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# A Socio-Legal Analysis on Acid Attacks in India

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ALEENA ROSE JOSE<sup>1</sup> AND ANAGHA O<sup>2</sup>

## ABSTRACT

*Acid attack is one of the gravest infliction committed on human beings which has life-long catastrophic effects. A glimpse at the statistics proves that women are often targets of this brutal human right violation. India accounts for a lion's share of acid attack cases reported globally. Prior to the Criminal Law Amendment Act of 2013, the penalty for offenders was minimal and there was no provision for adequate compensation for the survivors. Acid violence is now classified as a separate offence under the new Act, with provisions for stringent penalty and better compensation. The legal battle led by acid attack survivor Laxmi Agarwal can be described as historic, as she was successful in bringing regulations governing acid supply and ensuring proper compensation and rehabilitation for survivors. This article discusses in detail the nature and statistics of acid attacks, motives for acid attacks and its physical, social and economic impacts on the survivors and their families. Various judicial interventions and different existing laws in our country to curb this social evil is elaborately listed by citing recent amendments and case laws. There are numerous acid attack survivors who overcame the odds with grit and persistence. This article also includes three inspiring acid attack survivor stories. The article concludes with a few suggestions to address this burning issue including urging people to unite in efforts to wipe out this heinous crime from our society by supporting the survivors in their fight for justice and acceptance.*

## I. INTRODUCTION

Pragya Singh was in her twenties when she was attacked with acid while travelling on a train from Varanasi to Delhi in 2006, a few days after her wedding. The man's reason for this brutal act was that she rejected his marriage proposal.

She survived 40 percent burns and undergone more than 15 corrective surgeries in the past 14 years. Despite of severe physical and mental trauma, she fought long 2.5 years for justice and the attacker was sentenced to merely 4.5 years of imprisonment.

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<sup>1</sup> Author is a student in India.

<sup>2</sup> Author is a student in India.

In India, at least one case of acid attack occurs every day. However the country with the most number of acid attacks has the least number of convictions say less than five percent according to activists who work closely with the survivors.<sup>1</sup> The above mentioned incident is just one among the several thousands whose dreams had been shattered by this barbarian act.

## **II. NATURE AND STATISTICS**

An acid attack or acid throwing is a form of violent assault involving the act of throwing acid or corrosive substance onto the body of another especially women with the intention to disfigure, maim, torture or kill.<sup>2</sup> Indian law does not contain an exhaustive legal definition for acid attacks but the crime generally involves throwing, spraying or pouring acids. Acids are corrosive substances which have the potential to burn and severely scar everything they touch. The most common type of acids used in attacks is sulfuric acid, nitric acid and hydrochloric acid.

High rates of acid attacks in any country showcase that country's failure to protect its constituents from this specific harm. Many countries including India have adopted stringent measures to eradicate acid attacks and many have been successful. In India, however, the measures have had little or no effect. 90% of acid attacks are reported in developing countries such as Colombia, Pakistan, Nepal, Bangladesh, Uganda, and India. Out of 1500 cases reported globally every year, approximately 1000 are in India. Many survivors are reluctant to report the case because of shame and stigma and resources are not available to deal with the crime in many rural areas. In between 2018 and 2020 there have been nearly 1600 victims of acid attacks in the country.<sup>3</sup> While acid attacks against males have been reported in India, the crime is generally a form of violence against women by men because women are survivors in more than 80% cases and attackers are male in 84% cases. This condition can be attributed to the patriarchal ideology prevalent in India. Around 76% of acid attacks are committed by someone known to the survivor.<sup>4</sup>

## **III. MOTIVES FOR ACID ATTACKS**

The intention of the attackers is often to humiliate rather than to kill the victim. While acid attacks occur in many countries, the motive behind acid attacks varies significantly across countries. Acid attacks are more prevalent in those countries ranked low in the Gender Gap Index and India is ranked 140<sup>th</sup> out of 156 countries.<sup>5</sup> India slipped down 28 places from 2020 to 2021. In India, acid attacks mostly involve male offenders and female victims and therefore a primary cause of acid attacks has been attributed to the patriarchal nature of our society. The motives include refusal to marry, denial of marriage proposal, land disputes, refusal to accept

requests of sexual advances, peer jealousy etc. The motives can be hence classified as cultural, societal, situational and personal. Inexpensive and effortless obtainability of acids in the market is often regarded as the main cause of acid attacks.

#### **IV. IMPACTS OF ACID ATTACK**

Acid attack is the most horrendous, unbearable and the pits thing committed on women. Acid attack is possibly one of the nastiest infliction committed on human beings which results in complete debilitation, loss of prospects and income, and even social requisitioning.<sup>6</sup> Its effects lasts throughout the life of a person. The person not only suffers physically and psychologically but also financially and emotionally and the isolation from society makes the situation even more deplorable. Some of the most prominent impacts are mentioned below.

##### **(A) Physical Impact**

Acid attacks have catastrophic effects on survivors. Acids are so corrosive they dissolve skin, fat and muscle and even bones and organs in some cases. Survivors endure complete or partial destruction of essential body parts and inhaling toxic fumes cause poisonous reaction in survivor's lungs or swelling of neck which obstructs the airway and strangulates the victim. The depth of the injury depends upon the power of the acid and the duration for which it was in contact with the skin. After burns heal, scars are formed. The scars pull the skin very tight and cause disfigurements.

##### **(B) Psychological Impact**

Not only survivors feel traumatized or shocked in general but they also feel traumatized in the way they feel and think about themselves, society and everything. This occurs primarily due to the pain and terror they undergo during attack and secondarily due to the realization that they have a permanently disfigured body. They suffer severe depression, insomnia, recurring nightmares and fear of another attack, headaches and reluctance to appear in public places or to participate in society.<sup>7</sup>

##### **(C) Social Impact**

Acid attack causes severe disfigurements that the survivor become socially outcast, either by the society or by self. The society is so hesitant to accept such people and evades their company and shun them. Due to this fear of being mocked and made fun, the survivors prefer to stay in their houses which ultimately results in relinquishment of education and hope for the future.

#### **V. ECONOMIC IMPACT**

The survivors who are already employed, faces a number of challenges in their employment

and are unable to cope up with their job and those survivors who are jobless, people are hesitant to hire them which leads them to be dependent on someone else for their daily needs. Apart from this, treatment of acid attack survivors involves assorted number of surgeries, skin grafting and medication which costs high.

## **VI. ACID ATTACKS – THE JUDICIAL DIMENSION**

Before the commencement of The Criminal Law Amendment Act of 2013, the punishment given for acid attack was nominal and no compensation was awarded to the survivors in most cases. Till then acid attacks was categorized in general category of offence that caused grievous hurt. The Criminal Law Amendment Act was passed after the recommendations made by Jus. J. S. Verma Commission, that acid violence is separate offence and will now carry punishment of life imprisonment and fine. Court ruled that buyer of such acid have to provide an authentic photo identity card to the retailer during purchase. The retailers must register the name and address of buyer.

The new Act has expressly recognized certain acts as offence which were dealt under related laws. These new offences like acid attack have been incorporated into The Indian Penal Code. According to section 326A an acid attack can attract ‘imprisonment not less than 10 years but extend to life imprisonment and with fine which shall be just and reasonable to meet the medical expenses and it shall be paid to the victim and is gender neutral.’ Section 326B deals with attempt to acid attack and it can attract ‘imprisonment not less than 5 years but which may not extend to 7 years and shall also be liable to fine and is gender neutral.’

According to the director of Campaign Against Acid Attack at Human Rights Laws Network “take for instance there are 10 cases in a year conviction happens in just one case in the same year. Problem is not with the law but the implementation of the same.”<sup>8</sup> While the conviction rates are abysmal, there are thousands of cases that disappear into oblivion. Keeping these circumstances in mind, the legal battle led by the acid attack survivor-Laxmi Agarwal can be described historical. A minor then Laxmi was attacked by three men in New Delhi. She faced a lot of mental trauma and physical pain. Those who were convicted by the District Court of Delhi for attempt to murder got bail from High Court and this led to the filing of a PIL by Laxmi in 2006. The PIL targeted at the easy availability of acid, no proper provision related to acid attack cases, including expenses, surgeries and rehabilitation for the acid attack survivors. The court had issued model rules in all the above issues including the regulation of sale of acid and some other corrosive substances which come under the Poison’s Act, 1919. The court also held that 3 lakh rupees should be awarded as compensation to acid attack survivors for aftercare

and rehabilitation, of which 1 lakh rupees must be paid within 15 days of the occurrence of the incidence and the remaining 2 lakhs within 2 months thereafter.

The court in *Laxmi v. Union of India & Ors*<sup>9</sup> didn't clarify whether the compensation amount awarded was restricted to no more than 3 lakhs, or whether a court could grant more compensation. This issue was elucidated by the Supreme Court of India in *Parivartan Kendra v. Union of India & Ors*,<sup>10</sup> in which it declared that the compensation was not restricted to 3 lakh rupees and that the court has discretion to award compensation greater than 3 lakh rupees.

The Prevention of Acid Attack and Rehabilitation of Acid Attack Victims Bill, 2017 regulates the sale, supply and use of acid. Guidelines are issued with regard to the quantity, chemical composition and concentration.<sup>11</sup> It also focus on the rehabilitation of acid attack survivors which includes various schemes, employment and monthly allowances and also amended section 326B of Indian Penal Code and extended the punishment to 10 years.

Apart from this, Section 357A of CrPC talks about Victim Compensation Scheme. According to this section, it is mandated that every state should establish Victim Compensation Fund in co-ordination with the central government. The purpose of this is to provide funds to the victim of the crime. The compensation could be provided either to the survivor or his dependents who have suffered loss or injury because of the crime and who also require rehabilitation.

In *Nipun Saxena v. Union of India*,<sup>12</sup> Supreme Court opined that it might be appropriate if NALSA set up a committee of about 4 or 5 persons who can prepare model rules for victim compensation for sexual offences and acid attacks. In the light of this judgement NALSA's compensation scheme for women victims or survivors of sexual assault and acid attack was established.

Many enactments were made by various state legislatures for the betterment and well-being of acid attack survivors. The best recent initiative is from Maharashtra, the Shakti Law<sup>13</sup> which puts forth stricter punishments including death penalty and increased prison sentences for crimes such as rape, acid attack and child abuse. The Uttarakhand government's move to provide monthly pension to acid attack survivors to help them to be independent and financially self-reliant is laudable.<sup>14</sup>

## VII. SUCCESS STORIES

There are many acid attack survivors who fought the odds and came out successfully. They are the pillars of strength and inspiration for many. *Sheroes Hangout*<sup>15</sup> a café and community based in Agra is a perfect example of successful ventures led by the acid attack survivors to empower

themselves and to create awareness about acid attacks. The motivational life sketches of a few acid attack survivors are listed below.

Daulat Bi Khan was 26 years old when she was attacked with acid by her own elder sister and brother-in-law. She had to undergo many corrective surgeries after the assault but she didn't give up on life. She cofounded the NGO *Acid Survivors Saahas Foundation*<sup>16</sup> in Mumbai providing legal assistance, education, medical care and support to other survivors.

Anmol Rodriguez was only two months old when her father attacked her mother with acid. Her mother succumbed to injuries while Anmol who was in her mother's lap suffered severe burns. She underwent many surgeries and ultimately lost one of her eyes. She was raised in an orphanage and she quit her job due to the discrimination she faced. She is now a fashion icon. She has modelled for many Instagram and YouTube channels and currently is the face of an online brand. Rodriguez says that acid can only change our face but not ruin our soul.<sup>17</sup>

Reshma Quereshi was 17 when she was attacked with acid by her brother-in-law and gang who mistook her for her sister. She suffered depression for a long time after the attack. Reshma made her modelling debut in the online campaign *#EndAcidSale* which was a big hit. She worked to spread the need of strict market regulation on acid sales and contested in New York Fashion Week 2016. She recently published a book titled *Being Reshma* describing her journey out of depression.<sup>18</sup>

## VIII. CONCLUSION

Though recently acid attacks are getting attention but much more to be done to prevent this dreadful crime. The position of women in India is very weak and feeble. Since ages, she has been made to suffer numerous violence during her lifetime. Out of these incalculable number of violence, acid attack is considered to be the most horrendous and awful kind of violence. Even though there are laws, they are not sufficient to deal with this heinous monstrous crime where the life of the woman is devastated and wrecked within fraction of seconds and that too without any fault on their part.

Proper enforcement of The Criminal Law Amendment Act, 2013 must be ensured. The guidelines issued by the Supreme Court for regulating the sale of acid should be stringently and strongly executed. Laws alone can do a little, until and unless the mentality of people is altered and transformed. It is high time to break away the bondages of patriarchy. Gender sensitization should be a part of school curriculum. Counselling can do miracles in the life of a depressed survivor. An acid attack survivor suffers fiscally too, the need is that primary medical facilities should be given free by state and succeeding surgeries and medicines should be made available,

at an affordable rate. There should be speedy delivery of compensation and should be timely enhanced because surgeries and medical treatment cause a lot of expenditure. Society should take up the responsibility to provide an ecosystem for the rehabilitation and normal life of the survivors. Different ventures initiated by the NGO's and trusts working for the well-being of acid attack survivors should be supported by society. To efficiently deter the crime, it is important to accurately measure true incidence rates. India must establish a process for accurately counting incidence and prevalence rates of acid attack by The National Crime Records Bureau.

Apart from this, media can play a very constructive role in dispersing mindfulness amongst people regarding this issue. Artistic works that solidarize with the acid attack survivors can contribute a lot to the thinking of society. Movies like *Uyare* [2019]<sup>19</sup> and *Chhapaak* [2020]<sup>20</sup> are recent notable works in this arena. Seminars and workshops should be organized so that a number of people become aware on this sedate issue and the trauma faced by the survivors. This will help them to adopt her back to the society. Instead of shunning, the society should ensure opportunities to obtain employment and education.

Let's unite to wipe out this heinous crime from our society and be with the survivors in their fight for justice and acceptance.

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