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Indian Legal Response to Acid Attacks on Women: A Critical Analysis

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ABSTRACT

Acid attacks on women have become a subject of much interest, and they are frequently seen as the most cruel and horrible type of violence performed on the weaker sex. It's the intentional and premeditated application of acid to another human being who has done nothing wrong. Easy access to acid, a male-dominated and male-dictating culture, hatred, spurned and loathed spouses, and so on are just a few examples. Acid attacks are on the rise, and like everything else, they're expanding and increasing. The perpetrators are unconcerned about the consequences of such menacing, ominous, and imminent attacks on innocent victims, and they fling acids at them, changing their faces, limbs, and other bodily parts. The laws have been harsher with the passage of 'The Criminal Law (Amendment) Act, 2013' and the Supreme Court of India's instructions. However, a study conducted in 2014 revealed a 300 percent rise in the overall number of recorded acid attacks. When it comes to dealing with such circumstances, our legal and medical institutions have likewise shown to be inadequate. The only way to end this evil is to take concrete steps. Otherwise, it will be too late, and innocent people will continue to suffer. This paper discusses the causes and effects of acid attacks and the legal provisions and judicial approach to curb acid attacks in India.

I. INTRODUCTION

Acid throwing, also known as an acid attack, or a vitriol attack, is a type of violent assault that involves throwing acid or another corrosive material over another person's body "with the goal to disfigure, maim, or torment. Acid throwing, also known as an acid attack, or a vitriol attack, is a type of violent assault that involves throwing acid or another corrosive material over another person's body "with the goal to disfigure, maim, torment, or kill." Acid is thrown at the victims' faces, generally on their faces, burning them and injuring skin tissue, frequently exposing and occasionally dissolving the bones. Blindness, as well as chronic scarring of the face and body,

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as well as far-reaching social, psychological, and economic ramifications maybe long-term outcomes of these attacks. Acid assaults cause extreme agony, lasting deformity, infections, and often blindness in one or both eyes, in addition to inflicting psychological distress. Acid assaults are carried out for a variety of reasons, including retaliation for a rejection of a marriage proposal or other romantic or sexual approaches, land conflicts, perceived dishonor, and envy. Acid attacks are most common in Bangladesh, Cambodia, India, and Pakistan, but they have also been documented in Afghanistan, Africa, and Europe. The ubiquity of the practice is attributed in part to the simple availability of acids, according to experts.³

II. DEFINITION AND MEANING OF THE ACID ATTACK

An acid is a chemical substance that includes hydrogen and may combine with other chemicals to generate sales. It is generally a liquid. Some acids cause other substances to burn or disintegrate when they come into touch with them.⁴

The concept of Acid Attacks and Acid is defined by the "Prevention of Offences (by Acids) Act 2008" (National Commission for Woman - Draft Bill).

(a) "Acid" shall mean and include any chemical that has the character of acidic, corrosive, or burning nature and is capable of producing bodily harm resulting to scars, deformity, or temporary or permanent incapacity," according to Section 3 of the Act.

(b) An "acid attack" is defined as "throwing acid or using acid in any form on a victim with the goal of or knowledge that such person is likely to inflict permanent or partial injury, deformity, or disfiguration to any portion of such person's body."⁵

Acid assaults are acts of violence in which a person - generally a woman or a girl - is thrown acid or another corrosive chemical with the objective of maiming, torturing, or murdering them.

Acid attacks are a concern to women in many nations throughout the world. There are around 1,500 acid assaults worldwide each year, but they are generally unreported for fear of retaliation. Acid is most prevalent in South Asian nations such as India, Pakistan, and Bangladesh, where it is cheap and readily available.⁶

³ <https://www.legalserviceindia.com/legal/article-5989-a-brief-analysis-of-acid-attacks-on-women-in-india.html>. The intentional hurling of acid on a victim, generally on her face, is known as an acid assault. It is a horrible crime against women committed on the basis of gender. Acid assaults cause extreme agony, lasting deformity, infections, and often blindness in one or both eyes, in addition to inflicting psychological distress. An acid attack, according to the National Commission of India, is "any act of throwing acid or using acid in any form on the victim with the intention of or knowledge that such person is likely to cause permanent or partial damage, deformity, or disfiguration to any part of such person's body

⁴ <https://www.collinsdictionary.com/dictionary/english/acid-attack>

⁵ "Prevention of Offences (by Acids) Act 2008, (NCW – Draft Bill)"

⁶ <https://www.actionaid.org.uk/our-work/vawg/acid-attacks>

III. CAUSES OF ACID ATTACK

(A) Traditionally, males dominated Indian society

Our culture has always been a male-dominated society, with males being encouraged to dominate and women being told to be submissive. Women have historically been thought to be personality-less. Women were regarded as the father's property in ancient times, then the husband's property after receiving her as a gift from the father, and when she became a widow, it was the son who safeguarded and governed her.

Men are not used to hearing "no" in a culture where women have traditionally been governed and ruled by men. Various causes that have come to light for throwing acid include women's rejection to enter into marital relations, women's refusal to get into relationships, women's retreat from continuing relationships, and so on. The denouncement of a woman in some of the aforementioned situations has a profoundly negative and indelible impact on the brains of men who have always been taught to dominate in this male-dominated culture, forcing them to respond in this most horrifying manner, which leads to acid attack incidents.

(B) Access to acids is easy and inexpensive

The easy availability of acids on the market is one of the critical reasons for acid attack incidents. People may get it without much effort from pharmacies, goldsmith shops, and car repair enterprises, among many other places. Many individuals use it as a cleaning agent in their houses as well. As a result, it is easily accessible. Apart from that, it is also affordable and within the budget of ordinary people.

(C) Domestic violence as contributing factor to acid attacks

Domestic violence on vulnerable and is one of the primary causes of acid attack. Denial by women on anything or her outspoken character has been misinterpreted by the spouse or his family members in this male-dominated society, resulting in such tormenting and unpleasant occurrences. It might be because of lack of dowry, inability to carry children, failure to obey, refusal to have sex, suspicion, property conflicts, family issues, and so on. It was a property dispute in *Ram Chaittar v. State of U.P.* The wife and daughters were attacked with acid, and they died as a consequence.

(D) Peer Jealousy

Jealousy is another crucial aspect that has contributed to such tragic events. In today's competitive environment, everyone strives to outperform and exceed others. It might be in the field of business, service, or education. A person cannot see another person moving and

progressing at a breakneck speed. It is a matter of shame and humiliation that such instances have occurred out of pure rivalry and that these methods have been used to shock and interrupt the brilliant and prosperous career of another person. The case of Ankur Panwar is a good example of this.⁷

(E) Lover's revenge after rejection

One of the most common reasons for throwing acid on a person is this. When a man's marriage proposal is refused, or his approaches are denied by a woman, it is interpreted as a kind of revenge, and acid is thrown on the woman to teach her a lesson. It takes a few seconds for the perpetrator to throw acid on the victim and fulfill a gruesome sense of retribution against the apparent condemnation. 21 These persons don't understand that the lesson they're teaching isn't transitory; it's permanent, and it is not only destroying the woman's looks but her life also.

(F) Safeguarding the Honour of the Family

People have resorted to such cruel practices as using acid to prevent women from retaliating against the family's established norms and ethnicity to protect the family's honour.

IV. IMPACT OF ACID ATTACK

Acid assault is the most heinous, indescribable, and dehumanising act ever perpetrated against a woman. Acid attack is one of the most heinous crimes against humanity, resulting in total debilitation, loss of prospects and income, and even social requisitioning. 22 The consequences are not transient but rather permanent and persist for the rest of a person's life. She is not only physically and psychologically harmed but also financially and emotionally, not to mention socially isolated. Society is unwilling to accept the woman's appearance and believes that some flaw or blemish is associated with her. Some individuals offer understanding and compassion, while others make nasty, disrespectful, and obnoxious remarks to these already distressed and depressed ladies.

(A) Injuries and physical consequences

The acid eats through two layers of skin, namely the fat and muscle beneath it, and may occasionally not only eat through to the bone but also disintegrate it. The severity of the harm is determined by the acid's potency and the length of time it is in contact with the skin. The burning will continue until all of the acids have been rinsed away with water. When acid is thrown on a

⁷ By ruining the survivor's appearance, the offender restricts their capacity to participate in public life and jeopardises their chances of marrying and having children. As a result, acid assaults on women and girls have a doubled impact due to society's reaction to the survivor — something that the perpetrator is almost certainly aware of prior to the attack.

person's face, it quickly eats away at their eyes, ears, nose, and mouth. It's possible that your eyelids and lips will totally burn off. The ears shrivel up, and the nose melts, sealing the nostrils. The acid may blind a victim rapidly by destroying their eyes. The skull, forehead, cheeks, and chin may lose their skin and bone. The acid burns everything it touches when it spills or drips on the neck, chest, back, arms, or legs.⁸

(B) Psychological consequences

Attack victims experience physical pain and devastating alterations in their feelings and thoughts. Victims experience psychological fear during the attack as their skin burns away, as well as after the attack as a result of the deformities or impairments they have to live with for the rest of their lives. Depression, sleeplessness, nightmares, dread of another assault and/or fear of confronting the outside world, headaches, weakness and exhaustion, difficulties focusing and remembering things, and other psychological symptoms are experienced by victims. They are miserable, embarrassed, anxious, and lonely all of the time.⁹

⁸ <https://indiankanoon.org/doc/87066215/>. Breathing failure is the most urgent threat to sufferers. Acid vapours can cause breathing difficulties in two ways: by generating a deadly response in the lungs, or by swelling the neck, which constricts the airway and strangles the person.

Forehead: Skin may shrink, as though stretched tightly, and be scarred.

Ears have shrunk and become deformed. Deafness can strike suddenly or gradually. The ear cartilage is frequently partially or completely damaged, exposing the person to infection and hearing loss in the future.

Direct acid contact or acid vapours can cause blindness in the eyes. Even if the eyes survive the acid assault, they are still exposed to various dangers throughout the victim's recuperation, which might result in blindness. The eyelids may have been burnt off or scarred, causing the eyes to dry out and become blind. This is really tough to avoid.

Nose: Shrunken and deformed. Nostrils may close completely because the cartilage is destroyed.

Cheeks: Scarred and deformed.

Mouth: Shrunken and narrowed, and may lose its shape. Lips may be partly or totally destroyed. Lips may be permanently flared, exposing the teeth. Movement of the lips, mouth and face may be impaired. Eating can be difficult.

Chin: Deformed and scarred. Scars on the chin and neck or chest may flow downward, fusing the chin to the neck or chest.

Neck: This part of the body is frequently harmed. A thick string of scarred skin going down from the chin to the upper chest, or a large, highly scarred region on one side of the neck, is also possible. Victims may be unable to extend their necks or have their heads leaning to one side.

Chest: Frequently scarred. From acid spills or drips, the chest may have small lines of scars or large regions of scars. The growth of a girl's or young woman's breasts may be halted, or the breasts may be entirely destroyed.

Shoulder: The victim's arm mobility may be restricted due to severe scarring, particularly around the underarm. One or both of the victim's upper arms may be attached to the sides of their body like glue in rare situations.

⁹ Shivani Goswami, Rakesh Kumar Handa, *The Peril of Acid Attacks in India and Susceptibility of Women*, *Journal of Victimology and Victim Justice*, Issue : 2020,1, Page Number : 72-92. The victim of an acid attack not only suffers physically, but also psychologically, leading to a loss of personality, apprehension, unhappiness, lack of confidence, tremor, disordered eating, nightmares, insomnia, despair, negative feelings about themselves, lack of self-assurance, feelings of worthlessness, and abandonment, all of which can lead to suicidal tendencies. The perpetrator's major goal is to make the victim suffer physically, emotionally, mentally, and in other ways, and when the acid is thrown, the perpetrator is able to accomplish his goal, causing the victim to suffer from the aforementioned problems. Psychologically, the victim is completely broken and crushed in terms of appearance, self-confidence, and so on, and the most heinous aspect is that this is not temporary but will remain for the rest of her life. When a person's existence feels pointless to them, it's understandable that they'd be mired in despair, with darkness and murkiness contributing to insomnia and migraines. Suicidal ideation is a possibility as well. There is always the worry of another attack on oneself or one's family.

Obviously, the physical and psychological effects as described would need long-term treatment and with the help of a counselor to deal with the psychological issues and ramifications

.Manfred Nowak, UN Special Reporter on torture and other cruel, inhuman, or degrading treatment or punishment, observed that women who have been the victims of acid attacks suffer physical and psychological issues, which may need long-term medical therapy. They also confront psychological challenges, which necessitate long-term counseling at each step of the physical recovery.¹⁰

(C) Financial Impact of Acid attack on the victim

Aside from the physical and psychological effects of the acid assault, this horrible crime also places a person in financial distress. The treatment of an acid attack victim may include a variety of operations, skin grafting, medicine, and other procedures. Because a single operation is insufficient, many procedures are required, putting a person out of pocket financially. Apart from that, acid attacks cause a variety of physical limitations, and those who are already working suffer a variety of difficulties in their jobs and are unable to cope with them. People are unwilling to hire unemployed people, even if they exhibit complete empathy for their plight.¹¹

(D) Social Impact of Acid attack on the victim

The victim's look becomes so horrible and terrifying that they become social outcasts, either by society or themselves. Due to their physical appearance or physical infirmities, an increasing number of acid attack victims are compelled to give up their education, work, and regular activities of life. The most horrific aspect is that they are forced to hide their faces and the affected areas of their bodies for no fault of their own; they are forced to bear the burden of society, etc. There is constantly a sense of dread, derision, and scoffing from everyone around them, not to mention society's repulsive appearance.¹²

All of this causes the victims to develop such an inferiority complex that they withdraw from society. In turn, society is hesitant to embrace such individuals, avoiding their company and shunning them, sometimes owing to weird and nauseating sensations and sometimes due to the

¹⁰ <http://www.wluml.org/node/6647>

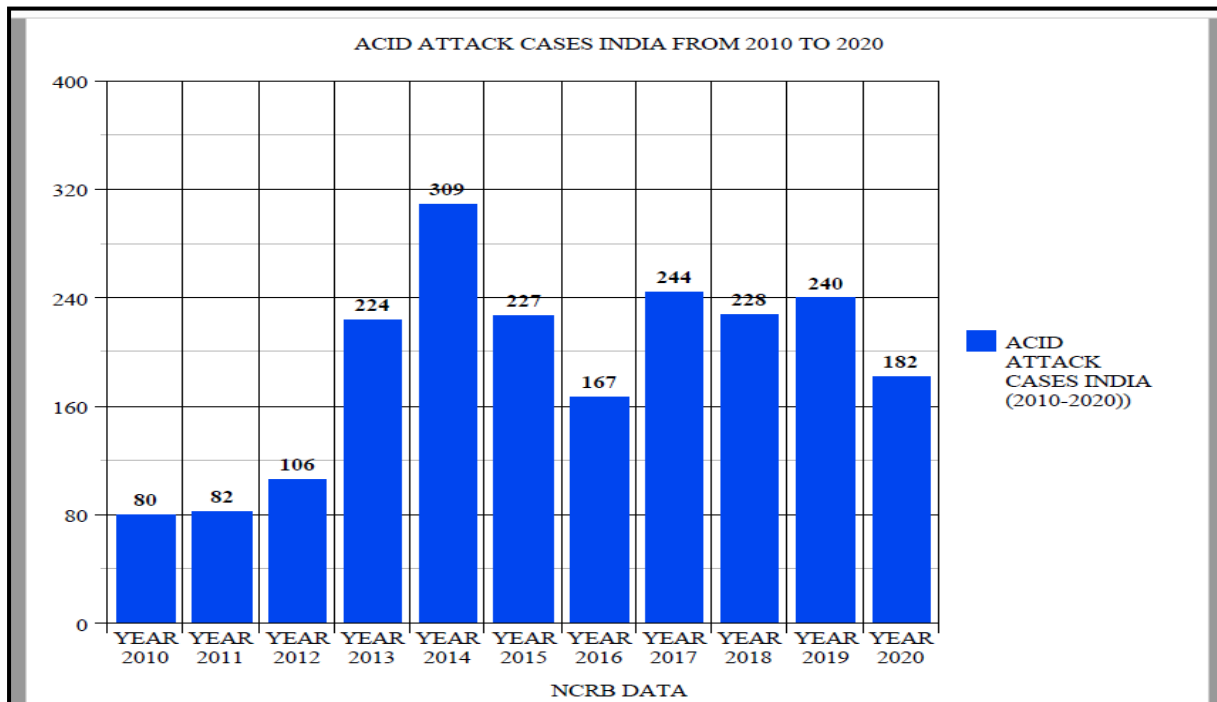
¹¹ Because acid assaults have such serious repercussions, victims require prompt assistance, including compensation, in order to attempt to cure their physical defects through corrective procedures. They also require prompt justice and mental health treatment in order to recover from their trauma. In India, medical and mental health treatment are highly costly. And because Indian courts handle cases incredibly slowly, justice is rarely served.

¹² As the attack kills their chances of marriage or job, victims become physically reliant on family and friends for vital daily tasks (Bajpai & Singh, 2015). Due to their scars and ugliness, victims are frequently the target of sympathy, glances, and derision (Law Commission of India, 2009), which leads to the abandonment of education and hope for the future.

stigma and shame associated with such people. People also relate their melancholy and despondency with the victims' wrongdoings, viewing them as horrible and unhappy.

V. SOME FACTS ABOUT ACID ATTACKS IN INDIA

(A) Acid attack cases reported in India from 2010 to 2020

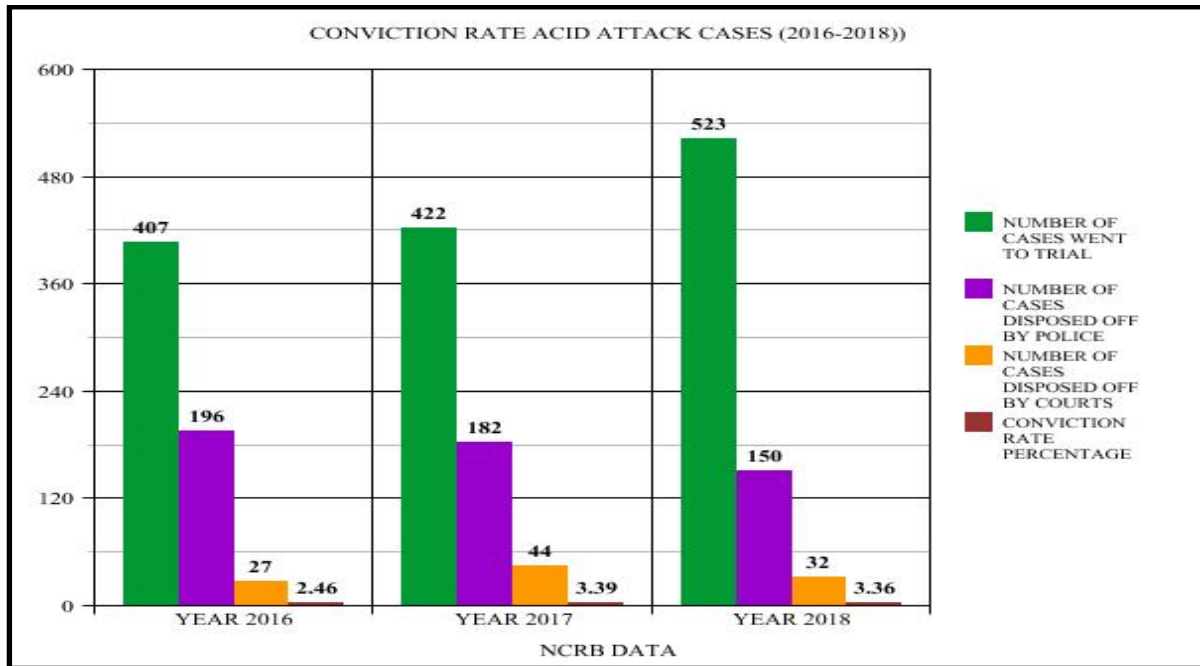


As seen in the table above, over 80 incidents of acid assaults were reported in 2010, increasing to 106 cases in 2012. In the year 2014, a total of 309 cases were reported, indicating that acid attacks on women were on the rise at the time. In 2018, 228 incidents of acid attacks were reported, and in 2020, 182 cases of acid attacks were reported.¹³

(B) Low conviction rate of acid attack cases in India (2016-2018)

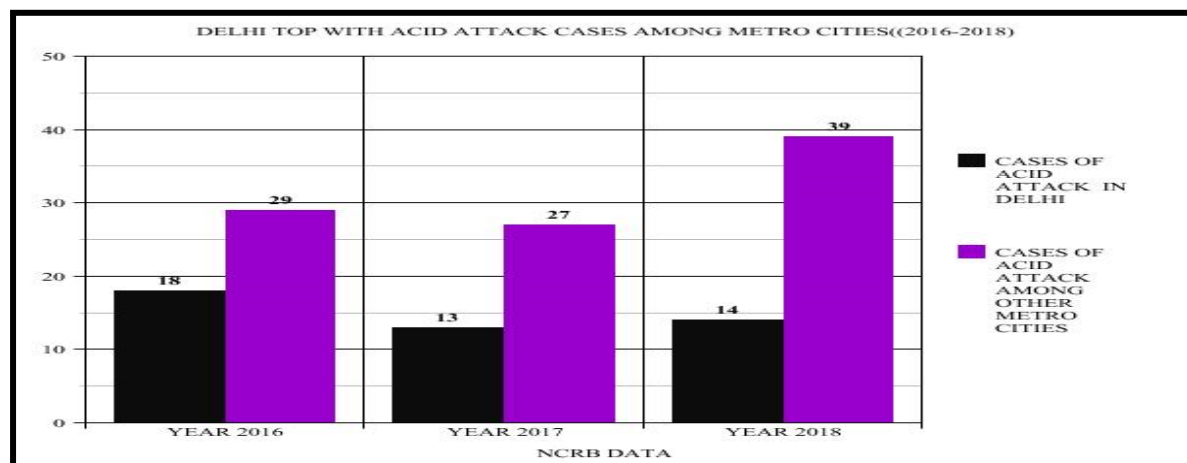
Figures above show two things: first, 90 percent of acid attack cases recorded in one year do not get to trial until the next year, and second, that investigation and court decisions in India are delayed. The courts take an average of five to 10 years to thoroughly resolve an acid assault case, which adds to the low conviction rates.

¹³ <https://www.indiatoday.in/diu/story/india-saw-almost-1-500-acid-attacks-in-five-years-1636109-2020-01-12>



Conviction rates were minor in 2016, 2017, and 2018, at 2.45 percent, 3.39 percent, and 3.36 percent, respectively.¹⁴

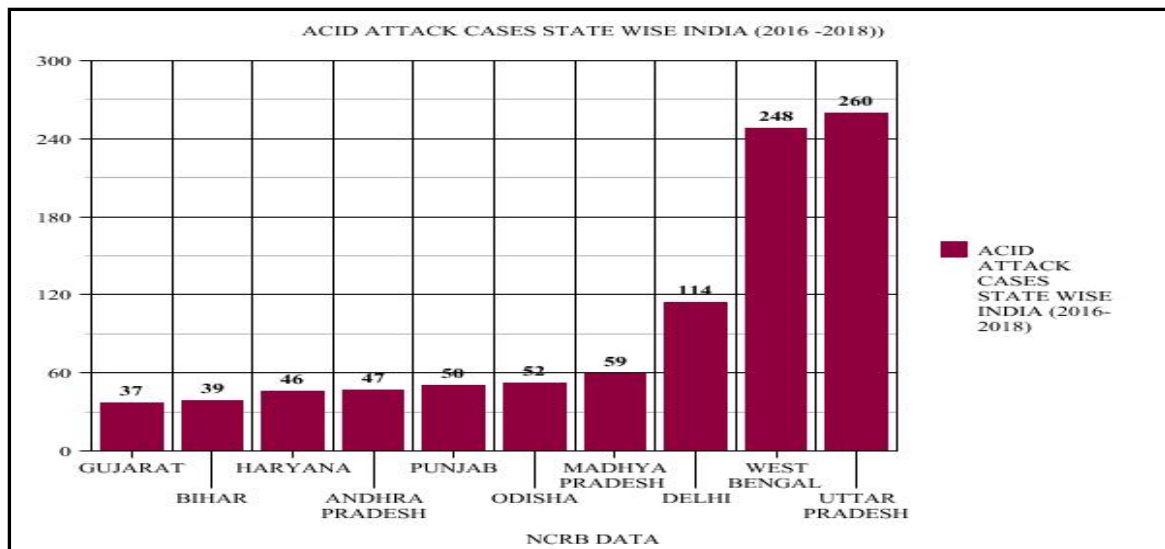
(C) Delhi was top with acid attack cases among metro cities during the year 2016 to 2018



According to data, 18 incidences of acid assault were recorded in Delhi in 2016, while 29 cases were reported in other metropolitan cities. In 2017, the city of Delhi recorded 13 occurrences of acid attacks, while other metropolitan cities reported a total of 27 cases. In 2018, 14 incidences of the acid attack were recorded in Delhi, with 39 cases reported in other metropolitan cities. When compared to other metropolitan cities, data reveals that Delhi has the highest number of acid attack instances.¹⁵

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

¹⁵ Ibid

(D) State wise acid attack cases during 2016 to 2018

From 2014 to 2018, Uttar Pradesh, West Bengal, and Delhi continuously ranked among the top ten states in terms of acid assaults. These three states account for 42% of all acid attack casualties in India during the last five years.¹⁶

VI. LEGAL PROVISIONS TO TACKLE ACID ATTACKS

Acid assaults in India frequently make the front pages of Indian newspapers. Prior to the passage of The Criminal Law (Amendment) Act, 2013, there was no distinct statute in India to deal with acid assaults. Sections 320, 322, 325, 326, and 307 of the Indian Penal Code were used to record the offence (I.P.C).

(A) Grievous hurt { Section 320 (IPC) }

Grievous hurt includes Amputation of any joint, permanent blindness or deafness, permanent disfigurement of the head, face, or bones. It also includes fractures or dislocations of bones or teeth, an injury that threatens life while causing severe bodily pain or that makes the sufferer unable to follow his usual activities for twenty days.

(B) Voluntarily causing grievous hurt { Section 322 (IPC) }

If a person voluntarily causes hurt or knows that his action is likely to cause grievous hurt, he is guilty of voluntarily causing grievous hurt. If any person voluntarily throws acid on someone with the intention of causing grievous hurt, he will be held liable under this section.

(C) Punishment for voluntarily causing grievous hurt { Section 325 (IPC) }

The person causing grievous hurt shall be punished, which may be extended for seven years, and

¹⁶ Ibid

shall also be liable to a fine.¹⁷

(D) Attempt to murder { Section 307 (IPC) }

The crime of murder is committed when an act is done with such knowledge or intent and under such circumstances that, if the act were performed, it would cause death. ¹⁸. Defendant, if found guilty under this section, will be sentenced to imprisonment for a term that may extend to ten years, along with a fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life or to such punishment as is hereinbefore mentioned.¹⁹

Attempts by life convicts – The death penalty may be imposed on someone who has been serving life imprisonment and commits an attempt to murder.²⁰

(E) Section 326 –A (IPC)

Whoever by throwing acid on or providing acid to a person causes permanent or partial damage or deformity to, or burns, maims, disfigures, or disables any portion or parts of a person's body, or causes serious harm²¹, or by using any other means with the aim to cause or knowing that he is likely to cause such injury or harm, shall be punished by imprisonment of any kind for a term not less than ten and may extend to life imprisonment, and with fine.²² Such a fine is just and reasonable to cover the victim's medical expenditures. Furthermore, any payment imposed according to this clause must be remitted to the victim.²³

(F) Section 326- B (IPC)

Any person who throws or attempts to throw acid on another person, administers acid to any person, or uses any other means with the intent of causing permanent or partial damage, deformity, burns, maiming, disfigurement, disability, or grievous harm to that person, shall be punished with imprisonment of either description for a term not less than five years but not more than seven years, as well as a fine.²⁴

¹⁷ Shivani Goswami,Rakesh Kumar Handa,The Peril of Acid Attacks in India and Susceptibility of Women, Journal of Victimology and Victim Justice,Issue : 2020,1,Page Number : 72-92

¹⁸ Section 307 of IPC available at : <https://indiankanoon.org/doc/455468/>

¹⁹ Shivani Goswami,Rakesh Kumar Handa, The Peril of Acid Attacks in India and Susceptibility of Women, Journal of Victimology and Victim Justice,Issue : 2020,1,Page Number : 72-92

²⁰ <https://www.indiacode.nic.in/show-data?actid>. The Criminal Law (Amendment) Act, 2013, was passed on April 2, 2013, amending the Indian Penal Code. As a result, sections 326A and 326B were added particularly to deal with acid violence .

²¹ Navpreet Kaur, Adarsh Kumar,Vitriolage (vitriolism) - a medico-socio-legal review Periodical : Forensic Science, Medicine and Pathology,Issue : 2020,3,Page Number : 481-488

²² voluntarily throwing or attempting to throw acid, available at: [https://advocatespedia.com/Section_326B,_IPC:_ _voluntarily_throwing_or_attempting_to_throw_acid](https://advocatespedia.com/Section_326B,_IPC_-_voluntarily_throwing_or_attempting_to_throw_acid)

²³ Ibid

²⁴ Shivani Goswami,Rakesh Kumar Handa, The Peril of Acid Attacks in India and Susceptibility of Women, Journal of Victimology and Victim Justice,Issue : 2020,1,Page Number : 72-92

(G) Presumption of knowledge and Intention {Section 114-B (Indian Evidence Act)}

The 'Indian Evidence Act' was amended to include Section 114- B, which states that anybody throwing or attempting to hurl acid is presumed to have both knowledge and intent to damage another person.²⁵

(H) Compensation for acid attack {Section 357 (CrPC) }

It has been newly inserted in CrPC, which reads as: "The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code."

(I) Free medical treatment { Section 357 –B (CrPC) }

Section 357-B is a newly inserted provision whereby all hospitals, public or private, are required to provide first aid or medical treatment free of cost. The section reads as:

“All hospitals, public or private, whether run by the Central Government, the State Government, local bodies, or any other person, must provide free first-aid or medical treatment to victims of any offence covered by sections 326A, 376, 376A, 376B, 376C, 376D, or 376E of the Indian Penal Code, and must report such incidents to the police immediately..”

Considering the above-mentioned laws, India's Supreme Court has granted state governments three months to enact new guidelines to put restrictions on the counter sales of acids, which have been used to disfigure or even murder people, mainly women, for decades.

VII. SLUGGISH LEGAL SYSTEM

The 2018 crime data from the National Crime Bureau (NCRB) shows acid attack cases are constantly being transferred or ingested by police every year.²⁶ In 2018, there were 523 trials scheduled in Indian courts, an increase from 407 in 2016 and 442 in 2017. So while the total number of ‘registered’ cases in a particular year is on a slight decline, the fact that so few cases are resolved in a year reflects how sluggish the legal system is. How can survivors hope for a speedy resolution if over 90% of cases are transferred for trial the following year?

There are so many more examples of acid attacks that never get reported, particularly in our rural areas, since so many of these cases are settled outside of the legal system." When reporting such instances, several additional extrinsic elements like caste, class, and power come into play," says

²⁵ Information available at ; <https://www.alec.co.in/judgement-page/a-landmark-judgment-on-guidelines-laid-down-by-sc-for-acid-attack-survivors->

²⁶ Poorvi Gupta, India Is Failing Acid Attack Survivors, Here Is The Data, January 16, 2020 available at: <https://www.shethepeople.tv/news/india-acid-attacks-survivors-data/>

Ashish Shukla of Chaanv Foundation.²⁷

VIII. JUDICIAL RESPONSE TO ACID ATTACKS IN INDIA

(A) Gulab Sahiblal Shaikh Vs. The State of Maharashtra²⁸

In one example, her brother-in-law threw acid on her when she was pregnant with her two-and-a-half-year-old child because she refused to contribute money to support her husband's second wife. She suffered acid burns to the left side of her face, left hand, and left breast, and both she and her infant daughter lost their sight. As a result of her burn injuries, the woman died. Under Section 302 of the Indian Penal Code, the brother-in-law was sentenced to life imprisonment and awarded a fine of Rs. 1000. Under Section 326 of the IPC, he was sentenced to imprisonment of 5 years and a fine of Rs. 2000. Despite the fact that the accused was found guilty, the learned Judge failed to recognize that a significant fine should be imposed and distributed to the victim's child, who suffered numerous injuries as a result of the attack.

(B) Marepally Venkata Sree Nagesh Vs. State of Andhra Pradesh²⁹

In this case, the accused was skeptical of his wife's character and injected mercuric chloride into her vagina, causing her to die of renal failure. The accused was prosecuted under Sections 302 and 307 of the Indian Penal Code.

(C) Revinder Singh Vs. State of Harayana³⁰

In this case, a woman's husband poured acid on her because she refused to grant him a divorce. The husband was involved in an adulterous affair. As a result of the attack, the victim died from serious acid burns on her face and other parts of her body. Section 302 of the Indian Penal Code was used to charge and convict the accused.

(D) Madras High Court in Balu Vs. State Represented Inspector of police³¹

This case was decided on 26/10/2006 by Madras High Court. A man accused his wife of having an unlawful connection with one of his associates. He flung acid at her in a fit of rage, causing serious burns and the victim's death. The spouse was sentenced to life imprisonment and with a fine of Rs. 2000.

²⁷ Ibid

²⁸ Gulab Sahiblal Shaikh Vs. The State of Maharashtra, (1998 Bom CR(Cri)) LAW COMMISSION OF INDIA Report submitted to the Hon'ble Supreme Court of India for its consideration in the pending proceedings filed by one Laxmi in W.P. (Crl.) No. 129 of 2006 ON "The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a law for Compensation for Victims of Crime" July, 2008, Report No. 226 July 2009.

²⁹ Marepally Venkata Sree Nagesh Vs. State of A.p (2002 CriLJ3625)

³⁰ Revinder Singh Vs. State of Harayana(AIR 1975 SC 856)

³¹ Balu v. State Represented Inspector of Police, Madras HC, 2006

(E) The state of Karnataka by Jalahalli Police Station v. Joseph Rodrigues, Karnataka HC³²

In this case, Hasina, a victim, refused the accused's job offer, and the accused splashed acid on her. As a result of the occurrence, her skin colour and appearance changed. As a result of the tragedy, she became blind. The defendant was found guilty and sentenced to life in prison under section 307 of the IPC. A compensation of Rs. 2,00,000/- in addition to the Trial Court fine of Rs 3,00,000 was to be paid by the accused to Hasina's parents

(F) Devanand Vs. The State³³

A man splashed acid on his ex-wife because she refused to reside with him. The woman was permanently disfigured and had one eye removed. The accused was found guilty under Section 307 of IPC and was given life imprisonment.

(G) Ramesh Dey and Ors. vs. State of West Bengal³⁴

Sections 302 and 34 of the Indian Penal Code have been used to impose life imprisonment and a fine of Rs. 5000 in this case, which was decided on May 16, 2007. The accused were found guilty under Section 324/34 of the Indian Penal Code and were sentenced to one year in jail and a fine of Rs. 1,000. If the fine is not paid, the accused will be sentenced to another two months of simple imprisonment. On appeal, the High Court quashed the conviction of the other two accused as there was no proof that they had the same intention.

(H) Srimanthula Chinna Sathaiah and Anr. vs. the State of A.P.³⁵

An enmity developed between two men, one of whom suspected the other of falsely accusing him. He also suspected his wife of having a relationship with the victim's older son. The accused threw acid on the victim as a form of retaliation, resulting in serious acid burns to the victim's face and torso. The accused was charged under Sections 302 and 34 of the Indian Penal Code and was awarded life imprisonment.

In rare circumstances, dowry and property can be used as justifications for acid assaults against women. Property and land conflicts, as well as revenge, can be used as justifications for acid attacks on males. The belief that acid is a simple and efficient way of injuring and killing enemies appears to be spreading to general attacks on both women and men.³⁶

³² **The state of Karnataka by Jalahalli Police Station v. Joseph Rodrigues, Karnataka HC, 2006**

³³ (1987 (1) Crimes 314) See also Veerla Stayanarayna Vs State of A.P 2002(Supp)1 SC 489

³⁴ C.R.A 124 of 2004

³⁵ (998(4) ALD 18)

³⁶ See State of Madhya Pradesh Vs. Jhaddu and Ors. (1991 Supp(1)545)

(I) Ram Charittar and Anr. etc. vs. State of Uttar Pradesh etc³⁷.

Sushila's husband, who was the direct beneficiary of her inheritance, intended to murder her and their two daughters, Bindu and Nandini, in order to get property. He poured acid on her to kill her. Her face, chest, and neck, among other parts of their bodies, were severely burned. According to the doctor, corrosive acid burns and panic were to blame for the death. The appellants, Ram Charittar and Kishori Lal were found guilty of violating sections 302/34 of the Indian Penal Code and were sentenced to life imprisonment by the High Court. Their appeal for acquittal was refused by the Supreme Court. The victims were not compensated in any way.

(J) Mahesh and Parimaladevi Vs. State³⁸

In another case before the Madras High Court, a nurse and a compounder plotted to hurl a mixture of acid and kerosene on a doctor in revenge for the doctor's alleged rape of the nurse. The doctor died as a result of his injuries after being fully burnt. The accused were charged under sections 302 and 109 of the Indian Penal Code; however, due to a lack of evidence, they were not found guilty.³⁹

(K) Barati Vs. State of U.P⁴⁰

The accused threw acid on the deceased, inflicting significant acid burns and death, in a case before the Supreme Court concerning an encroachment issue between the deceased and the accused. The primary accused was charged under Section 302 of the Indian Penal Code and sentenced to life imprisonment.

(L) Awadhesh Roy Vs. State of Jharkhand⁴¹

The victim was standing with her companion at a Dhanbad bus stop when the Appellant arrived; he splashed acid on her head and face. The accused possessed a photo of the victim and was attempting to blackmail her, but she refused to comply with his requests. The victim was hospitalised after suffering burns to the left side of her eye, neck, and chest. The accused was charged with Sections 324, 326, and 307 of IPC. The Hon'ble High Court affirmed the appellant's conviction. The victim received no monetary compensation at all. The court appears to have been directed in this case by the nature of the injuries, which did not, in its judgment, amount to grievous hurt.⁴²

³⁷ Ram Charittar and Anr. etc. vs. State of Uttar Pradesh etc. (04.04.2007 - SC)

³⁸ Mahesh and Parimaladevi Vs. State, Decided on 10/4/2003 by the Madras High Court

³⁹ Ibid

⁴⁰ Barati Vs. State of U.P.(AIR 1974 SC 839)

⁴¹ Awadhesh Roy Vs. State of Jharkhand (Decided on 12/6/2006) see also, Students of A.P.A.U and Miss Anuradha, Student Vs The Registrar, A.P.A.U, N.Sreeniwasa Reddy, Student and Ors. (1997(1) ALT 547)

⁴² Ibid

(M) State (Delhi Administration) Vs. Mewa Singh⁴³

In a case from Delhi, the accused sprayed acid on the victim's face. A part of her face, including her top eyelids, was burnt by the liquid spilled on her face. The skin or any other area of the body showed no signs of damage. The accused was convicted of causing hurt under Section 323 of the IPC and a meager fine of Rs. 300 along with 15 days imprisonment was awarded. This form of punishment for an acid attack is a joke in itself, as it disregards the gravity of the crime and its effects. The victim of such a stressful incident will indeed be affected for the rest of her life.⁴⁴

(N) Syed Shafique Ahmed Vs. State of Maharashtra⁴⁵

In Syed Shafique Ahmed Vs. In Maharashtra, the husband spilled acid on his wife and another individual. This resulted in disfigurement of both the wife's and the other person's faces, as well as loss of the wife's right eye. The accused was prosecuted under Sections 324 and 326 of the Indian Penal Code and was fined Rs 5000 and sentenced to three years imprisonment. This case demonstrates that punishment is based on technicalities of injuries rather than the planned and brutal character of the attack.⁴⁶

(O) State of U.P Vs. Smt. Aqueela and Others⁴⁷

Due to animosity, a woman and her son hurled acid at the victims in another case. From the scapular spine to the iliac crest, several acid burns covered one of the victims' entire back. Chemical burns caused the skin to blacken on the second victim's right side of the forehead, just above the medial end of the right eyebrow. He suffered many acid burns on the lateral part of his left upper arm, and his skin had discolored. The offenders were sentenced to one year of simple imprisonment and one year of rigorous imprisonment under Sections 304 (the penalty for culpable homicide not amounting to murder) and 323/34 IPC (punishment for willfully causing harm with common intention).⁴⁸

(P) Laxmi vs. Union Of India and Ors⁴⁹

This is a public interest lawsuit brought by Laxmi, an acid attack survivor who leads a campaign to prevent acid assaults and heads the 'Chaanv Foundation,' a non-profit government

⁴³ State(Delhi Administration) Vs. Mewa Singh 5(1969) DLT 506. See also Parvathi Menon, Sanjay Vashishtha, The Modern Weapon of Revenge, *International Journal of Humanities and Social Science Invention* Volume 2 Issue 10, October. 2013, pp1-9

⁴⁴ Ibid

⁴⁵ 2002 CriLJ1403

⁴⁶ Ibid

⁴⁷ State of U.P Vs. Smt. Aqueela and Others (1999 CriLJ 2754)

⁴⁸ Ibid

⁴⁹ .[2014 SCC (4) 427]

organisation (NGO) that helps victims and survivors. Laxmi, the victim, in this case, was attacked with acid at the age of 15 in New Delhi by three guys on a motorcycle who was enraged because she had refused to marry one of them. As a result, she was subjected to severe physical and mental stress.

In this case, new directions have been issued by the Supreme Court of India to control the sale of acid in after considering the gravity of the situation and the victims' vulnerable state. Directions issued by Court are as follows:

- a) No one under the age of 18 shall be permitted to purchase acid.
- b) When acquiring acid, a customer must present their identity card and explain why they are obtaining the chemical. Within three days, the same information must be delivered to the local police station.
- c) That the vendor is required to submit a report on acid stock levels to the SDM within 15 days. If the seller fails to furnish such a report, the SDM has the authority to seize any undeclared acid supplies and impose a fine of up to 50,000 rupees.
- d) That if acid is acquired by any institution, firm, lab, or other entity for the sake of research, academics, experimentation, or other purposes, the credentials for the purchase must be kept in a register and given to the SDM.
- e) That a person is authorised to safely inspect the storage and handling of acid at the above-mentioned locations, as well as to record each and every person's entry and exit.⁵⁰

Following the Supreme Court's directions, the Indian Parliament added two sections (326-A and 326-B)⁵¹ to the Indian Penal Code, one section (114-B) to the Indian Evidence Act, and two sections (357-A and 357-B)⁵² to the Criminal procedure code.

IX. CONCLUSION

Many countries have high rates of violence against women. Gender inequality is the root of all forms of violence. Social mores and gender stereotyping encourage violence. As a result, the most effective way to prevent acid attacks is to treat the root cause of the problem. Education is required to end all types of violence against women. Prevention should begin at an early age, with young boys and girls being taught and involved to promote gender equality and respectful relationships. Despite the fact that acid assaults are getting more attention these days, there is

⁵⁰ Information available at ; <https://www.alec.co.in/judgement-page/a-landmark-judgment-on-guidelines-laid-down-by-sc-for-acid-attack-survivors>

⁵¹ Ins. by Act 13 of 2013, s. 5 (w.e.f. 3-2-2013).

⁵² Ins. by Act 5 of 2009, s. 28 (w.e.f. 31-12-2009).

still much more that can be done to prevent this horrific crime. In recent years, several bills have been passed, and other laws have been updated, but we know that this is insufficient. Acid should be sold under tight conditions. The unrestricted supply of acid is largely to blame for the rise in these atrocities. We should be mindful of the pain of acid attack victims as a society. Those who have been affected are very much depressed. However, we must not let them think this. They should be treated the same as we are. They are entitled to respect and decency, just like any other human being. The number of such attacks continues to climb despite our society's strict restrictions. Acid assaults must be stopped as soon as possible.
