

Acid Attack: The Barbaric Act Of Violence

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ABSTRACT

One of the most horrific violent crimes in human history is an acid attack. Acid attack means acid throwing. The act of throwing any corrosive substance on the body of a person. The intention is to disfigure, maim, torture or to kill a person. The most vital part of body attacked is the face of the victim. The acid burn the skin and the tissues, even affecting the bones. Attack on face mostly leads to blindness. The most common type of acid used in these attacks is sulfuric acid, nitric acid as well as hydrochloric acid. It causes severe permanent scars on the body and face. The victim face various difficulties including social, psychological, physical as well as economic. At present, acid attacks are reported in many parts of the world. In India, acid attacks are at an increasing rate as around 300 cases are reported every year. 80% of the victim are women.

Keywords: acid attack, scars, corrosive, burns, women, violence.

INTRODUCTION

The crime of acid attack is also known as “acid throwing.” Acid attack is a grave offence. This is an offence against humanity. An assault is being committed under this offence. One person throws acid on other which results into causing grievous hurt to the victim. The Law Commission of India in its 226th Report highlighted the issue of acid attack and recommended to insert specific provisions dealing with acid attack in the Indian Penal Code, 1860. This issue was further raised by Justice Verma Committee Report, 2013 which focused on offences against women.¹ The criminal law was amended in the year 2013 when certain new provisions were added to the Indian Penal Code, 1860 which include section 326A and 326B. further, a new clause was added to section 100 of the Indian Penal Code, 1860.

The crime of acid attacks against women in India is becoming more and more common. In such crimes against women, it is always the case that these incidents are either localised or individualised. It is the pathetic status of women that is perpetuated by the system that is responsible for such evils. In India, like in most countries, women are treated as second class citizens and are never given the opportunity to assert themselves by refusing the so-called love proposals and advances.²

In an acid attack, acid is thrown over someone's face in order to cause a burn on the face. This is because the face is the part of the body that is usually not covered. Nitric, sulphuric, and hydrochloric acids are majorly used in acid attacks. When these kinds of attacks are committed, the motive of the offender is not to kill the victim but to disfigure the body of the victim and put the victim in immense pain, and the recovery might be very difficult. Women have been the vast majority of acid attack victims. 78% of acid attacks are caused by the rejection of a love proposal or a refusal to marry, though there are many other causes too, which include personal hatred, the assumption or knowledge of extramarital affairs of husband/ wife, etc. Most of the time, the motive behind throwing acid is to torture, maim, disfigure, or kill the victim.³

¹ Justice Verma Committee Report, 2013, Para 4-9 at 146-148.

² Law Commission of India, 226th Report on Proposal for inclusion of acid attacks as specific offences in the Indian Penal Code and a law for compensation for victims of crime, (July, 2008), available at: <http://lawcommissionofindia.nic.in/reports/report226.pdf>.

³ Maimed and scarred: Acid attack victims need relief, The Tribune, 10 (January 28, 2013).

According to UNICEF, in an acid attack, a man throws acid on the face of a girl or woman. Any number of reasons can lead to acid attacks. A rejected marriage proposal is offered as justification for a man to disfigure a woman with acid.⁴

Acid means any corrosive 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.⁵

Acid attacks are prevalent over the whole world including Australia, Bangladesh, Cambodia, China, El Salvador, Ethiopia, Italy, Laos, Malaysia, Nepal, Pakistan, Sri Lanka, Thailand, Uganda, UK, USA, and Vietnam. In most of the countries the reason of such crimes are patriarchal society, refusals of a relationship or marriage proposal, dowry, marital disputes, family disputes, political rivalries, land disputes etc. There are various International conventions and treaties, such as Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, International Covenant on Socio, Economic and Cultural Rights, 1966, and Convention on Elimination of all forms of Discrimination against Women, 1979 etc., which are relevant in the context of acid attacks and regulates such incidents. Various countries have made some policies, laws or rules to combat such crimes but Bangladesh is the only country which has enacted strict policies and very purposeful laws which proved to be successful to combat such a heinous crime.

EFFECTS OF ACID ATTACK ON VICTIM

Acids are corrosive substances that will cause visible necrosis (death) of human skin tissue and will even corrode a metal in higher concentration. They can cause serious poisoning; burning and serious injury can result from exposure to strong acids. However, due to the fact that assaults often target the victim's face, the effects go far beyond skin damage. Eyelids and lips may burn off completely. The nose may melt, closing the nostrils, and ears shrivel up. Further, acid usually drips onto and corrodes the limbs of the victim. Subsequently, not only do acid attacks leave victims horribly disfigured, they can also cause severe, permanent disabilities. Survivors are frequently left blind, or deaf, or without the full use of their hands. These effects are primarily the result of attacks using acids of high concentration, and the effects are not quite so severe when diluted acids are employed.⁶

Victims of attacks do not only undergo severe physical trauma but also undergo traumatic changes in the way they feel and think. Psychological trauma is caused by both the terror victims suffer during the attack, as they feel their skin burning away, and after the attack by the disfigurement or disabilities that they have to live with for the rest of their lives. Victims suffer psychological symptoms such as depression, insomnia, nightmares, fear about another attack and fear about facing the outside world, headaches, weakness and tiredness, difficulty in concentrating and remembering things, etc. They feel perpetually depressed, ashamed, worried, and lonely. They live life in the fear that they might be attacked again.⁷

REASONS FOR ACID ATTACK

1. Cheap and easy availability of Acid
2. Patriarchal societies and male ego
3. Rejection in love and Refusal of indecent proposals
4. Land or money disputes; business conflicts
5. Suspicion of infidelity
6. Lack of laws for restrictions on sale and purchase of acids
7. acids
8. Family disputes; domestic violence; relationship
9. conflicts
10. Dowry demands
11. Sexual crimes
12. Media

LAWS REGULATING ACID ATTACK IN INDIA

Until 2013, acid attacks were not even considered distinct offences under Indian law and were covered under general laws such as punishment for grievous hurt and attempt to murder. But with changing times and

⁴ Available at: http://www.unicef.org/emerg/files/women_insecure_world.pdf

⁵ According to Section 3(a), Draft Prevention of Offences (By Acid) Act, 2008

⁶ 226th Report Law Commission of India, 226th Report on Proposal for inclusion of acid attacks as specific offences in the Indian Penal Code and a law for compensation for victims of crime 3, (July, 2008), available at: <http://lawcommissionofindia.nic.in/reports/report226.pdf>

⁷ *Ibid.*

increasing cases of acid attacks, the Criminal Law (Amendment) Act of 2013 was passed, which changed the situation in India regarding acid attack laws. Sections 326A and 326B were added to the Indian Penal Code, 1860. These are special provisions for acid attack cases.

PROTECTION UNDER INDIAN PENAL CODE, 1860

Voluntarily Causing Grievous Hurt by Use Of Acid etc.⁸

Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.”

For the sake of this section, “acid” has been referred to as any substance that is acidic or corrosive in character and also has a burning quality to it. This substance is also quite capable of causing permanent or temporary scars over the body parts along with causing disfigurement or disablement of the body or body parts.

Permanent or partial harm or deformity is not necessary to be irreversible for the purposes of this clause.

Voluntarily Throwing or Attempting To Throw Acid⁹

Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purposes of section 326A and this section, “acid” includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2.—For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.”

A presumption regarding the acid attack is described under Section 114B of the Indian Evidence Act. According to this Section, if anyone commits the offence of “acid attack,” then as a general presumption, the court will presume that the offender was very well aware of his actions while having enough knowledge and intent that such injury was likely to be caused, as specified/ given under Section 326A of the IPC.

THE MODEL POISONS POSSESSION AND SALE RULES, 2013

- The selling of acid over the counter (without a valid prescription) was prohibited unless the seller kept a logbook/ register noting the information related to the sale of acid. This logbook was also supposed to include information about the person to whom the acid was sold, the quantity sold, the individual’s address and the reason for buying the acid by the buyer.
- The sale will also be conducted only if the customer presents a photo ID proving that he or she is over the age of 18 i.e. he/ she is a major.
- Sellers must also disclose all acid stocks with the competent Sub-Divisional Magistrate (SDM) within 15 days and also in the case of undeclared acid stock. For a violation of any of the directives, the SDM has the authority to seize the stock as well as levy a fine of up to Rs 50,000.
- According to these guidelines, educational institutions, research laboratories, hospitals, government agencies and departments of Public Sector Undertakings are required to preserve and store acid and also must keep a register of acid usage and file it with the appropriate SDM.
- A person shall be held accountable for the possession and safekeeping of acid on their premises, according to the rules. The acid must be stored under such supervision that students, workers leaving laboratories or places of storage where acid is utilised must be checked.

⁸ The Indian Penal Code, s. 326A.

⁹ The Indian Penal Code, s. 326B.

Any Public servant disobeying direction under law who fails to record any information given section 326A, section 326B shall be punished.

THE CODE OF CRIMINAL PROCEDURE, 1973

This Code deals with the Victim Compensation Scheme. Under this Section, every state government is required to prepare a scheme to provide funds for compensating the victims or his/ her dependents who suffered a loss or injury due to the attack on the victim. The scheme would also provide funds for cases where the victim needs rehabilitation. This scheme was meant to be operated in cooperation with the Central Government. The Section further specifies a detailed procedure for determining the amount of compensation which is to be paid to the victims and which mode of disbursement to be used.¹⁰

According to this Section, the compensation provided by the State Government under section 357A is in addition to the victim's fine under Sections 326A, 376AB, 376D, 376DA and 376DB of the Indian Penal Code.¹¹

This Section deals with the treatment of victims. All the hospitals either public or private, whether run by the Central Government, the State Government, local bodies, or any other person, must immediately 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 IPC and must immediately notify the police officer about such incident. The Legal Services to Victims of Acid Attacks Scheme was launched in 2016. Its main objectives are as follows:¹²

The first objective of this scheme is to improve legal aid services and representation of acid attack victims at national, state, district and taluka levels. This is to be done so that victims can take advantage of various legal provisions as well as available compensation schemes.

ROLE OF JUDICIARY

In the case of **Ravinder Singh v. State of Haryana**,¹³ acid was poured on a woman by her husband for refusing to grant him a mutual consent divorce. The husband was having an extramarital affair. The victim died as a result of extensive acid burns on her face and other parts of her body caused by the attack. The culprit was charged under Section 302 of the IPC. Even though the victim had died, life imprisonment was not awarded. This case was way before 2013, so the present legislation was not applicable at that time.

The case of **Lakshmi v. Union of India**,¹⁴ is about a girl named Lakshmi who was only 16 years old when she was attacked with acid. This attack was motivated by a refusal to accept a marriage proposal. Lakshmi was brave, and in 2006 she filed a PIL in the Supreme Court of India, demanding not only compensation but also the development of new laws and the amendment of current laws in India connected to acid attacks. She requested a complete ban on the sale of acids to common people in markets. The Supreme Court ruled the case in her favour and directed the Central and State governments to draft legislation on this subject after adequate thought and discussion. As a result of this important judgement, the Supreme Court completely banned the counter sale of chemicals unless the seller kept a record of the buyer's addresses and other details, as well as the amount. Dealers can now only sell the chemical after being shown a government-issued photo ID and stating the reason for the purchase. Many steps were taken such as regulation of acid supply, use of acids and rehabilitation of women victims to prevent acid attacks. These steps were taken by passing the Acid Attack and Rehabilitation of Acid Attack Victims Bill, 2017.

In **Parivartan Kendra v. Union of India**,¹⁵ Parivartan Kendra is the name of an NGO that exercised its constitutional right under Article 32 and filed a writ petition. Despite the judgement in *Lakshmi v. Union of India*, the concern raised in this case was the deteriorating status of acid attack victims. The complaint was filed following an acid attack on an 18-year-old Dalit girl who had previously been sexually harassed and verbally abused. Four people spilled acid on her face while she was sleeping. Both she and her sister were injured while sleeping together. Medical treatment was delayed, and the family's expenses were so high that they were in debt. The NGO emphasised issues such as the inadequacy of 3 lakh rupees for sufferers, the necessity of medical efficiency for a speedier recovery, and additional medical incentives such as free check-ups, medication costs, and so on.

The Court ruled that the government had failed to handle the problem of acid attacks despite numerous laws being passed, and inadequate funding is also one of the reasons. Compensation of at least 3 lakh rupees was mandated. Within three months, the victim and her sister were to get ten lakh rupees and three lakh rupees, respectively.

¹⁰ The Code of Criminal Procedure, 1973, s. 357A.

¹¹ *Id.*, s. 357B.

¹² *Id.*, s. 357C.

¹³ AIR 1975 SC.

¹⁴ AIR 2015 SC.

¹⁵ AIR 2015 SC.

The case law of ***State of Maharashtra v. Ankur Panwar***¹⁶ concerns a 23-year-old nurse who worked at a Mumbai hospital. The accused approached her for marriage, but she declined because she wanted to advance her career. He couldn't take the rejection any longer and threw acid at her when she was on the train. She drank a few drops by accident and died as a result. She was admitted to the hospital for a month, but she died. It should be noted that, as it was found to be a particularly exceptional case, it was heard by a Special Court presided over by a female judge, Justice A.S. Shinde. She was surprised that the acid attack was so heinous that the victim died as a result of it. Given the nature of the offence committed, the court felt a deterrent sentence for the accused was necessary in this case. The court sentenced the culprit to death and levied a Rs 5000 fine on the offender which was to be paid to the victim's parents.

CONCLUSION

The Constitution of India provides various provisions for equal rights and opportunities for both men and women. It also contains special provisions which protect women and give her special rights. The provisions of the Constitution manifest great respect for human dignity, equality and non-discrimination. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles and other headings. The Constitution grants equality to women as well as empowers the State to adopt measures provide special rights to women. Although Indian Constitution has no specific provisions relating to acid violence but abovementioned provisions provide protection against such inhuman acts. There are numerous other statutory provisions in India under Indian Evidence Act, 1872, The Poisons Act, 1919, Code of Criminal Procedure, 1973, The Protection of Human Rights Act, 1993, the Prevention of offences (by Acids) Act, 2008, NALSA (Legal Services to victims of Acid Attacks), Scheme, 2016, which can be utilized to afford protection against acid attacks. Compensation is very important part of providing justice to the victims. So, the States have come up with a Victim Compensation scheme with variations from one state to another in the amount of compensation. The Central Victim Compensation Fund scheme is aimed at harmonizing the state schemes with a minimum fixed amount of compensation for victims of various crimes.

SUGGESTIONS

Male child should be primed regarding gender equality from early life. The inequality is deep rooted in our society. It should be removed starting from the home itself. Each individual should make effort to change the patriarchal concept which allows male dominance and causes inequality. Both the female and male child should be treated equally. Parents should teach the children to respect each other in the childhood. Unnecessary demands of children should never be met. The boys should be taught to accept the rightful rejection so that they should be able to accept NO for something. Society should not allow the male mindset to trample upon the rights of the women in a democratic setup. The need of the hour is to create a human environment through consistent efforts of spreading awareness regarding human equality. Thus, social mores need to be changed for the goodness of society. The need is to foster ethical value system and the thrust should be to make human being good and responsible citizen with human feeling. Education is the best key to stop any kind of violence.

References

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¹⁶ AIR 2019 SC.

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