

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 2

2023

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Melting Faces, Shattering Lives: The Impact of Acid Attacks on Society and its Socio-Legal Effects

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ABSTRACT

The researcher has talked about acid attacks and highlighted the plight of acid attack survivors. There has been a growing concern regarding the increase in the incidences of acid attacks. This study talks about the definition of acid attacks according to various organisations, causes of acid attacks, causes of acid attacks, post-attack life victims of acid attacks, and its socio-legal aspects. Using a cross-sectional analysis, this study analyses the incidences of acid attacks and various case laws regarding them. There have been developments and amendments in legislation concerning acid in the past years. This study critically analyses them and sees whether they are effective on the ground or not. The major causes of attacks include refusal to propose marriage or sexual favors, patriarchy prevailing in society, cheap availability of acid, and considering beauty as the sole feature of women. The researcher has referred to different works and pointed out sufficiencies and deficiencies. The researcher pointed out some suggestions for preventing the attacks and making the existing laws more effective.

Keywords: acid attack, survivors, legal action, physical scars, gender-based violence.

I. INTRODUCTION

Since civilization began, women have been considered inferior to men. The customs, norms, and rules of society favoured men, and women are just considered the shadow of men whose duty is to take care of men and households. Women have been denied their rights and compelled to follow the norms of society. And when they try to stand up for themselves, they are thrashed and face moral policing, also the question of their character comes around. They are constantly reminded of the so-called duty of women. And this inflexibility towards a particular gender and patriarchal mindset gives rise to several violent and harsh measures to "keep them in control." For a long time, women have been subjected to various types of societal and customary violence such as sexual harassment, domestic violence, female gender mutilation, rape, dowry death, etc. But in today's world, a new form of violence has emerged, which is also the most heinous form

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of action, i.e., Acid Attacks. There has been a growing concern about the increase in the incidences of acid attacks. According to NCRB, acid attacks are throwing any corrosive substance on any part of the body to disfigure, causing a burn to a particular part (generally the face), or even causing death to that person. The possible causes of the attacks are refusal of the proposal of marriage, refusal to provide sexual favors, land disputes, jealousy among peers, no defined laws regarding acid attacks, easy procurement of acid attacks, etc.

Generally, acid attack is perceived as violence toward women, but this is not the case. Most of the studies conducted on a similar topic take women into account. Limited studies discuss the difficulties faced by other genders, including LGBTQ. Further studies are needed to know the actual severity of this crime.

Acid attack is not only the destruction of the physical parts of the body, but it has an everlasting impact on the minds of the victims. They face various difficulties like social stigma, discrimination, difficulties in conducting day-to-day activities, and mental and emotional issues due to their disabilities. This constantly reminds them of the horrific act that has occurred to them. They need to go under a series of treatments for a considerable amount of time and spend a lot of money on treatments if there is insufficient compensation or relief. All these factors put them under a lot of physical and mental stress.

There has not been much done for the mental well-being of the victim. Instead, all the laws and existing works talk about the compensation which can cover the physical damage caused by the act.

Laws regarding the crime of acid attacks are not enough. There is no specific law dedicated to it in the IPC to deal with it. After committing a crime, Predators even manage to escape from the punishment. Even after years of fighting the case to get the perpetrators punished, victims do not get justice. Acid attack is not confined to India; it is prevalent in various South and South east-Asian, American, and Middle East countries.

II. DEFINITION

Acid attacks, also known as vitriolege, are the deliberate throwing of acid or any corrosive substance such as sulphuric acid, or hydrochloric acid on victims with the intent to disfigure, damage, or cause a burn to the face or any part of the body to cause a long physical, emotional and mental, societal inconvenience and sufferings.

As per the provision of the "Prevention of Offences (by Acids) Act 2008, (National Commission for Woman – Draft Bill)" constitutes the definition of Acid Attacks and Acid. According to

Section 3 of said Act - " (a) "Acid" shall mean and includes any substance which has the character of acidic or corrosive or burning nature that is capable of causing bodily injuries leading to scars or disfigurement or temporary or permanent disability. (b) "Acid attack" means any act of throwing acid or using acid in any form on the victim with the intention of or with the knowledge that such person is likely to cause to the other person Permanent or partial damage or deformity or disfiguration to any part of the body of a such person." (Anand, 2020)

"The Indian Penal Code, 1860 by Criminal Law (Amendment) Act, 2013 under Explanation 1 of Section 326B has defined acid to include, "any substance which has the acidic or corrosive character or burning nature, capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability" (Singh, 2021)

(A) Research Methodology

The method used in this research is a doctrinal method of research. It is a type of research that is based on existing works. To have research effectively, it is best to use the doctrinal form of research and analyze present laws, existing studies, and statistics

The researcher is not restricted to any particular research methodology but includes secondary data, which helps conduct the research further and enhances the study.

The researcher for the study depends on primary and secondary data.

The researcher uses various articles, journals, books by known authors, acts of the constitution, judicial decisions, and various contents available on the internet.

(B) Research Questions

The researcher has mentioned some issues, and formed and answers the following questions –

- 1) What is an acid attack?
- 2) Why acid attack occurs?
- 3) What is the impact of acid attacks on victims and society?
- 4) What are the legislations regarding the prevention of acid attacks?

(C) The objective of the study

The Current research is descriptive about the current issue of acid attacks, the discrepancies in the existing laws, and the suggestions that could effectively decrease the number of acid attack incidents.

- 1) To examine the causes of acid attacks.

- 2) To analyze the current laws, how they are effective in the current scenario, and their discrepancies.
- 3) To examine the relief measures provided by the government to the acid attack victim.

(D) Literature Review

There are numerous works revolving around the issue of acid attacks, be it articles, journals, web content, etc. Acid Attack: DISCOVERING THE LOST IDENTITY, is an article that helped the researcher to get knowledge about the acid attack and its definition. The Researcher has also referred to the data of NCRB regarding the same. Acid attacks: Their clinical and psychological Effects helped the researcher to have an in-depth knowledge of the impact of acid attacks on victims both mentally and physically. The Researcher has referred to Acid Attacks In The Back Drop Of India And the Criminal Amendment Act 2013 including certain sections of the Indian Penal Code has helped the researcher to know about the legislation related to acid attacks in India and the relief measures.

The researcher has found multiple works regarding acid attacks in the context of women but there are not much data about the attacks regarding the other genders. Further studies need to be conducted regarding the same.

III. WHY DOES AN ACID ATTACK OCCUR?

Many factors contribute to the incidences of acid attacks. One of the main reasons for it is the patriarchal mindset of society. In modern society, women contribute significantly both economically and socially. But still, they are considered inferior to men.

Reena (name of the victim changed) was a bright student in her school. She was very ambitious and wanted to become a staff nurse and independent woman. She had a family friend (Pankaj, the name of the perpetrator) in her neighborhood. They used to be friends at first, but Pankaj had other intentions after some time. He proposed to Reena, but she refused. Even after rejecting the proposal, he used to stalk her. Reena complained about it with her family. There was an altercation between her family and Pankaj. Reena's family moved her to Delhi to complete her studies without any disturbances. On 21st October 2013, she returned to her hometown to appear for exams. While she was reaching the exam center with her uncle on a bike, she was attacked twice with acid by Pankaj.

In another incident, Maryam's husband used to beat her, torture her both physically and mentally, ask for dowry, and mistreat their child. After a long time of abuse, Maryam's sister Reshma took her and her child to their parent's home. While the child was at school, Sharfaraz

took Rehan from school. After Maryam got to know about it, she filed an FIR for the custody of her child. Aggrieved by this, Sharfaraz went to throw acid on her wife. Coincidentally, both Maryam and her sister were wearing hijabs. Misrepresenting Reshma as Maryam, he poured acid on her face.

Both Reena and Reshma were victims of gender-based violence in India. The social wellness of women in society makes to vulnerable to these crimes. They are considered a "possession" of the males, Sometimes, as a daughter and sometimes as a wife. Our deep-rooted, rigid social traditions have made it difficult for women to cope with these crimes. In a modernized society, women depend less on men. Women are setting their rules for living their life and breaking male dominance. This gives a significant jolt to the patriarchal society and makes them insecure about controlling the other sexes. This results in growing frustration among men. And if a male faces any rejection from women, it hurts his male ego, makes him insecure about his masculinity, and in an urge to satisfy his ego, he resorts to extreme steps like acid attacks.

The following reasons are some reasons for the acid attacks.

1. Lack of Stringent laws- According to the broken Windows theory of Kelling and Wilson (1982), if we are not severe or careful about any problem, that problem gets worse as time passes. Likewise, the society or the concerned authority not looking at the issue of acid attacks seriously has worsened the matter and led to an increase in the number of acid attacks in recent years.

For, e.g., In Reena's case, the perpetrator who threw acid on her face was not arrested till twenty days after the incident. And the second perpetrator, who was riding the bike on which they carried out the incident, was arrested after six months. Even after getting arrested, the main accused spent eleven months in jail and was out on bail. And the second accused spent only six months in prison. Police also demanded money from the victim's family to arrest the perpetrators. After the acid attack, Reshma was forced to live in Delhi because of the lack of security and needed to travel each time to court for hearings while Pankaj (perpetrator) was attending the hearings on calls.

This dire situation of law and order makes the victims suffer more and demotivates them from fighting for their rights and instead makes the accused side strong. All these loopholes motivate the perpetrators to commit such crimes.

2. Refusal to marriage /proposal – This constitutes a significant percentage of the crime of acid attack. Most of the victims under this consist of ages 15 to 30. Males overwhelmed with ego and dominance cannot face rejection and resort to such extreme steps.

3. The refusal to have sex or a relationship :-

In a patriarchal society, women are considered men's possessions or objects. This concept is so prevalent in India that no laws for marital rape have been formed until now. Women are thought to be the carer of men and seen as an object to satisfy men both physically and mentally, and when they face rejection regarding this, they are filled with frustration.

4. Failure of women to bring dowry for their husband - despite dowry being illegal in India, it is still prevalent in India. This practice is so ingrained in our society that marriage is not deemed complete if it's not included. Dowry was meant as a gift to the bride to ensure her independence after the marriage, but today it is a source of extorting money from the groom's side. For a long time, women have been considered a burden on a family, so dowry is seen as a cost to shift the burden from the family. And when their needs are not met, women are subjected to mental and physical torture.

5. Business disputes - There has been growth in competition. Today's work culture is full of mental pressure and anxiety in a modernized society. If people want to achieve something, they need to exploit themselves, work extra hours, skip holidays, and in doing so, their mental and physical health deteriorates. People start finding shortcuts to achieve quick success, and in doing so, they use methods like acid attacks to push their competitors down.

6. Cheap availability of acid - Despite the supreme court order prohibiting the over-the-counter sale of acids, acid is being sold easily in the market. The Supreme Court laid various guidelines for the regulation of acid sales. The Model Poisons Possession and Sale Rules were framed under the Poisons Act, of 1919, which declared certain acids as poison, and their supply is regulated under Poisons Act, 1919.

7. Women's physical appearance and beauty is the foremost feature of her personality. According to society, this makes them vulnerable to acid attack, which destroys the face or physical features.

IV. IMPACT OF ACID ATTACKS ON VICTIMS AND SOCIETY

It only takes a few seconds to throw acid on the victims, but its consequences are lifelong. It's harsh to say, but the life of an acid attack survivor is indeed worse than death.

After being attacked by the acid, Reena had to go through a series of events that stressed her physical and mental condition. They have immense pain when an acid reacts with the body parts. It causes a tremendous burning sensation, skin, and muscles to melt, and sometimes it reaches the bones. Victims had to go through a series of surgeries and months of bed rest. They

face an immense shock when they see their disfigured face after treatment. They feel highly demotivated, and they start to have suicidal tendencies.

And In many cases, they attempt suicide. People around them start to have different approaches toward them. They begin to ignore, taunt and tease them. There's a huge stress on the financial condition of the family. For Reena (the victim mentioned above), her father had to sell his lands, and his assets for her treatment of her. In doing so, the siblings had to leave their education in between. Victims of the family also have to discontinue treatment due to financial crunch. Victims are dependent on the other person for everyday activities, and dependency increases further because many acid attack victims do not get jobs due to their disability.

They need to bear psychological effects like trauma, depression, loss of confidence, social isolation, frustration, and fear of another attack.

In some cases, victims hesitate to lodge a police complaint due to fear of ridicule and harassment from police officers. Often, society blames victims for the acid attacks. They question their conduct, character, integrity, and social stigma. There is a lack of gender sensitivity in the judiciary too. E.g., in a case, the judge asked the victim to cover her face, as she was unbearable to look at. Most of the time, when they are in public, they need to cover their faces to avoid discrimination. E.g., For while sharing her experience in an interview told that she had to face harsh questions about herself, people questioned her character, discriminated against her, and children taunted her, but this was not the case as she went to New York for fashion week. And also, after the surgeries, they need to be extra cautious about their skin due to medical issues.

V. LEGISLATION RELATED TO ACID ATTACKS

A dedicated law, the " Criminal Compensating Injuries Act," for compensating acid attack victims, is enacted by the government. Hon. Justice J. S Varma's committee also gave some recommendations regarding the attacks.

The following are some laws regarding relief to acid attack victims.

1. Section 326 A, 326 A - delation with the voluntary causing grievous hurt by acid or attempt to throw acid
2. Section 357(4) Crpc 1973 - under Section 326 B, the court should pass a judgment order to convince the convicted person to pay by way of compensation an amount adequate to meet at least the medical expenses incurred on the victim.

The Criminal Law (Amendment) Act, of 2013 was a landmark judgment. Before this amendment, there were no provisions to provide strict punishment to the guilty nor proper

compensation given to the victim.

This includes -

1. Section 100- Clause 7 of this section provides the right to private defense to the victim against the perpetrator. The victim would not be punishable even upon the attacker's death in the course of self-defense.
2. Section 166A - disobeying of due process by a public servant during the investigation is considered a punishable offense with a term of a minimum of six months which can extend up to two years.
3. Section 166 B- Any private or government hospital is punishable if denying treatment to the victim.
4. SECTION 326 A and 326 B - criminalized acid attacks and attempted attacks nationally. Acid Attacks and other similar attacks are specific crimes causing "grievous hurt," which are punishable by a minimum of ten years and can extend up to life sentences and a direct fine paid to the victim for medical expenses.
5. Section 119 talks about the victims who cannot give their testimony in open court due to their medical conditions. Their testimony can be taken in writing, signs or gesture, or any other understandable manner for a reasonable man.

Parliament did not form any legislation for the acid supply chain, but after a series of acid attack incidents, the Supreme Court of India, in WP(Crl.)129 of 2006 *Laxmi v. Union of India & Ors.* Set some guidelines for the union and state govt for the acid supply chain. Guidelines are following -

- States and union territories issue licenses to retailers who sell acid
- Retailers do not sell acid over the counter unless they keep a record of the quantities sold and the details, including addresses, of buyers
- States and retailers prohibit sales of hydrochloric, nitric, and sulfuric acid to anyone under 18 years old
- Buyers present photo identification and declare the purpose for purchasing acid
- Retailers declare the amount of acid they have stocked to the Police
- Police confiscate any undeclared stock and fine retailers up to 50,000 rupees.

Earlier, there were no specific provisions or guidelines for compensating and rehabilitating acid attack victims. Still, the 2013 and Laxmi case has greatly helped move toward the acid attack

issue.

The whole nation shook after the 2011 Nirbhaya incident. Justice Verma Committee, which was set up after that, realized the severity of acid attacks and their impact on victims and recommended some reforms.

Despite all these laws enacted by the parliament, they are not sufficient to cover the offense of acid attacks in certain circumstances. The term "Acid Attack" is not mentioned under any provisions and comes under grievous hurt. So grievous harm only covers acid attack as an offense under it when there is any organ damage. If there is only skin damage to the victim, it rewards only a minimum term of three years. It also does not cover the inconvenience caused to the victim like loss of income, mental trauma, deterioration in life experiences due to medical conditions, their opportunity to have a marriage, or loss of job opportunities. So there needs to remove all the discrepancies in the law, and a dedicated provision for acid attacks to make the law strong.

VI. SUGGESTIONS

1. Victims have to wait years before getting justice due to the slow judicial process. There's a need for a separate tribunal or bench for speedy trials of the cases. The bar's decision should be binding to save the victims from unnecessary appeals in different courts.
2. India has a lack of expertise regarding plastic surgeries and handling complex cases like acid attacks. Victims need to switch to multiple hospitals and doctors to get the right treatment. So, healthcare professionals must be trained to handle such cases.
3. Hospitals and medical professionals lack proper first aid responses. E.g., the hospital staff refused to admit her when Reena was taken to the nearby hospital after being attacked with acid. After Reena's father requested them, they admitted her and put ointment on the acid burns, and injected glucose as a first-aid measure. There was no doctor available for about 2-3 hours. There was no ambulance available to shift her to another hospital. And meanwhile, she had to change three hospitals before she got the proper treatment. So, hospitals and medical staff must be trained and equipped to handle such cases.
4. Due to a lack of awareness, people do not know the compensation schemes for acid attack victims, and they need to bear all the costs of treatment. And even if they know about the schemes, the amount they receive as compensation is significantly less than the actual cost incurred in treatment. So, there should be awareness programs regarding

this, and also government should incur all the costs of treatment.

5. Police and judiciary should be made sensitive towards acid attack victims. And there should be effective laws against the perpetrator because in some cases, it comes out that police take bribes from the family of the victim to catch the victim. The judiciary is friendly toward powerful perpetrators. for, e.g In Reena's case, she cannot go to her hometown because of security issues as the perpetrator is powerful there, and he attends his court meetings on a phone call.
6. There should be an effective rehabilitation program for acid attack survivors to regain their livelihood. Government must collaborate with various NGOs to make the program effective.
7. There should be strict rules for acid supply chain regulation, and any violation of the law should come with severe punishment.

VII. CONCLUSION

India is the victim of various crimes against women, and among them, one of the most heinous crimes is an acid attack. However, patriarchy is the main reason for such attacks. Weak laws regarding the acid supply chain, regulations, and a lack of strict punishment for perpetrators also contribute to such attacks. Survivor has to face social stigma and due to this, they lost their income and livelihood. The government has released some compensation schemes, but that is less than sufficient. Indian penal code has some laws regarding the prevention of acid attacks, but there is no law for acid attacks. This research paper contains some recommendations for preventing acid attacks.

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