

# A SOCIO-LEGAL STUDY ON ACID ATTACK ON WOMEN IN INDIA

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*Acid attack on women is a deep-rooted social evil worldwide. It is the most terrible form of cruelty against women. In the present scenario, it has become an issue of conversation at every platform. The aim of the doer is not to let the victim die but to leave the victim in a pitiable condition. The physical injuries may heal over time, but the scars left continue to affect them physically, mentally as well as emotionally, affecting their whole personality. This study focuses on the motives behind these acid attacks, the problems faced by such victims, and the different measures to curb this evil. To curb this social evil, which is actually humiliating the Human Rights, many social reformers, lawyers, judges, etc. have come forward. A great deal of work has just been distributed that manages the different parts of the brutal demonstration of throwing acid on women. Many laws and restrictions have come up to prevent this shameful act. But in spite of the current laws and many corrective measures like restricting the sale of acid over counter, this terrible wrongdoing has been on the rise in India. This paper studies the various aspects of this crime and recognizes the areas that need additional research. This paper contends that the current legal provisions have lacked in providing sufficient restrictive measures to tackle the wickedness of this social evil and recommends some amendments in the current legal system to eradicate the sinful act of acid attacks on women in India.*

**Keywords: Acid attack, social evil, Human Rights, legal provisions, amendments.**

## **Introduction**

Acid attack, also referred as acid violence or acid assault, has risen as a severe brutal demonstration that shows the magnitude of the progressing violent incidents and human rights infringement. This crime is a deliberate act of brutality wherein the acid is poured or thrown on the face or other body portions of the person in question. This terrible act of acid attack can be seen in numerous nations; however, it is increasingly predominant in nations like Cambodia, Pakistan, Bangladesh, and India. The acid assault can be submitted against any individual with no difference being made on any basis, viz. religion, sex, or age. However, the 226<sup>th</sup> Report of Law

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Commission and also the Justice Verma Committee Report<sup>1</sup> concedes that the horrifying crime of acid attacks has a particular gender dimension in India. The target of the attackers is usually the young females with the intent of damaging victim's face. Some of the most common types of the acids that the attackers use include hydrochloric acid, sulphuric acid, and nitric acid. The main reasons behind commission of the brutal act of acid throwing are many, namely rejection of love or marriage proposals, refusal to pay dowry, rejection of sexual advances, property or family dispute or marital disputes like refusal to give divorce. Acid attacks results into severe physical, psychological and socio-economic consequences and makes the life of the victim worse than death. The trauma of not being able to recognize oneself in the mirror, the agony of lost beauty exacerbates 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.<sup>2</sup>

Acid violence survivors face marginalization 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.<sup>3</sup> In order to emancipate 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.<sup>4</sup> The amendment in 2013 inserted various sections

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1 This Report was submitted by Justice Verma Committee on Amendments to Criminal Law. This Committee was constituted by Government of India Notification No. SO (3003)E, dated December 23, 2012 with Justice J.S. Verma (retd.) as the Chairman and Justice Leila Seth (retd) and Gopal Subramaniam as members.

2 Report by Avon Global Center 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 and Virtue Foundation, "Combating Acid Violence in Bangladesh, India and Cambodia," Page 10 available at <http://www.asfi.in/images/Combating-Acid-Violence-Report.pdf> (visited on September 11, 2017).

3 *Ibid.*

4 The perpetrators were tried under section 326 of the Indian Penal Code which penalizes voluntarily causing grievous hurt.

to the Indian Penal Code,<sup>5</sup> the Criminal Procedure Code<sup>6</sup> and the Indian Evidence Act<sup>7</sup> in order to tackle the menace of acid attacks. However, not much change has been witnessed in the incidents of acid attacks.

Acid attack is a complex and multi-dimensional problem that makes it very difficult for the survivors to return to normalcy. This paper is an attempt to review the literatures on acid attack and identify the gaps in their coverage. The paper also analyses the data made available by the National Crime Records Bureau,<sup>8</sup> the legislative amendment, the judicial response to acid attacks and endeavors to suggest changes in the legal machinery in order to curb the menace of acid attacks.

## Literature Review

The violence of acid attack is not just a human rights or legal question; but is a medical emergency as well. **Rabindra Nath Karmakar** authored book '**Forensic Medicine and Toxicology: Theory, Oral & Practical**' (2006)<sup>9</sup> is a book written prior to the Criminal Law (Amendment) Act 2013. Along with the medical factors; this book beautifully narrates India's legal stand on acid attack prior to 2013.

There is another literature that focuses on a comparative study on the reasons and motives behind acid attack cases in four different countries. '**It was Like Burning in Hell**' (2009)<sup>10</sup> is **Jane Welsh**, Department of Anthropology, University of North Carolina, Chapel Hill authored master's thesis. This work is a comparative exploration of motives and causes of acid attack violence in countries like Bangladesh, Pakistan, India and Cambodia. Exploring the major factors that contributes to the violence of acid throwing, several high-profile cases in Cambodia, Bangladesh and India are also been referred by the young author. This comparative work also highlights the role played by government as well as non-governmental organisations in supporting the victims and their families. However, the author further views that the initiatives of these organisations are insufficient to address the financial difficulties that victims undergo at

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5 Hereinafter IPC

6 Hereinafter Cr.P.C.

7 Hereinafter Evidence Act

8 Hereinafter NCRB

9 Kamakar, Rabindra Nath, (2006), Forensic Medicine and Toxicology: Theory, Oral & Practical, Academic Publishers, 1st. ed.

10 Welsh, Jane, (2009), "IT WAS LIKE BURNING IN HELL", A thesis submitted to the faculty of the University of North Carolina, available at <https://cdr.lib.unc.edu/indexablecontent/uuid:e472922a-b4a3-47a4-82e5-661dd7a966c5>.

the time of treatment. The success story of NGOs advocating for social, medical and legal reforms is quite impressive, but there is still a long way to go.

Another literature reviewed is the 226th Report of the Law Commission of India on *'The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime'* (2009). The 226th Report of the Law Commission of India not only looks into the technicalities of legal provisions, but at the same time effectively deals with the consequences and after care necessary for the rehabilitation of the victim.

Parvathi Menon and Sanjay Vashistha authored *'Vitriolage & India - The Modern Weapon of Revenge'* (2013) is a well written piece of article that covers almost all aspects of the brutal violence of acid throwing as a weapon of revenge.<sup>11</sup> Starting with the tragic incident of Laxmi's life the authors proceed to highlight a few relevant statistics on the issue. Moving to the legal scenario with respect to acid attack, the authors highlight India's obligation under the 1993 *Declaration on the Elimination of Violence against Women*. This article comprehensively deals with India's legal stand on acid violence pre and post *Criminal Law (Amendment) Act of 2013*.

Another report reviewed by the researcher is the *'Report of the Committee on Amendments to Criminal Law'* (2013). Reviewing this literature is significant as the outcry of public after the Delhi gang rape case and the resulting outcome in the form of Justice Verma Committee Report are the only reasons behind declaring acid attacks as a standalone offence in India. The Verma Committee Report mentions acid attacks as the most heinous form of violence. Referring to the 226th Report of the Law Commission of India, Verma Committee admits that though acid attacks can be committed against any man or woman; it has a specific gender dimension in India. Acknowledging the research already done by the Law Commission of India in its 226th Report; the Verma Committee proposes and succeeds to bring the long-awaited amendments to Criminal Law.

There is another literature that looks into the effectiveness of the laws that addresses the crime of acid attack. Kundan Srivastava authored article *'Weak Laws against Acid Attacks on Women in India - Shameful state for Women Organization'* (2014) the author in this article shows that the laws regulating

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11 Menon Parvathi and Vashishtha Sanjay, (2013), *Vitriolage & India - The Modern Weapon of Revenge*, International Journal of Humanities and Social Science Invention, Volume 2 Issue 10, available at [http://www.ijhssi.org/papers/v2\(10\)/Version-2/A0210020109.pdf](http://www.ijhssi.org/papers/v2(10)/Version-2/A0210020109.pdf).

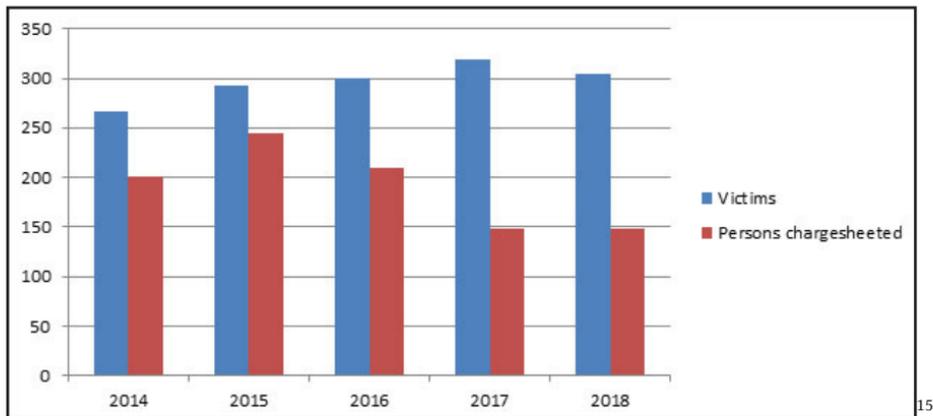
the crime of acid attack are weak and the situation is further complicated by poor implementation of legal provisions and guidelines issued by the Courts.

### Growing Numbers of Acid Attacks on Women in India – A Dark Reality

National crime records bureau reported 45 cases of acid attacks in 2014. In 2015, 249 cases were reported from all over India, out of which 61 cases were reported from Uttar Pradesh.<sup>12</sup> [2] Compared to women throughout the world, women in India are at higher risk of being victims of acid attacks, 72% of reported acid attacks in India have involved women. In India, about 350 cases are legally reported per year, while separate research conducted by an organization Acid Survivors Foundation India, estimated approximately 500–1000 cases per year in India, excluding unreported incidents.<sup>13</sup>

India Today Data Intelligence Unit (DIU) has found that between 2014 and 2018, there have been 1,483 victims of acid attacks in the country. This is according to data released by National Crime Records Bureau.<sup>14</sup>

It was observed that while number of acid attacks have been rising in the country, but the number of people chargesheeted for crimes has gone down. This can be better understood with the help of following data analysis of number of acid attack victims and number of people chargesheeted for crime between the year 2014 and 2018.



12 National Crime Records Bureau. Ministry of Home Affairs. Crime in India 2015 Statistics. Chapter(1):(22).

13 Patel M. A desire to disfigure: Acid attack in India. Int J Criminal Social Theory 2014;7:1-11.

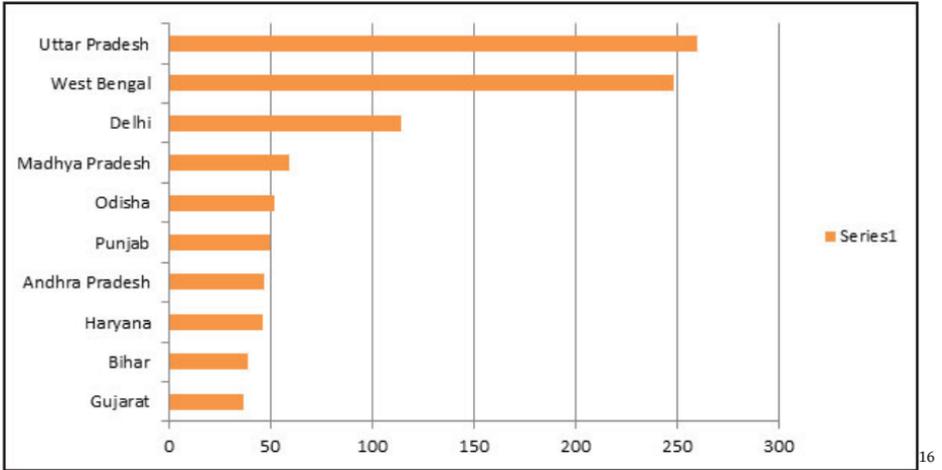
14 <https://www.indiatoday.in/diu/story/india-saw-almost-1-500-acid-attacks-in-five-years-1636109-2020-01-12>

15 Source: National Crime Records Bureau

As per the data provided by National Crime Records Bureau, the year 2017 witnessed the highest number of acid attacks in these five years at 309, with 319 victims. But while 2017 was followed by 2018, unfortunately, the legal process shows a serious backlog for both years.

A total of 623 victims fell prey to the acid attacks in 2017 and 2018, but data shows that only 149 people were charge-sheeted in each year. This is almost or less than half the number of incidents in each year. The lowest number of victims was reported in 2014, with 201 people charge-sheeted.

The following analysis shows the 10 most toxic states in India with the highest number of acid attack victims from 2014 to 2018.



Analyzing the data State wise in India, Uttar Pradesh, West Bengal and Delhi have been consistently ranking among the 10 worst states in terms of acid attacks from 2014 to 2018. These three states alone make up 42 percent of the victims of acid attacks in India during these five years.

In terms of convictions, there is a lot to be asked as well. The year 2015 saw the highest number of cases that went for trial - 734. At first glance, the conviction rate of 45.4 percent looks better than other crimes against women. But out of the 734 cases that went for trial, only 33 were completed.

The conviction rate is calculated as the percentage of cases convicted over trials completed. In 2016 and 2017, the conviction rate saw a decline with a total of 25 cases convicted out of 67 which completed trial, while a

16 Source: National Crime Records Bureau

total of 849 cases were sent for trial in these two years. The year 2018 saw an upturn in conviction rate with a figure as high as 61 percent, but out of 523 cases which went for trial, only 19 ended in conviction.<sup>17</sup>

## Legislative Measures

The issue of dealing with acid attacks has been taken on priority basis by the Government of India and several steps have been taken in order to prevent the incidents as well as to provide for treatment and compensation to the victims of such attacks. The Criminal Law (Amendment) Act 2013 inserted Sections 326A and 326B<sup>18</sup> to the IPC and sections 357B and 357C<sup>19</sup> of Cr.P.C in order to curb the menace of acid attacks in India in an effective manner. The Amendment made the offence of throwing acid or an attempt thereof, as cognizable and non-bailable in nature, triable by the Court of Session. The amendment mandated the hospitals to provide first aid to the victims and the state was mandated to provide compensation to the victim in addition to the fine paid to the victim. Under Section 357A<sup>20</sup> of the Code of Criminal Procedure, 1973, every State is mandated to establish a Victim Compensation Fund. These funds are used to compensate the victims of crime. The compensation is given in accordance with the Schemes every state has adopted.

The Honorable Supreme Court of India in *Laxmi v. Union of India*<sup>21</sup> laid down guidelines for sale of acid along with directions to the concerned State Government/Union Territory that the acid attack victims shall be paid compensation of at least Rs. three lakhs as the aftercare and rehabilitation cost. Of this amount, a sum of Rs. 1 lakh was directed to be paid to such victim within 15 days of occurrence of such incident (or being brought to the notice of the State Government/ Union Territory). The balance sum of 2 lakhs was directed to be paid as expeditiously as possible and positively within two months thereafter. The Chief Secretaries of the States and the Administrators of the Union Territories were directed to ensure compliance of the above direction.

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17 <https://www.indiatoday.in/diu/story/india-saw-almost-1-500-acid-attacks-in-five-years-1636109-2020-01-12>

18 Refer Section 326-A and 326-B of IPC

19 Refer Section 357-B and 357-C of Cr.P.C

20 Refer Section 357-A of Cr.P.C-Victim compensation scheme Clause (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. 357A inserted by Act 5 of 2009, s. 28 (w.e.f. 31-12-2009).

21 (2014) 4 SCC 427

## Preventive Measures

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.<sup>22</sup> The directions included-

- i. 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.
- ii. Sale only to persons above 18 years of age on production of valid Photo ID proof.
- iii. Recording the reason/purpose for procuring acid in the logbook by the seller.
- iv. Declaration of all stocks of acid by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.
- v. 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.
- vi. 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.
- vii. 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 compulsory check students/personnel leaving the laboratories or 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.<sup>23</sup> 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 timeframe.

## Conclusion and Suggestions

Several laws and schemes have been laid by our lawmakers and our government, such as restriction of sales of acid, harsher punishment for the perpetrators, free access to healthcare facilities to acid attack victims,

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22 Advisory available at [http://mha.nic.in/sites/upload\\_files/mha/files/AdvisoryAfterSupremeCourtOrderInLaxmCase\\_Short.pdf](http://mha.nic.in/sites/upload_files/mha/files/AdvisoryAfterSupremeCourtOrderInLaxmCase_Short.pdf). (visited on April 20, 2020).

23 <sup>18</sup>Advisory available at [http://mha.nic.in/sites/upload\\_files/mha/files/AdvisoryAcidAttackWomen\\_220415.pdf](http://mha.nic.in/sites/upload_files/mha/files/AdvisoryAcidAttackWomen_220415.pdf). (visited on April 20, 2020).

etc. Laws have been made to relieve the victim with financial help in the form of compensation. Uttar Pradesh government came ahead to help these victims a little more as they launch a scheme named Rani Laxmi Bai Mahila Samman Kosh Yojana which helps the victims by not only giving the compensation but also provide free treatment without cost limits. This scheme also offers compensation to the dependants of the victims who died. As of today, all the States and Union Territories have notified the Victim Compensation Scheme.<sup>24</sup> However, since there is no centrally maintained record of disbursement of funds by States/UT's, it is difficult to assess, how far the schemes have been helpful in assisting the acid attack victims.

Even after all the legislative steps, judicial directions, and advisories taken in order to curb the threat of acid attack, the numbers of incidents have not declined. It is important to note here that in the absence of prompt investigation and trial of the acid attack cases, it is only the quantum of punishment which can be of deterrence. This is not sufficient to add the requisite deterrent value to the offence. 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. It should also be kept in mind that attempt to throw acid should be equally as heinous as throwing acid and needs to be checked because it is by mere luck that the victim of attempt is saved from the attack. The difference between punishment of offence of acid attack and attempt should be done away with. Both should be dealt in one section with similar punishment of minimum fourteen years up to life imprisonment. We need to strengthen the implementation of the rules and regulations imposed.

In this regard, we should also focus upon the prevention of such incidents. Several measures, such as strengthen the NGOs, electronic, print, and social media campaigns, should be adapted to change the orthodox sociocultural norms, which are justifying the violence against women. This demands the role of each one of us. If we see over-the-counter sale of acid, we should complain the authorities, and authorities need to take strict action. Prevention is always better than cure.

Until a sufficient deterrent value is created in the society against this heinous offence, the menace of acid attack would not be curbed. We should all come together and root out this evil of acid attack from our country.

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24 Report dated August 10, 2016 by Live Law, "All the States/Union Territories have notified victim compensation scheme" available at <http://www.livelaw.in/statesunionterritories-notified-victim-compensation-scheme/>. (visited on April 25, 2020).