilitation. The CSAAAW also demanded the production, distribution and storage of toxic acids be strictly monitored by the State.

In fact, since acid is so readily available across the counter in medical and other stores, acid attacks become a relatively cheap and effective way of committing acts of violence against women. In a random check carried out by The Hindu newspaper in Karnataka in 2007, the researchers found that buying “Hydrochloric acid is as easy as cheap as buying a bar of soap.” A liter of acid goes at anywhere between Rs. 16 and Rs. 25 and can be bought at various locations.

There is however no law to regulate acid sales except for the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (amended in 2000) and this only applies to industrial situations. Furthermore, there are no regular inspections and stock checking for acid sales as

¹² Living in the Shadows: Acid Attacks in Cambodia, 2003 LICADHO Report

there are for explosives.

Acid attack is the worst form of brutal crime on the earth which not only leaves scars on the skin of the victim but also violates the basic human rights of the victim. The victim of acid attack hardly comes out of the trauma. It is a recent form of crime in India on which the government has taken stern steps to curb. The measures to restrict and regulate the sale of acid has been taken, besides that stringent punishment for the criminals has been contemplated so as to deter the criminal attempts to violate the human rights of the victim.

III. JOURNEY OF LAW ON ACID ATTACK {IN VIEW WITH DIFFERENT COUNTRIES}

The number of incidences in Bangladesh, India, Pakistan, Cambodia and Uganda are much higher and are on the rise. Certain social and cultural issues responsible for these attacks have been “refusals of a relationship or marriage proposal, failures of a girl to bring a dowry to her husband, marital disputes, family disputes, political rivalries, land disputes and the accidental presence of the victims at the scene.”¹³ Most of the reasons are specifically related to gender and are common reasons in countries like Bangladesh, India, Pakistan, Cambodia, and Uganda; where other crimes against women like dowry related crimes, domestic violence and honor crimes exist. In fact in India, it has been said that “acid attacks on women are a systemic form of gender sexual violence. Unlike acid attacks on men, these attacks are used as a weapon to silence and control women by destroying what is constructed as the primary constituent of her identity, i.e., her body. It is important then for any campaign against acid attacks to mobilize public opinion towards recognizing acid attacks as a form of gender sexual violence and more importantly to recognize the patriarchal notions underlying these attacks”.¹⁴

Furthermore, depicting country specific trends is useful while drawing up an appropriate legislation to address the problem. For instance, as many of cases of acid violence in Cambodia occur in the household, the crime has been proposed to be addressed in their Domestic Violence Act. A similar approach was taken in Bangladesh in 1995 when the government initially thought acid attacks to be a gender specific crime and passed the Cruelty to Women and Children Act. In 2000 the Prevention of Oppression against Women and Children Act again dealt with acid attacks on women and children. However the rise in trends of acid violence against men that ensued in the late 1900s made it necessary for the Bangladeshi government to pass a law that dealt with the crime against both women and men in specific terms. Hence, in 2002 two new laws, the Acid Offence Prevention Act 2002 and Acid Control Act were enacted in 2002 to

¹³ Internet Edition Holiday, The acid violence against women, Shadnaz Khan, May 27, 2005.

¹⁴ Burnt not Destroyed-Report by CSAAAW.

address the growing problem.

(A) Bangladesh

There has been a steady increase in acid attacks in Bangladesh from approximately 12 per year to 50 per year in the mid-1990s. An even more significant jump was observed in the late 1990s when NGOs in Bangladesh reported up to 250 cases per annum. The sudden increase in cases has been partly attributed to better reporting and making the cases more visible by NGOs like Naripokkho, a women's advocacy organization, in 1995 and the Acid Survivors Foundation in Dhaka in 1999. These NGOs made sure that as many cases as possible were reported and recorded and that the victims received help and compensation.¹⁵ However, only part of this increase can be explained by this progress that was made in the documentation of cases¹⁶. In 2001, 340 cases were reported, in 2002, 336 cases were reported and in 2003, 335 cases were reported¹⁷. Earlier attacks were almost always committed against young women and girls by men who were angered by their victims rejecting their sexual advances or marriage proposals. However, as the crime became more common the motives for attacks grew more varied and presently more than 30% of victims are men, and land disputes are one of the biggest reasons for attacks¹⁸.

The Acid Offences Prevention Act 2002¹⁹ reads as follows-

Section 4: Punishment for killing of a person by acid:

Whoever kills anyone by acid shall be punished with, death or rigorous imprisonment for life and also with fine not exceeding One Lac Taka

Section 5: Punishment for hurt by acid:

Whoever causes such bodily injury to a person, by acid, that

a) His/Her sight or ear is damaged fully or partly or face or breast or sexual organ is disfigured or damaged, he shall be punished with, death or rigorous imprisonment for life and also a fine not exceeding One Lac Taka.

b) Any member or joint of his/her body is disfigured or damaged or injured in any part thereof, he shall be punished with, imprisonment of either description which may extend to 14 years but

¹⁵ Acid Attacks: Bangladesh's Efforts to Stop the Violence, Jordan Swanson, Harvard Health Policy Review Archives, Spring 2002; Vol 3, No 1

¹⁶ Baseline Survey with International Comparative Analysis of the Legal Aspects of Acid Violence in Uganda, Commissioned by: Acid Survivors Foundation Uganda, Legal Consultant: Rachel Forster.

¹⁷ Acid Violence Against Women, Quoting ASF statistics.

¹⁸ Acid Survivors Foundation Bangladesh.

¹⁹ Unofficial translation of Act 2 of 2002, The Parliament of Bangladesh.

not less than 7 years of rigorous imprisonment.

Section 6: Punishment for acid throwing or attempt to throwing:

Whosoever throws or attempts to throw acid on any other person even if such an act causes no damage or injury to that other person whether physically, mentally or otherwise, he shall be punished with, imprisonment of either description which may extend to 7 years but not less than 3 years of rigorous imprisonment also with a fine not exceeding Fifty Thousand Taka.

It is relevant to mention that prior to 1983, all acid crimes in Bangladesh were prosecuted using the penal code. In 1983, the word “acid” was included in the penal code to try to provide some clarity, but there were still gaps in the law when considering the very specific nature of acid crimes. In 1995, the government enacted the Cruelty to Women and Children Act and this Act addressed acid attacks specifically. At that point in time, acid violence was thought to be a gender specific issue and all acid crimes against women and children were prosecuted through this Act. However any attack committed against a man had to be prosecuted through the old penal code. From 1995 onwards there was an increased trend in the use of acid against men and so a new law was needed to prosecute cases inflicted on men. When the law was revised and in 2002, the maximum punishment was increased from 7 years under the penal code to death.

(B) Cambodia

There has been a steady increase in acid attacks in Cambodia. An even more significant jump was observed which shows no sign of slowing down of such attacks in their country. The sudden increase in cases has been partly attributed to better reporting and making the cases more visible by NGOs and the Acid Survivors Foundation. Most of these attacks were perpetrated on women and involved husbands throwing acid on their wives or former wives, wives throwing acid on the second wives or mistresses and in some cases women throwing acids at their husband because of husband’s violence (beating and abusing) towards them.²⁰

Law Of Cambodia: Acid Violence is not specifically addressed in Cambodian criminal law. Perpetrators can be charged with battery with injury, which carries a sentence of up to 10 years imprisonment.

Article 41: Assault and Battery²¹

1. Anyone who voluntarily strikes another resulting in injury leading to permanent disability or

²⁰ 2003 report by LICADHO, Living in the Shadows: Acid Attacks in Cambodia

²¹ Provisions dated September 10, 1992 relating to the judiciary and criminal law and procedure applicable in Cambodia during the transitional period, www.licadho.org

temporary disability lasting more than six months, is guilty of battery and shall be liable to a punishment of one to five years in prison.

2. If the disability lasts less than six months, the offence shall be punished by a term of imprisonment of six months to two years.

3. If the victims dies or receives life-threatening injuries, more serious charges such as murder, attempted murder or manslaughter should be laid. They carry sentences of 10 years to life imprisonment.

Article 31: Murder

1. Anyone who kills or attempts to kill another person after premeditating the crime, or by preparing an ambush, or who kills or attempts to kill another person in the course of theft or rape, is guilty of the murder, and shall be liable to a punishment of imprisonment for a term of ten to twenty years.

2. Premeditation is the process of conceiving and preparing an attack on another person before the actual execution of the attack. An ambush consists of lying-in wait with the intention of committing an act of violence against another person.

Article 32: Voluntary Manslaughter

Anyone who voluntarily kills or attempts to kill another person without any of the aggravating circumstances mentioned in Article 31, whether or not a weapon is used, is guilty of the crime of voluntary manslaughter, and shall be liable to imprisonment for a term of eight to fifteen years.

However, A draft provision in Cambodia's domestic violence law is being approved by the National Assembly and Senate²². It proposes a punishment for acid throwers of between 5 – 10 years imprisonment. Also, activists argue that the maximum penalty for acid throwing should be increased, especially if permanent disfigurement or disability, like blindness, has been caused. Hence, this was the first time that Cambodian law specifically refers to acid attacks. However, till date the Domestic Violence Law, which was approved in 2005 does not deal with acid attacks in specific terms.

(C) Uganda

Acid violence crosses the social strata of society in Uganda – from the very poorest to some

²² Cambodian League for the Promotion & Defense of Human Rights (LICADHO), *Living in the Shadows: Acid Attacks in Cambodia*, published by Project Against Torture, 2003.

very influential and wealthy people²³. According to Acid Survivor's Foundation (ASFU) Acid violence affects both men(48%) and women(52%) in almost equal numbers²⁴. The motives behind the attacks are domestic arguments, land disputes, business rivalry etc. There are also cases of victims that have been injured by mistake for being there at the time of the acid throwing as there were in Cambodia.

The relevant section to arrest, prosecute, convict and sentence perpetrators of acid violence Under the *Ugandan Penal Code* carries life imprisonment and reads as under:-

Section 216(g) (formerly S209)

“Any person who, with intent to maim, disfigure or disable any person, or to do some grievous harm to any person or to resist or prevent the lawful arrest or detention of any person –

(f) puts any corrosive fluid or any destructive or explosive substance in any place; or

(g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person, commits a felony and is liable to imprisonment for life.”

(D) Nigeria

There is no law currently in Nigeria that specifically deals with acid attacks. Offenders are prosecuted under the penal code for battery or for causing grievous harm²⁵. Although acid violence is a gender-based crime in Nigeria, there have also been reported cases of attacks against men more recently. Between 2003 and 2004 reported 7 attacks that were committed against men by women²⁶.

The relevant sections of Chapter 28, Offences Endangering Life or Health of the Penal Code²⁷ in Nigeria reads as under-

SECTION 332: Any person who, with intent to maim, disfigure or disable, any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person-

(1) unlawfully wounds or does any grievous harm to any person by any means whatever; or

²³ www.acidsurvivorsuganda.org, Assessed on 16-01-2022

²⁴ Baseline Survey with International Comparative Analysis of the Legal Aspects of Acid Violence in Uganda, 2004.

²⁵ Acid Survivors Foundation Uganda, Report in 2005

²⁶ Project Alert on Violence Against Women, 2004

²⁷ Criminal Code Act of Nigeria available at www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm, Assessed on 16-01-2022

- (2) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife, or other dangerous or offensive weapon; or
- (3) unlawfully causes any explosive substance to explode; or
- (4) sends or delivers any explosive substance or other dangerous or noxious thing to any person; or
- (5) causes any such substance or thing to be taken or received by any person; or
- (6) puts any corrosive fluid or any destructive or explosive substance in any place; or
- (7) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person; is guilty of a felony and is liable to imprisonment for life.

SECTION 335: Any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for seven years. Thus, in Nigeria a person can be punished with imprisonment upto life for putting a corrosive fluid in any place or for unlawfully casting or throwing any such fluid at or upon any person even if no injury is caused.

(E) Jamaica

In Jamaica the offences against Persons Act (OAPA) provides for a life imprisonment for causing grievous bodily harm. There is no specific law dealing with acid attack even though Jamaica is said to have the largest number of absolute acid attack victims. The relevant sections of the OAPA ²⁸read as follows-

Penalty for Murder: Death or life imprisonment, not being less than 15 years.

Section 13: Attempts to Murder

Whosoever shall administer to, or cause to be administered to, or to be taken by any person, any poison or other destructive thing, or shall, by any means whatsoever, wound, or cause any grievous bodily harm to any person, with intent, in any of the cases aforesaid, to commit murder, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour.

Section 20: Acts Causing or Tending to Cause Danger to Life, or Bodily Harm

Whosoever shall unlawfully and maliciously, by any means whatsoever, wound, or cause any grievous bodily harm to any person, or shoot at any person, or, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, with intent in any of

²⁸ www.moj.gov.jm/laws/statutes/Offences%20Against%20the%20Person%20Act.pdf, Assessed on 26-01-2022

the cases aforesaid, to maim, disfigure or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of

any person, shall be guilty of felony, and, being convicted thereof, shall be liable, to be imprisoned for life with or without hard labour.

Section 22: Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding three years, with or without hard labour.

Section 29: Whosoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony and, being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour.

IV. ACID ATTACKS AS SPECIFIC OFFENCES IN THE INDIAN PENAL CODE

In the 226th Report, *The Law Commission of India*, chaired by Justice AR. Lakshmanan, recommended several amendment in the context of a redefined law on Acid Attack to built a strict purview for this particular offence. The report highlight that acid attacks are an increasing phenomenon in India. However, since no special section in the Indian Penal Code deals with acid attacks, the incidents are not even recorded separately. Section 326 of the I.P.C, which deals with causing grievous hurt by throwing of a corrosive substance etc. is insufficient/inadequate to deal with the issue. *Firstly*, the definition of grievous hurt is not broad enough to cover the various kinds of injuries which are inflicted during acid attacks. *Secondly*, the section does not cover the act of administering acid. *Thirdly*, the section gives a wide discretion to the courts as far as punishment is concerned. The cases on acid attacks in India show that normally inadequate punishment is awarded in these cases. *Fourthly*, the section in the I.P.C does not punish the intentional act of throwing of acid if no injuries occur. *Lastly*, the section also does not specify who the fine should be awarded to.

Also, if a person has thrown or administered the acid on another person a presumption should be raised against the person, who has thrown or administered the acid, that he has done so deliberately. The distribution and sale of Acid should be banned except for commercial and scientific purposes. Acid should be made a scheduled banned chemical which should not be available over the counter. The particulars of purchasers of acid should be recorded. The various laws in different countries relating to compensation for criminal injuries were analyse. While

the U.K Act provides for the setting up of a scheme, the Canadian statute sets up a Criminal Injuries Compensation Board to dispense compensation to victims of violence. The suggestion of the National Commission for Women for setting up a board specifically for acid victims has also been examined in this report. Since not only victims of acid attacks but other victims of different crimes also need compensation for rehabilitation, like victims of rape, a law should be enacted to set in place Criminal Injuries Compensation Boards at the Centre, State and District levels in India.

V. CONCLUSION & RECOMMENDATIONS

“Moral Awareness” as a Subject: It is believed that its introduction into the school curriculum would frame open thinking from the very ground level & avoid unnecessary trouble to the victims, enhance healthy & social relationships between the victim and mature citizen, prevent transmission of crime to happen in future, provide the knowledge of consoling & socializing with the innocent victim. This will make children understand the consequences and their responsibilities towards the society. Educating and up bring the students by providing moral awareness to live in society with broad mind will be a symbol of strong base of our future forming society.

Ease in Availability of Substitute:

“We had gun crime and knife crime – acid seems to be a cheaper alternative,”

- Free first-aid facility
- Speedy treatment in hospitals
- Proper packaging & Detailing
- Rehabilitation center / Care centers for victims
- Legal services to Acid Attack victims
- Rebate on Income Tax
- Ethical tax rebate to the Companies Hiring them
- Less interest Rate on Loans
- Speedy Justice
- Establishment of Department or Ministry
- Provision of Alimony
- Benefits to the person marrying Acid Attack Victim

- Maximum punishment was increased from 7 years under the penal code to death.
1. The law addresses the problem of delay in prosecuting cases by providing a fixed time for investigations:
 - a. The investigating police officer must complete the investigation within 30 days following the reported attack or the Magistrate's order for an investigation.
 - b. Two extensions of 15 days each can be granted on application to the court
 - c. If after 60 days, the officer is unable to complete the investigation, a new
 2. officer must be assigned, and action will be taken against the first officer
 - a. The new officer has 15 days to complete the investigation.
 3. Trial Procedures:
 - a. The total time allowed for investigations is 90 days. The trial then has to be completed and a conviction secured within 90 days of the end of the investigation period.
 4. The court is very proactive in ensuring that the police investigate acid cases. Section 13 in the Act states that legal action will be taken against any officers who are negligent or corrupt in investigating the crime.
 5. Medical Examination of the Victim: This Section is to ensure that the acid attack victim gets proper medical examination immediately and receive a certificate regarding the examination. The Section also lays down that action will be taken against a negligent doctor.
 6. All offences under the Act are cognizable, non-compoundable and nonbailable.
 7. Although the crime is regarded as non-bailable in Section 13 of the Act,
 8. Section 14 of the act is a specific provision that gives the Court some discretion as to when it can grant bail. This Section states that a bail petition cannot be filed if the Court is convinced that the complainant is not given the chance for hearing on the bail petition, or there is reasonable ground for conviction or He/she is not woman or child, or not physically impaired and the tribunal is not satisfied that ends of justice will not be hampered if he is enlarged on bail. If the Court is satisfied that the person is not involved in the offence, it can grant bail.
 9. Acid-offences Prevention Tribunals have been set up solely to try acid cases, headed by district or session judges. These topic-specific Tribunals are to ensure that members on

the Tribunals are properly sensitized to acid attack cases. The Acid Control Act deals with restricting and controlling the sale and supply of acid in Bangladesh. This Act attempts to control the sale and supply of acid in Bangladesh. 15-member National Acid Control Councils have been established across the country. Each council is headed by a District Commissioner. Members of the Councils are selected from the government and lawyers, commerce people, medical professionals, specialists in women's issues and members of the media. The councils make proposals to take action to enforce and monitor the laws regarding acid sale in their respective area as well as to assist in the proper reporting, treatment, and rehabilitation of victims.

The councils raise public awareness about the consequences of acid crime. Despite the enactment of the new law the experience in Bangladesh has been that it is still very hard to restrict the sale of acid. It is first difficult to find the source of the acid used during the attack and thus to prosecute the supplier. It is also easy disguising the reason for requiring acid by proposing legitimate excuses. Furthermore, covering up the real supply of acid in their records is an effortless task for suppliers and as bribery is common in Bangladesh, acid is easy to obtain.
