



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

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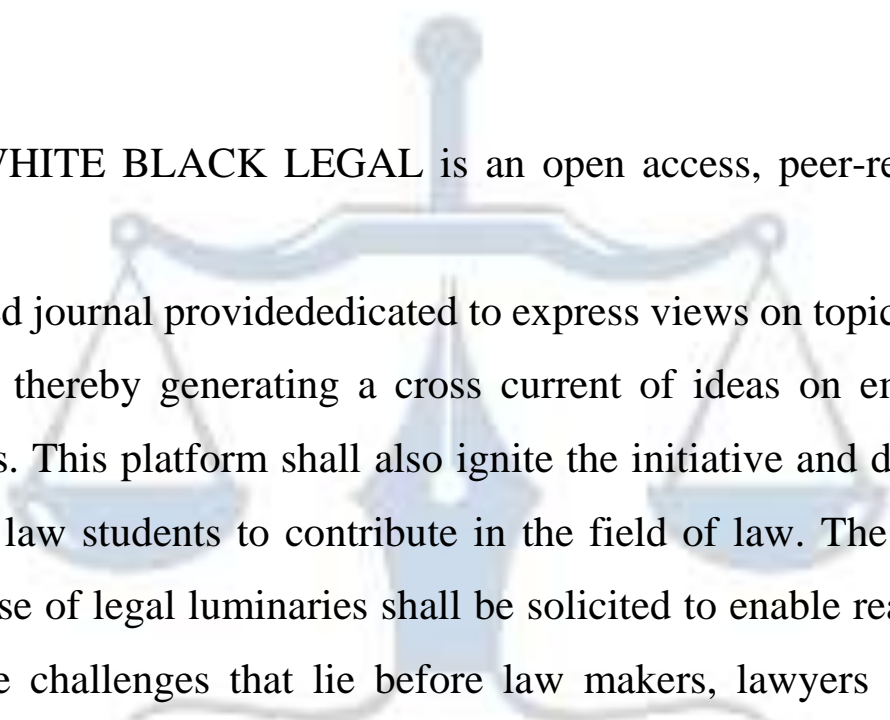


Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HATE CRIMES AGAINST WOMEN: A SOCIO LEGAL ANALYSIS OF ACID ATTACKS IN INDIA

AUTHORED BY - NAVDEEP KAUR & AMANDEEP KAUR

Assistant Professor of Law

Sant Baba Bhag Singh University, Jalandhar, Punjab

Abstract

The crime against women is a global issue. The crimes against women take many different shapes. It can occur before birth, during maturity, or at other points in life. Despite the fact that women are susceptible to all types of criminal activity, such as robberies, murders, and deceit, crimes that specifically target them as victims are categorized as gender-based violence. Women encounter a variety of problems, including abuse by intimate partners, rape in marriage, rape by other males, prostitution, trafficking, forced child marriage, honour-killing, crimes involving dowries, incest, foeticide, acid attacks, and other forms of violence. Because almost all of these acts are committed by men against women, they are classified as gender-based crimes. Even while discrimination against women still exists in many parts of the world's civilizations, acid throwing has become a new kind of assault. Acid violence, in which women are purposefully damaged by having acid splashed on their bodies and faces, is one of the most heinous crimes against women. When someone intentionally commits violent acts against a victim, they may hurl, spray, or pour acid on them. This is known as acid violence. It results in the victim's acute harm, deformity, agony, and chronic medical issues.

Keywords: Crimes, Women, Acid Violence, Victims, Harm.

Women are the backbone of society and the unofficial home legislators, therefore their advancement and involvement in the spirit of progress are vital to the development of any community. Prior to the Europeans' arrival, Indian women enjoyed much autonomy and social standing in their nation. However, because of a number of social, economic, and political pressures as well as the negative effects of foreign ideologies, cruel restrictions were placed on them, and they were forced to live in a state of servitude and insignificance while also having to deal with a number of taboos and restrictions. Indian civilization has historically been a

tradition-bound society where traditionalists would provide an idealized picture of women and support their assertions with allusions to classical and Vedic literature.¹ The idea of the primal one is a balance between the masculine "purusha" and the feminine "prakrate." The god-head is described as half masculine and half female in the idea of "ardhanarishwara." The supremacy and destructive power of women are at the heart of the "Shakti" cult. We associate femininity with rivers and streams, dawn and dusk, flowers and seasons, knowledge, and music. Over time, the widow, the wife, and the daughter's status, power, and infirmities continued to shift. In the areas of family, religion, and public life, women enjoyed significant freedoms and privileges; nevertheless, as the centuries passed, things continued to change negatively. Contrary to popular belief, women held far better positions in Hindu culture during the Vedic era, when civilization was only being started.²

STATUS OF WOMEN IN DIFFERENT PERIODS

Women in India have been a subject of worry since ancient times. They are the perfect example of a stay-at-home mother. Even the most difficult situations are readily handled by them due to their unmatched mental tranquillity. Indian ladies give their family their undivided attention. They are taught under titles such as Kali, Parvati, Goddess Saraswati, and Goddess Durga. Women's status and social standing in India have fluctuated greatly throughout history. In order to give a succinct summary of how women's roles and status have changed over time in India.³

1. Ancient Period

Many academics believe that from the Vedic era onward, women were treated with high respect in ancient India. They had possibilities for learning, independence, and high prestige. Given the likelihood that Vedic women were comparable to modern women, women must have enjoyed a high degree of independence in those days. Recently, there have been attempts by certain female historians to reinterpret the ancient Brahmanical Texts in different ways. Scriptures, on the one hand, exalt womanhood. They have handled women on an equal footing with males. In ancient Indian society, women occupied highly significant positions. It was a role above that of males. Literary evidence suggests that the power of women overthrew powerful monarchs and entire kingdoms.

¹ Sushma Sood, "Violence Against Women", (Arihant publishers, Jaipur, 1990) p. 11

² Ibid

³ Preeti Misra, *Domestic Violence Against Women (Legal and Judicial Response)*, (Deep & Deep Publications Pvt Ltd, New Delhi, 2007) p. 25

According to Elango Adigal's Sillapathigaram, Pandyan monarch Nedunchezhiyan accidentally killed a woman's husband, which led to the burning of Madurai, the Pandian capital. The Mahabharata by Veda Vyasa describes how the Kauravas fell because they disgraced Queen Draupadi. Another story in Valmiki's Ramayana is the extermination of Ravana after he kidnapped Sita and attempted a forced marriage. The abundance of goddesses in ancient times served as a teaching tool for women's respect. Ardhanareeshwar, the god who was worshipped as a half-woman, half-man. It was acceptable for women to have many husbands.⁴

Manu asserts that religious rites are useless in locations where women are not revered, but that in those regions where women are respected, the gods are placated. But when Manu says that no woman is fit for freedom and that a woman must rely on her father when she is a child, her husband when she is a young woman, and her sons when she is an old woman, it is clear that Manu is the one who created the doctrine of women's sacred tutelage.⁵

Yagnavalkya says that women are the earthly manifestation of all divine virtues. Soma has given everything of her purity to them. They are very lovely because Agni has bestowed all of his brightness upon them and Gandhrva has bestowed upon them sweetness of speech. She is a goddess (Devata) as well as a seductress (pramada). Manu claims that women have the ability to transform even wise and sophisticated men into lusty, angry slaves. The Ramayana and Mahabharata likewise include such high standards for women.⁶

2. Medieval Period

During this time, women's status further declined due to the invasion by the Huns and Alexander. The women are denied an education and are prohibited from taking part in community affairs during this time. Social evils like female infanticide, sati, and child marriage are rampant at this time. Polygamy and the Devdasi system had also become very popular. Women experienced oppression at every stage of the Middle Ages. The corrupt dowry system also began, particularly in Rajasthan.⁷

⁴ Retrieved from <<http://www.uniassignment.com/essay-samples/sociology/position-of-women-in-india-sociology-essay.php>> visited on 3rd May2024

⁵ Ibid

⁶ Retrieved from <<https://www.uniassignment.com/essay-samples/sociology/social-position-of-women-sociology-essay.php>> visited on 17th may2024.

⁷ S.C Tripathi and Vibha Arora, "Law Relating to Women and Children", Central Law Publication, Allahabad, 2010, p.2.

It's believed that women in medieval India were living in the "dark age," not the other way around. Women's position declined in medieval India as a result of several foreign conquests. Muslims and other foreign invaders carried their own culture with them when they entered India.⁸ These invaders were accustomed to polygamy, so they would take whatever woman they want and keep her in their "harems". Indian women began wearing "Purdahs," or body-covering veils, to protect them. Their freedom was impacted as a result of this. Their position continued to worsen as a result of being unable to travel freely. People's perspectives have altered as a result of certain issues pertaining to women. They now saw a girl as a burden and a source of suffering who need special attention and protection from prying eyes. A boy child, on the other hand, won't require the same level of attention and can serve as an earning hand. Consequently, a vicious cycle began, with women at its receiving end. All of this led to the creation of new horrors including child marriage, the Purdah System, widow marriage restrictions, Sati, Jauhar, and devadasi, as well as restrictions on girl education.⁹

3.Modern India Period

There have been some changes in women's status and social standing in modern India. India was home to a large number of reformers who aimed to improve and elevate their fellow women. The Begum of Bhopal participated in the 1857 uprising after discarding the "purdha." Several reformers intervened to eradicate social stigmas within the community. Sir Sayyid Ahmad Khan established the Aligarh Muslim University with the intention of teaching Muslims more widely. For many, the Widow Remarriage Act of 1856 held great importance. The educational system was also enhanced. This was the time when English was introduced. During this time, a number of female English writers became prominent, including Sarojini Naidu and Kamala Das.¹⁰

In the present era, women in India are granted rights and freedoms like equality, freedom of speech, and the ability to pursue higher education. In modern India, women are capable of performing tasks that males can. Indian women occupy a number of prominent roles. In several sectors, they are taking advantage of the "ladies first" privilege. However, the culture is still beset by problems with dowries, female infanticide, sex-selective abortion, health, domestic abuse, criminality, and other evils. A number of laws have been enacted in an attempt to resolve

⁸ Ibid

⁹ Ibid

¹⁰ Retrieved from <<https://www.uniassignment.com/essay-samples/sociology/social-position-of-women-sociology-essay.php>> visited on 19th May2024.

each of these problems. However, illiteracy and ignorance stand in the way of Indian women's efforts to resist this foolishness.¹¹

In the last few decades, India has produced a number of notable women writers, social workers, administrators, reformers, and leaders, including Annie Besant, P.T. Usha, Raj Kumari Amrit Kaur, Mama Teresa, Mahadevi Verma, Subhadra Kumari Chauhan, Annie Besant, Indira Gandhi, Sachet Kripalani, and Pandit. Because of these remarkable women and their outstanding accomplishments in a wide range of fields, India is very proud. Their contributions to the arts, sciences, athletics, and other domains have also been noteworthy and of comparable importance.¹²

Their enthusiastic participation in a wide range of social, political, economic, educational, scientific, and other nation-building activities has been essential to propelling the country to new heights as mothers, wives, sisters, and daughters. Nevertheless, there is no space for complacency. They bear double the pressure of having to put in a lot of labor as housewives and employed women. Because men still rule our culture, women must rely on men for support and security throughout their entire lives. She needs her father's protection as a daughter, relies on her spouse as a married lady, and once more must rely on her husband or son as she ages.¹³

In metropolitan India, even extremely well educated and gainfully employed women are unable to spend their money anyway they like. Their menfolk control the strings in their purses. Families have been greatly strained by men's bad attitude toward women and their entitlement to spend their hard-earned money. Thus, male domination still exists in our tradition-bound culture.¹⁴

Worldwide, there is a great deal of violence against women only because of their sex. Additionally, there is a lot of societal and official acceptance of violence against women. Women's weaker social, economic, and legal standing makes it easier for violence against them to occur. Abroad, gender-based violence is pervasive and affects people of all ages, marital

¹¹ Ibid

¹² Retrieved from <<https://unlocking-the-future.com/1265-words-essay-on-the-status-of-women-in-india-free-to-read/>> visited on 19th May2024.

¹³ Retrieved from <http://www.shareyouressays.com/965/1265-words-essay-on-the-status-of-women-in-india-free-to-read>, visited on 20th May2024.

¹⁴ Ibid

statuses, religious backgrounds, social classes, and races. It violates human rights and causes serious health issues. The following are included: forced prostitution, forced marriage, forced sterilization of pregnancy, forced abortions, female genital mutilations, forced marriages, forced use of contraceptives, prenatal sex selection, sexual harassment, rape, stalking, forced prostitution, forced marriage, forced prostitution against heterosexual and same-sex couples, and enslavement of women.¹⁵

ACID ATTACK- A BRUTAL CRIME

In general, acid attacks are committed by both men and women, and they are a terrible crime that is not gender specific. Although acid attack violence happens worldwide, it is most common in Bangladesh, India, Pakistan, and Cambodia. There have been documented occurrences of acid attacks against women, especially young women and girls, for a variety of reasons, including declining marriage proposals, refusing dowry offers, fighting at home, and resolving property disputes. It causes extreme pain and terror, leaves the victim maimed, blinded, and scorched, and melts human flesh and even bones, leaving them scarred for the rest of their life. An acid-burned woman resembles a living corpse. Such vindictive individuals aim to condemn their victims to a fate worse than death.¹⁶ Acids have typically been thrown from moving motorbikes or onto public roads since they offer the simplest means of escape, especially during bright daylight. More stringent regulations on the sale of acids, which are frequently used in attacks, have been demanded by certain groups. The unfortunate problem is that the acid assault was beyond the capabilities of even the Indian Penal Code. Not even a definition of acid attack was included in it. The Indian government made the decision to update some outdated laws and enact new ones in response to the rise in acid attack incidents. The Government's inability to devise a strategy aimed at curbing acid attacks on women was subject to harsh criticism, even from the Indian Supreme Court. As a result, the Criminal Amendment Act was created, with some special provisions pertaining to acid attacks, and it was enacted on August 3, 2013, after being published in the gazette on April 2, 2013. The Law Commission, under the direction of Justice A.R. Lakshmanan, suggested amending the IPC to add additional Sections 326A and 326B. Section 114B of the Indian Evidence Act of 1872 is also mentioned.¹⁷ The greatest incidence of horrifying acid attacks on women occur in India. Women are

¹⁵ Retrieved from <<https://www.sciencedirect.com/science/article/pii/S0277953617302721>> visited on 21st May 2024.

¹⁶ Retrieved from <https://en.wikipedia.org/wiki/Acid_throwing> visited on 21st May 2024.

¹⁷ Ibid

intentionally disfigured by male offenders as a kind of retaliation. The victim experiences excruciating pain throughout that time, and because of her horrifying appearance, she also dies a hundred times following the incident.¹⁸ In India, acid attacks are getting more common. The case of Laxmi exemplifies what typically happens in similar circumstances. According to the petition, Laxmi, a small child, suffered an acid assault because she refused to wed the accused. The attack severely deformed and disfigured the victim's face, arms, and other bodily parts. The victim and her parents were fortunate to have a benefactor who paid the approximately Rs. 2.5 lakh hospital bills despite their poverty. But even after four surgeries, the victim's physical attributes remained almost unchanged. Naturally, the victim will never look the same as she did prior to the attack.¹⁹

An organization dedicated to ending violence on a global scale is called Acid Survivors Trust International (ASTI). ASTI offers three tiers of services in order to deal directly with victims²⁰:

1. A management team to handle medical matters, governance, and fund-raising;
2. A surgical team made up of volunteer doctors who do reconstructive surgeries and mentor other medical professionals;
3. A burn team to assist victims following surgery and educate them on how to care their burns.

Shirin Juwaley, an Indian who survived an acid assault, established the Palash Foundation to provide psycho-social rehabilitation support to other survivors. In addition, she leads investigations into social standards of beauty and gives public speeches in support of the rights of all people who are disfigured or face discrimination. The principal of an Indian college refused to let Juwaley speak there after she revealed her account of being attacked by her husband in 2011 on the grounds that the students would "become scared of marriage."²¹

The National Commission on Women suggested that the offense of acid attack be covered by a different legislation. The Central Government is also required by the proposed legislation to establish a National Acid Attack Victim's Assistance Board. This board would provide medical care and other services, such as psychological counseling, to victims of acid attacks. The board

¹⁸ Ambika R Nair, *Acid Attack- Violence Against Women -Need of the Hour*, Journal of Innovative Research And Solution, vol.1, No. 1, 2014 (June), pp. 108-109

¹⁹Law Commission of India, *226th Report on the Inclusion of Acid Attack as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime*, 2009

²⁰ Retrieved from <http://www.unioncsw.world_psi_org/news/acid_attacks_violence_against_women_and_girls, visited on > visited on 24May2024.

²¹ Retrieved from < <http://medind.nic.in/jbc/t13/i2/jbct13i2p60.pdf> > visited on 3rd June 2024.

is also responsible for making recommendations to the government regarding how to control and restrict different activities, like the production and distribution of acids. It has also been suggested that the Board supervise the management of a call fund. The Central and State governments only provide funding to the National Acid Attack Victims Assistance Fund.²²

ACID VIOLENCE – MEANING AND CONCEPT

Acid assaults, like other forms of violence against women, are not a random or natural occurrence. Rather, they are phenomena of society that are closely associated with a gender hierarchy that has historically reinforced patriarchal control over women and validated the use of force to "keep women in their places." Rather, acid violence not only reflects but also contributes to gender inequity.

According to UNICEF, "acid attack" is defined as follows: "Unicef research indicates that acid attack is a serious problem worldwide, with many cases involving children as victims." When someone throws acid in the face or body of their victim, the purpose is to burn and distort the person. Most victims of acid attacks are under eighteen and have declined marriage or other romantic offers. An acid attack, also known as vitriolage, is the act of hurling acid at someone's body "with the intention of injuring or disfiguring them out of jealousy and revenge".²³

"Acid attack," also known as vitriolage, is defined by Wikipedia as "the act of throwing acid onto the body of a person with the intention of injuring or disfiguring them out of jealousy or revenge". Attackers hurl acid at their victims, generally in the face, blistering and destroying skin tissue in the process, occasionally exposing and dissolving the bones. These attacks can have long-term effects, such as severe facial and bodily scars and blindness.²⁴

Save as required by the Prevention of Offences (by Acids) Act 2008, unless otherwise specified.-

- (a) Anything that has the ability to cause bodily harm that leaves marks, disfigurement, or temporary or permanent incapacity is referred to as "acid" and includes any substance that has an acidic, corrosive, or burning property.²⁵

²² Retrieved from <<http://www.shareyouressays.com/965/1265-words-essay-on-the-status-of-women-in-india-free-to-read>>, > visited on 3rd June 2024.

²³ Ambika R Nair, *Acid Attack- Violence against Women -Need of the Hour*, Journal of Innovative Research And Solution, vol.1, No. 1, June (2014)109

²⁴ Retrieved from <<https://justiceforwomenindia.wordpress.com/2012/12/06/acid-attack/>> visited on 5th June 2024

²⁵ Ibid

- (b) An "acid attack" is any act in which the victim is thrown acid or is subjected to acid in any other way knowing or intending that the other person will probably sustain permanent or partial injury, deformity, or disfigurement to any part of their body.²⁶

KINDS OF ACIDS

The acids sulfuric and nitric acid are most commonly used in these attacks. Hydrochloric acid is also used from time to time. Inorganic acids like sulfuric acid, nitric acid, and hydrochloric acid that come into contact with tissues can induce localized chemical degradation and damage. The corrosive agents cause a severe inflammatory response when they come into touch with the body.²⁷

1. **Sulfuric acid**, commonly referred to as battery acid or oil of vitriol, is a thick, oily, colourless liquid that is hygroscopic and does not release any smells when exposed to air. It loses volume and releases a lot of heat when mixed with the water. Sulfuric acid is also known as oil of vitriol. Sulfuric acid is sometimes used by malicious persons to mutilate a target's face or completely destroy their body by hurling a large amount of it at them. During civil unrest in cities, old acid-filled light bulbs are frequently thrown.²⁸
2. **Nitric acid**, sometimes referred to as Red Spirit, Aqua Fortis, or Nitre: Pure nitric acid has a peculiar, throat-choking stench and is a clear, colourless liquid. It releases colourless vapours when it comes into contact with air. It is a strong oxidant and dissolves all metals.²⁹
3. **Hydrofluoric acid**: a colourless gas that, when dissolved in water, turns into a fuming liquid.

STATEMENT OF PROBLEM

Acid attacks are among the heinous crimes against women. The victim of an acid attack or acid violence suffers physical and psychological disfigurement that is irreversible. Instead of the victim dying instantly, these attacks leave them with a life full of agony. The attacker's goal in acid attacks is to end the victim's life completely. Long-term and short-term medical facilities are required for victims. Acid attacks are extremely dangerous since they affect the victim's

²⁶Ibid

²⁷ Retrieved from <https://en.wikipedia.org/wiki/Acid_throwing > visited on 10th June 2024.

²⁸ Jaising Prabhudas Modi, Natwar Jaising Modi, *Modi's Textbook of Medical Jurisprudence and Toxicology*, 489 (N. M. Tripathi, 1969).

²⁹Ibid

psychological state in addition to destroying their physical appearance. There is a rise in the quantity of acid attack incidents. The origins of acid attacks were in England. An acid assault was first reported in England. This acid attack was a violent and extremely serious crime. These offenses were classified under the Indian Penal Code as crimes of serious hurt or attempt to murder prior to the 2013 Criminal Law Amendment. She had a life akin to hell because of acid attacks against women. After a 2013 amendment, acid attacks were recognized as a distinct crime with a ten-year maximum sentence that could go up to life in prison.

Acid attacks are considered serious crimes, as acid is a terrible substance that can ruin a victim's life. As a result, those responsible should be executed. This is a horrible crime that was committed by heartless individuals, and the perpetrator ought to face harsh punishment. Acid throwing, sometimes referred to as acid attacks, is a type of violent crime where the victim is struck with acid or similar corrosive substance with the intention of torturing, deforming, maiming, or killing them. Acid attacks seldom result in death; instead, they cause the sufferer excruciating anguish. The majority of acid attack victims suffer lifelong facial or body part disfigurement. The victim's loss will never be fully recovered, but the harsh penalty meted out to the culprit may instill terror in the minds of others, deterring them from committing similar crimes. It is an awful crime, and the accused has given the victim a life filled with thorns. Since women make up half of the population in India, they have historically faced mistreatment. 78% of recorded cases of acid attacks, according to the data, involve women. Refusing a marriage proposal is the primary cause in many cases. The victims of acid attacks have to deal with long-term physical and facial scars, blindness, and psychological, social, and financial issues. One of the greatest crimes in India nowadays is the problem of acid attacks. Acid attacks are undoubtedly classified as special offenses. However, the 10-year or life-long prison sentence for acid assault is not sufficient. Acid attacks should carry the death sentence. The Indian Penal Code's section 326A addresses acid assaults currently; this provision was passed by the parliament to guarantee that the crime would carry heavier penalties. However, the Indian Penal Code does not define acid attacks properly. Making a compelling case against the offender in such a situation is exceedingly challenging. The offender is currently being charged under Indian Penal Code Section 326. Throwing a caustic chemical with the intent to cause serious harm is covered by IPC section 326. The minimum sentence for hurling an acid attack is ten years, with the possibility of a life sentence. Due to certain flaws and gaps in the IPC, the offender of such crimes escapes punishment completely. These include the exclusion of certain types of injuries caused by acid attacks, the lack of coverage for the act of planning an acid

attack, the wide range of possible punishments, and the absence of clear procedures for compensating victims.

HYPOTHESIS

Acid attacks are not a recent occurrence. The threat posed by acid assaults is increasing at a startling rate. In India nowadays, acid attacks rank among the most common criminal offenses. It is a heinous crime to strike ladies or girls with acid. In recent decades, acid attack forms have evolved and split into numerous kinds. The people who commit this crime devise a method or methods. Despite the fact that our nation has laws to address this issue, crime is still somewhat on the rise. To reduce this crime, harsher penalties are required. Changing the way that society views the women in our nation is the greatest way to solve this issue.

SCOPE OF THE STUDY

This study aims to explore the problem of acid attacks and the contributing elements that result in people becoming victims of these attacks. The researcher will examine the nature of acid attacks, the laws that are meant to prevent them, the role that courts and other bodies or agencies play in addressing the issue, the current state of the issue, the efficacy of the legislation, any gaps in it, the general attitudes of the public toward women, and the best ways to address this issue in order to arrive at desired conclusions.

OBJECTIVE OF THE STUDY

The following are the research's goals:

- 1) To research and examine the issue of acid attacks on women in India;
- 2) To investigate and determine the factors that are leading to the increase in female acid attacks.
- 3) To examine the legal system in light of acid attacks.
- 4) To research the legal strategy in relation to acid attacks.

RESEARCH METHODOLOGY

This study is conducted as a doctrinal study, or non-empirical investigation, taking into consideration the nature of the research problem. This research will involve consulting a variety of text books, legal journals, periodicals, newspapers, magazines, and websites for doctrinal study.

RESEARCH QUESTIONS:

1. What exactly is an acid assault, and why do they occur?
2. How can the legal system and legislation stop this horrible crime?
3. Is the use of acid attacks as a form of punishment adequate to end this evil?
4. What are acid assaults' principal aftereffects?
5. What laws are in place to stop this horrible crime?
6. How can the court help victims of acid attacks get protection?

THE IMPACT OF ACID ATTACKS ON THE VICTIMS

The victim of an acid attack suffers forever. Acid attack victims are sentenced to life in prison, where they must avoid social interactions and always be afraid. Acid gives an unmatched level of pain to the victim while also melting flesh and even bones. She is left maimed, scarred, and often permanently disabled—such as blindness—by the acid attack. It alters the victim's physical look permanently. For victims, there are lifelong physical, social, psychological, and financial repercussions.³⁰

1. Impacts on the Physio of Victims

When metal is present in higher amounts, acids can corrode it and result in obvious necrosis, or death, of human skin tissue. Strong acids have the potential to inflict serious poisoning, burns, and other severe injuries. Phosphoric acid, sulfuric acid, hydrochloric acid, and hydrofluoric acid are among the commonly occurring acids. The fat and muscle beneath the two layers of skin are eaten away by acid. It even dissolves the bone in some situations. The depth of the harm depends on the strength of the acid and how long it was in contact with the skin. Burning continues until water has completely dissolved all of the acid.³¹ However, the repercussions of assaults go well beyond only skin damage because the victim's face is frequently the focus. Lips and eyelids might totally burn off. Ears may shrivel up and the nose dissolve, shutting the nostrils. Moreover, the victim's limbs are typically coated in acid, which corrodes them. As a result, victims of acid attacks may suffer from severe, lifelong disability in addition to horrific disfigurement.

³⁰July 2008 saw the release of the statute Commission of India's 226th Report on the proposal to include acid attacks as specific offenses under the Indian Penal Code and to create a statute providing compensation to victims of crime, Retrieved from <<http://lawcommissionofindia.nic.in/reports/report226.pdf> visited on 3rd April 2019 > visited on 12th June 2024.

³¹ Ibid

Often, survivors are left completely deaf, blind, or unable to use their hands. These consequences are mostly caused by attacks that use acids at high concentrations; when diluted acids are used, the effects are not quite as bad.³²

Specific Physical Effects³³

- i. **Skull:** Could be malformed or partially damaged. Hair falls out frequently.
- ii. **Forehead:** Skin may become scarred and shrink, as if it were stretched too tightly.
- iii. **Deformed and shrivelled Ears.** Deafness can strike suddenly or gradually. The ear's cartilage is typically partially or completely destroyed, leaving the sufferer vulnerable to infection and hearing loss in the future.
- iv. **Eyes:** Eye injury from direct acid contact or acid fumes might result in blindness. Even in the event that the eyes survive the acid attack, blindness may still ensue while the patient recovers due to other risks. It is likely that the eyelids were destroyed by burning or scarring, which led to the eyes drying up and finally becoming blind. It is quite difficult to put an end to this.
- v. **Deformed and shrunken nose:** The loss of cartilage may cause the nostrils to shut entirely.
- vi. **Cheeks:** Deformed and scarred cheeks.
- vii. **Mouth:** Narrowed, shrunken, and possibly losing its shape. Lips may sustain partial or total injury. If lips are always pursed, teeth could show through. The lips, mouth, and face may be difficult to move. Eating might be difficult at times.
- viii. **Chin:** The chin is malformed and scarred. The chin may be fused to the neck or chest by the downward-running scars.
- ix. **Neck:** frequently severely wounded. It may have a thick cable of scarred skin running from the chin to the upper chest, or it may have a wide area of significant scarring on one side of the neck. The person may not be able to extend their neck, or their head may stay permanently cocked to one side.
- x. **Chest:** Often severely disfigured. The scars from acid spills or drips may be large in regions or thin in lines over the chest. It is possible for girls and young women to either entirely destroy their breasts or halt their breasts from developing.

³² Retrieved from <<http://www.bbc.co.uk/newsandmagazine-23631395>, > visited on 2nd July 2024.

³³ Retrieved from <<http://lawcommission.nic.in/reports/report226.pdf> > visited on 2nd July 2024.

- xi. **Shoulder:** The victim's range of motion may be restricted due to severe scarring, particularly in the underarm area. Sometimes the victim's upper arms are adhered to their sides like glue, either one or both of them.

Acid therefore has extremely detrimental bodily effects on sufferers that result in long-term medical issues.³⁴

The victim's psychological and emotional effects

Attack victims experience terrible psychological and emotional changes in addition to significant bodily damage. Psychological trauma is brought on by the terror victims' experiences of having their skin burned away during the attack and having to live with a permanent disability or disfigured after the attack. A victim's psychological symptoms can include melancholy, insomnia, nightmares, concern about having another attack or going in public, headaches, weakness and weariness, difficulties concentrating and remembering things, etc. They are perpetually depressed, ashamed, nervous, and alone. They are always afraid that they may be attacked again.³⁵

Economic Effects on the victim

Acid assaults often leave their victims severely disabled due to the extreme disfigurement they cause. One of the most significant obstacles that attack survivors must overcome is adjusting to their physical limitations, frequently without the professional assistance that is necessary in these situations. Many survivors lose their jobs as a result of this since they are unable to carry out basic duties that used to allow them to continue their everyday lives. For those who have survived acid rain, life can be an ongoing battle to survive. Many survivors become dependent on others for their financial support because they are unable to continue their education or find employment (at least not without the right support and therapy). Since most acid survivors come from low socioeconomic homes, family members will usually be the ones to provide this support, which can put further strain on already stressed-out families who may not be the appropriate people to do so. The victims lose their employment and leave school or college due to their inability to work or study. They have miserable lives and are financially dependent on others due to the exorbitant expenditures of their medical care.³⁶

³⁴ Ibid

³⁵ Retrieved from <<http://lawcommissionofindia.nic.in/reports/report226.pdf>, > visited on 25th July 2024

³⁶ Retrieved from <<http://www.bbc.co.uk/newsandmagazine-23631395>, > visited on 25th July 2024.

Social Effects on the victim

Victims feel lonely and endure discrimination from society for the rest of their lives. They may be reluctant to leave their homes out of fear of getting bad press from the outside world, and they may feel ashamed that people would stare at them or make fun of them. The victims find it more difficult to move around freely in society. To conceal their burns and deformed appearances, they must cover their faces. They are viewed as strangers by others. They were unable to consider leading a typical life in the community. They are unable to get married. In our society, a woman's attractiveness is the primary consideration when considering marriage. A gorgeous woman's chances of getting married are ruined when her face is marred. Because they are unable to face it, they are unable to function in society. Their deformed bodies and faces prevent them from getting jobs. After such situations, family members may not always accept them. Victims of discrimination from others or those with disabilities like blindness find it extremely difficult to support oneself and end up relying on others for financial and nutritional support. A victim of acid attacks may therefore not lead a typical social life. A few drips of acid can wreck someone's entire life.³⁷

REASONS/ CAUSES OF ACID ATTACKS

Usually driven by jealousy or anger, acid throwing is an act of retaliation for a personal relationship issue, such as a failed marriage or love affair, unfaithfulness, or rejection. The offender seeks to cause the victim as much physical and psychological pain as possible and blames her for the issue. The victim's face is typically where the acid spray is directed. The perpetrator plans to destroy the victim's face and transform them into a monster in order to keep them from ever being loved again.³⁸

After examining a number of incidents, the causes behind these attacks are as given:

- i. **Low-cost and convenient access to acid:** Because concentrated acid is inexpensive and readily available, it is utilized as a weapon in many nations.³⁹
- ii. **The masculine ego in patriarchal civilizations:** A culture where males and women have varying degrees of privilege and authority is said to as patriarchal. Men have traditionally been in charge of the public sphere, which includes political, economic,

³⁷ Retrieved from <<http://lawcommission.nic.in/reports/report226.pdf>, >visited on 26th July 2024.

³⁸ Living in the Shadows: Acid attacks in Cambodia, Project Against Torture Cambodian League for the Promotion of Human Rights (LICADHO), (Cambodia, 2003), Retrieved from <<http://www.licadho-cambodia.org/reports/files/41acid%20report%20English.pdf>, >visited on 26th July 2024.

³⁹ Ibid

and cultural matters, as well as the private sphere, which includes running the household and raising children. This has even extended to some extent in modern times.⁴⁰ In terms of women's emancipation, things are now shifting. Women are emerging as victors in many spheres of life today, and men are becoming more and more intolerant of these accomplishments. In terms of careers and other concerns, women are claiming their interdependence. Ironically, the mindset puts them in danger and puts their lives in jeopardy.⁴¹ Women have suffered in many situations as a result of masculine ego. One such case from recent times in India is that of Preeti Rathi. Ankur Panwar, a neighbour of Preeti Rathi, a 23-year-old Delhi resident, attacked her out of jealousy. Because his father frequently made comparisons between him and Preeti, Ankur Panwar felt jealous of her and threw acid at her. At the time, Preeti had recently started working as a nurse at the Army Medical College in Colaba, while Ankur, who holds a diploma in catering from a college in Bhubaneswar, was unemployed. Ankur chose to deface her out of envy and rage, attacking her viciously by dousing her in acid. In addition to Rathi, the attack also injured her aunt Sunita and a bystander. On June 1, 2013, after fighting for her life for a month, Rathi passed away from her wounds.⁴²

- iii. **Rejecting inappropriate advances and being turned down for love:** Another significant factor contributing to acid attacks is rejection—both of indecent advances and romantic rejections. Expressions of affection are often used as a cover for these crimes against women. Men justify their deformity, which usually stems from their inability to accept women's love in return. Love has been a part of human existence from the beginning of time. Acid attacks, however, were not recognized as a form of retaliation for lost romantic relationships. Men are not socialized to accept rejection from women. The intolerance for rejection is what drives the violence. They have an inflated sense of self-worth that demands the woman accept their proposal if they make one. Similar to the majority of other countries, women in India are treated as second-class citizens and are never given the opportunity to defend their own interests by declining alleged romantic advances and proposals. She can only take the route of tacit acquiescence.⁴³

⁴⁰Gurkirat Kaur, *Women and the Law*, (Shree Publishers and distributors, New Delhi, 2005) p. 3.

⁴¹ Sudha Arora, "Acid Attacks and Rhetoric of love!", *The Tribune* 9, (June 5, 2013).

⁴² Retrieved from <<http://timesofindia.indiatimes.com/city/mumbai/7-months-on-jealous-neighbour-held-in-Bandra-acid-attack-case/articleshow/28970361.cms>, >visited on 29th July 2024.

⁴³ Retrieved from <<http://www.socialistworld.net/print/2635>, >visited on 29th July 2024

- iv. **Business conflicts; disagreements over land or money:** Acid attacks can occasionally be caused by disputes over land, money, or business. Acid assaults on men might occasionally be motivated by property and land disputes.⁴⁴ About 20% of attacks in India were between unrelated parties as a result of property disputes, sales disagreements, business disputes, or family retaliation.⁴⁵
- v. **Suspicion of infidelity:** Acid attacks are rarely caused by suspicions of infidelity. For instance, Hazara Singh in an Indian case suffered from a delusional belief that his wife was unfaithful. He used to mistreat his wife out of mistrust, and one night he doused her in acid because of his misgivings. The witness discovered Anant Kaur, Hazara Singh's wife, dead with nearly all of her body burned by acid burns. Acid burned the deceased's forehead, face, chest, abdomen, external genitalia, thighs, buttocks, and most other bodily regions.⁴⁶ In another case, the accused doubted the character of his wife and injected mercuric chloride into her vagina; as a result, she died of renal failure. Sections 302 and 307 of the Indian Penal Code were used to charge and condemn the defendants.⁴⁷
- vi. **Lack of legislation governing the acquisition and sale of acid:** There are no legal restrictions on the selling or purchase of acids in India. In the case of *Laxmi v. Union of India*, the Supreme Court of India issued guidelines in July 2013 that restricted the sale and purchase of acid.⁴⁸
- vii. **Relationship problems, domestic abuse, and family disputes:** When it comes to domestic abuse, husbands are mostly responsible for the acid attacks on their spouses. Numerous Indian women have reported being attacked with acid by their husbands or other family members.⁴⁹
- viii. **Dowry Demands:** In India, acid attacks by husbands or the husband's family are often justified by the wife's parents' unwillingness to provide a larger dowry. In one instance, Harvinder Singh visited his wife's father's house in India, where she was residing at the time. In one hand he held an acid-filled one-liter container. When his wife refused to give him the dowry, he doused her with acid from a container. She suffered acid-related injuries and passed away the next day.⁵⁰

⁴⁴ *Madhya Pradesh v. Jhaddu and Ors.*, 1991 Supp(1) 545.

⁴⁵ Retrieved from <<http://lawcommission.nic.in/reports/report226.pdf>, >visited on 29th July 2024.

⁴⁶ *Hazara Singh v. The State*, AIR 1958 Pg104.

⁴⁷ *Marepally V S Nagesh v. State of A.P.*, 2002 Cri. L.J. 3625.

⁴⁸ (2014)4 SCC 427.

⁴⁹ Retrieved from <<http://lawcommissionofindia.nic.in/reports/report226.pdf>, >visited on 30th July 2024.

⁵⁰ *Harinder Singh v. State of Punjab*, AIR 2009 SC 913.

- ix. **Sexual offenses:** Acid is occasionally used as a weapon of retaliation in cases of sexual offenses. For instance, in an Indian case, a nurse and a compounder planned to cover a doctor with a mixture and kerosene as payback for the doctor's supposed rape of the nurse. The physician died as a result of 100% burn injuries that he had acquired.⁵¹
- x. **Media:** The media has a significant influence on these types of crimes nowadays. The public's opinions and mindset are greatly influenced by the visual media, and film in particular. Women are being treated as commodities by multinational companies (MNCs) and the film industry because of their neo-liberal outlook. They have reinterpreted what beauty is. Ads that are obscene and bordering on pornography stereotype women in society. The idea that women are objects to be sexually satisfied is being promoted by the media. The entertainment sector is introducing "dialogs," which are vulgar wall posters with pornographic images, in an attempt to capitalize on societal backwardness and medieval behaviour. These careless behaviour's instil distorted ideas about women, love, and sex in the minds of young people.⁵²

CONCLUSION AND SUGGESTIONS

Nowadays, an acid known as "Tezab" can be purchased over-the-counter. It is intended to clean rusty instruments, but it is frequently utilized in attacks. The Supreme Court ordered the center to draft legislation governing the sale of acids as well as a plan for the rehabilitation, care, and treatment of victims of acid attacks in February 2013. Simply put, a few thousands of rupees in compensation is insufficient to address the never-ending pain that a victim must endure. This is a subtle offense that reflects the abnormal conduct. The US has chosen Laxmi, an acid assault victim, to receive the esteemed International Women of Courage Award. At a Washington, DC, awards ceremony, First Lady Michelle Obama presented Ms. Laxmi with the prize. Acid attacks are now a widespread issue, but they can be prevented by tight laws and social norms. The legislative amendments for the acid attack legislation have started, but considerable work remains before these provisions can be effectively implemented. Some of the initial flaws must be fixed, even if it is recognized that new laws need some time to become engrained before being changed by the judiciary's dynamic nature. Given the gravity and nature of the act, the existing statutes prohibiting acid assaults and the methods by which the courts determine the appropriate amount of damages are highly restricted. First aid and medical care, especially

⁵¹ *Mahesh and Piramaladevi v. State*, CrI. A. No. 551 of 2000

⁵² Retrieved from <<http://www.socialistworld.net/print/2635>, >visited on 1st August 2024.

procedures for cosmetic enhancements, are quite costly. Even if money cannot make up for the suffering caused by such a horrible crime, it can at least allow the victim to get the best care available. As was previously mentioned, the Supreme Court ruled that these victims must receive INR 3,00,000; however, given the difficult treatment regimen and hefty cost of medication, this amount is woefully insufficient.

Acid attacks are deliberate violent acts in which the attackers spray, pour, or fling nitric, sulfuric, or hydrochloric acid against the faces and bodies of their victims. Victims of acid violence suffer grave health implications. One of the short-term symptoms is extreme pain; potential long-term problems include blindness and loss of facial features. Acid violence is prohibited by international law as a form of gender-based violence that both perpetuates and reflects discrimination against women. An acid assault victim experiences lifelong consequences from the attack, such as continuous torture, irreparable damage, and other problems. Their lives descend into a gutter because they are too traumatized and ashamed to leave their home, much less get married and start a family. The crime of an acid assault is not limited to a narrow area; rather, the government should take proper action that will actually assist the victim rather than passing such pointless legislation.

In this work, the researcher has demonstrated the seriousness of acid attacks by concentrating on the victims' physical, psychological, and financial consequences. There has also been discussion on the shortcomings in Indian law and the necessity of tougher penalties for this heinous crime. Because it appears to be deliberate and requires a significant deal of ill-will on the side of the perpetrator, this offense should be penalized severely. It is also undeniable that courts play a critical role in making sure that individuals who perpetrate this crime are held accountable, punished appropriately, and compensated appropriately for their attacks.

They also play a vital role in discouraging others from engaging in similar activities. In handling instances involving acid attacks, the Indian judiciary has advanced significantly. However, some issues are still present. The dearth of judges in the nation is one issue that hinders the prosecution of acid attack cases. According to estimates, there are 12.5 judges for every million persons in India. Due to the extreme delay in case resolution caused by the low judge to court ratio, "justice delayed is justice denied." The prosecution's goal is completely defeated because it takes years for the courts to decide the cases. When handling instances involving acid attacks, gender insensitivity at lower judicial levels presents a significant

obstacle as well.

SUGGESTIONS:

The state must:

- (1) carry out appropriate examinations,
- (2) protect victims from dangers that would compromise the objectivity of these inquiries;
and
- (3) punish and bring charges against acid attack perpetrators to ensure that laws are properly enforced.

In addition, more international organizations and NGOs ought to launch campaigns to raise awareness of acid assaults, among other things. Businesses have a big part to play in the fight against acid violence. There is evidence that regions where acid is extensively utilized for industrial or other commercial purposes see higher rates of acid attacks. Businesses who manufacture, sell, or utilize acid in any other way should make sure that their operations don't violate anyone's human rights.

Companies can also help lower the frequency of acid attacks by implementing regulations like safe handling and acid labelling. Value-based education is desperately needed; passing new legislation, setting up institutions, and making empty promises to offer reservations won't end this terrible evil. It's time to give these questions some serious thought. In addition, the police and courts ought to be more gender-sensitive, with proper training and instruction regarding gender sensitization in addition to cutting-edge methods for conducting investigations and gathering evidence. The laws pertaining to acid attacks should also make video trials necessary in order to facilitate victim participation. Acid attack cases should be considered the most horrific crime in society because of the way they jointly offend the feelings and sentiments of the broader public.

Another crucial issue that needs to be taken into consideration right away is the creation of fresh rehabilitation plans. The victims of such crimes should be given better work possibilities, training, and other resources so they can at least take care of their basic necessities for subsistence. Even if the government has made an effort to help these victims get well and receive compensation, their efforts fall short given the seriousness of the crime. States need to

make sure that the laws and regulations they implement are applied effectively in addition to enacting focused legislation and policies to reduce acid violence. There are steps that can be done to prevent acid attacks. It is important for women to speak forward in order to help victims of acid attacks. Increased awareness as well as the media's more tactful and responsible handling of these incidents could be another useful strategy. By mobilizing the public and nation against this crime and its perpetrators, the fourth estate can play a crucial role in pressuring the government to take a more aggressive stance against acid assaults. Given that this act is more horrible than both rape and murder, it should get the harshest punishment possible. When someone commits murder, they demolish the victim's bodily structure; when they rape a helpless female, they corrupt and degrade her spirit.

However, the dissolution of the body and the soul are both components of the crime of acid attack. We genuinely hope that the horrible situation of the legal system surrounding acid attacks can be improved, alleviating the victim's pain and fostering a more secure environment for women in Indian society. It's time to think carefully about these issues. If governments want to totally eradicate acid violence, they must address its root causes, which include gender inequity and discrimination, the availability of acid, and the impunity of those who commit the crime. Governments, corporations, and lawmakers can take immediate action by putting into practice the particular remedies we have provided below in an effort to combat acid violence.

Legislation

The following components must to be included in legislation combating acid attacks:

1. It should forbid accepting a marriage or informal financial settlement as payment for claims;
2. It should stipulate that sentencing standards take the seriousness of the offense into account.
3. If an acid assault results in a victim's death, the sanctions should be increased. The murder legislation of the penal code ought to be used to prosecute the offender. With the possible exception of the death penalty, the acid attack particular law should stipulate a sentence of imprisonment and a fine that is equally harsh as those found in the general penal code's murder statutes.
4. It should state that laws pertaining to acid assaults should not include any mediation clauses.

5. The sale of acids without a license ought to be illegal.
6. Acid vendors should be required to take all reasonable precautions to make sure that their supply of acid are not stolen and to notify any stolen acid right once.
7. It should mandate that medical professionals notify law enforcement of all instances of acid-related physical injury.
8. Any case reported by a medical professional involving bodily harm caused by acid shall require police officers to look into it.
9. It should create and support public awareness campaigns and provide funding for education about this detrimental practice and its effects on all sectors of society.
10. It need to enable victims to file civil lawsuits against their assailants. Reconstructive surgery costs should be included in the monetary damages.
11. It should further state that in the event that the real degree of the survivor's loss was unknown at the time of the hearing on the restitution request or when the matter was resolved, the court may modify or make an order for restitution at a later date.
12. It should offer victims financial, medical, legal, and other forms of rehabilitation help.
13. It shall offer legal assistance to victims and witnesses who are being threatened by the attackers or others connected to them, both before and during the criminal trial of an acid attack.
14. It should include safeguards against pressure, harassment, or threats to stop a victim or witness from filing charges against an accomplice or offending party.
15. It should offer free expert medical testimony both before and during a criminal prosecution. While such expert medical testimony should be accepted in place of victim testimony, it shouldn't be necessary in order to bring charges against the offender.
16. The penalty for an acid attack should be the death penalty.

Governments

In order to effectively prevent acid violence, governments should:

1. enact criminal laws that specifically address acid violence;
2. effectively enforce and implement laws designed to deter acid violence; and
3. Take the necessary precautions to avoid acid violence.
4. Provide victim compensation, which should cover medical expenses.

Companies

Enterprises engaged in the production, distribution, utilization, or handling of acid have an increasing obligation to adopt rational measures to reduce the negative impact of their operations on human rights. These steps include:

1. Evaluating how they can reduce the negative impact of their operations on human rights; and
2. Endorsing government and industry initiatives to control the safe handling, storing, labelling, transfer, and disposal of acid by producers, distributors, and other commercial and individual users in order to discourage the unapproved use of acid.

