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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated 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

DISFIGURED LIVES: THE HEART WRENCHING TALE OF ACID ATTACK SURVIVORS!

AUTHORED BY - ADV. SIDDHI GOKULDAS NAIK

“Acid poured on her face, dissolved her skin but not her courage!”

ABSTRACT-

Right through the history of India, males have consistently received a higher and mightier reference than females in the society in terms of competence, status and authority. All gender based offences are on the whole mostly addressed to females. Acid attack is one of the most horrific and monstrous acts. It is a wild offence as the perpetrator aims to destroy the victim physically as well as mentally. She is left with lifelong torment and discrimination. Because of the deformity many survivors are forced to leave their studies and are unable to work due to the stigma offered by the society. Through this article I would like to shed some light on how this cruel act ruins the entire life of a girl. After a brief introduction to the topic the article highlights on the meaning and origin of acid attacks. It further lays a discussion on the various causes and factors contributing to the same. Further, it elaborately studies the consequences of the act. Later it analyses the data collected by various institutions on the past recorded cases. The article thoroughly explores the initiatives taken by the Indian legislature and judiciary in combatting the menace. It also covers certain tragic incidents that have occurred in the past. The article concludes with my personal observatory remarks followed by my suggestions and recommendations.

KEYWORDS - Acid, Acid attack, Survivor, Causes, Consequences, Legislature, Judiciary.

INTRODUCTION-

India, despite achieving huge heights in various fields of advancements still lags behind in the most important area that is the safety of its women community. Women in India are subjected to enormous inequalities, violence, exploitation, abuse and all kinds of vulnerabilities on the basis of their gender alone. There are different modes used by some men to show off their masculinity and prove their domination over women. India has a long and never ending list of

cases concerning female foeticides, rapes, trafficking, domestic violence, child marriages, dowry deaths, honour killings, genital mutilations, eve teasing, stalking, and acid attacks. Acid Attack is one of the most dangerous and horrific crimes. India surpasses every other country when it comes to acid violence particularly on young girls and women between the age group of 15 to 35 years. It has grown into a significant tool into the hands of these coward men who crave to suppress the voice of women. This is the most painful crime as most of the perpetrators mainly intend not to kill the victim but to destroy her appearance and make her suffer for lifetime with scars left not just on her face or body but also deep down in her heart.

MEANING AND HISTORY-

In simple terms Acid Attack means an attack on a person using acid or any other corrosive substance. It is a violent form of assault caused with a desire to burn, deform, or torture someone. The United Nations Entity for Gender Equality and the Empowerment of Women has given a similar definition. We do not have a legal definition to the term as such but time and again our courts have interpreted it an act of throwing acid on a person with a desire to cause harm. An acid is a substance which has an acidic or corrosive character or burning nature which can cause bodily injuries leading to scars or disfigurement or temporary/permanent disability.¹ Mostly Hydrochloric, Nitric, Sulphuric (Oil of Vitriol), Phosphoric, Carbolic and Chromic acids are used to a large extent. Sometimes emulsions of Caustic Soda (Sodium Hydroxide) are utilized as well. All of these have powerful inflammatory reactions. The origin of this gruesome crime can be traced back in the 1800s when acid was used for production and purification of metals. Later people started using it to spit their anger against others. It was primarily used by women against other women. The first acid attack in Asia happened in Bangladesh in 1967 followed by India in 1982. Gradually it became a weapon of patriarchy with the sole purpose of owning and controlling the body of a woman.

CAN'T MEN TAKE 'NO' FOR AN ANSWER? : WHY ACID ATTACK?-

“Men are afraid that women will laugh at them. Women are afraid that men will kill them.”

-Margaret Atwood.

India is a land where women were once regarded as an epitome of Power (Shakti). Unfortunately the male domination and oppression has overshadowed this so called power.

¹ The Bharatiya Nyaya Sanhita, 2023, §124 (Explanation 1), No.45, Act of Parliament, 2023 (India).

Acid violence usually is an act of revenge, jealousy, hatred and anger. They are not always restricted to a particular caste, creed, religion or race. There can be various causes for the same.

The most common ones are the following:

1. Denial by the girl to accept love.
2. Refusal of the girl to enter into a relationship or quit the subsisting relationship.
3. Girl turning down a marriage proposal.
4. Refusal of the girl to enter into a sexual relationship with the boy.
5. When the girl is suspected to have a relationship with someone else.
6. Revenge for any past incident between the girl and the perpetrator.
7. Failure of the wife to bring sufficient dowry after marriage or not giving birth to a male child.
8. Social, Political, Economic, Religious, Racial or Community disputes.
9. Family disputes pertaining to property, money or business.
10. Refusal of the girl to convert into another religion.

One of the intense human fears is 'Rejection'. Men are often determined to take 'YES' for an answer. Their egos have always been nourished by the existing patriarchal system in our community. Since time immemorial males have always received an unwanted attention. So when a girl says 'NO' it's a complete transgression of their pride so much so that they cannot handle these rejections and they opt for a violent mode of revenge which highly demonstrates their power and brutality. The girl has to pay a heavy price for her denial. Seventy per cent of acid attacks occur due to rejection of one sided love. Sadly, in our country women are treated as second rate citizens and are not given an opportunity to present themselves confidently. They are regarded as arrogant and cold if they raise their voice against any wrong. Most rejected males have this notion in mind that, "She is mine and if I can't have her then no one else can have her too". With this engraved thought, they move on to ruin the prime asset that she owns, that is "her beauty".

Today women are excelling in every field they step into. However this has led to a sense of insecurity towards their accomplishments among some males. There is this common Misogyny (hatred towards women) soaked in males wherein he raises questions such as, "How can she not obey me? How can she break the barriers? How dare she reject me?" This merges up with a psychopathic and a criminal frame of mind leading him towards the commission of such an aggressive offence.

IN A BOTTLE OF RAGE: ACID-

“Anger is one letter short of Danger!”

-Eleanor Roosevelt.

In India acid is mostly used in industries for the purpose of manufacturing and storing various metals and chemicals. It is also used for the production of fertilisers and detergents. In villages as well in cities acidic solutions are used to clean washrooms and toilets. So it is available for a meagre amount of Rs.25/- per litre, cheaper than a gun or knife. It is readily obtainable in small bottles, beakers, jars or mugs and can be carried without raising any doubt because of its colourless water like appearance.

Acid has become a vigorous weapon in the hands of the perpetrators because of its easy and cheap access. The attack is prearranged by the offender wherein he buys the acid first, carries it along, traces the movement of the victim and accomplishes his objective spot on time. He splashes out his entire anger through the acid. All it takes is a couple of seconds to change the entire life of the girl.

SCARS TATTOOED BENEATH HER SKIN: CONSEQUENCES OF ACID ATTACKS-

Acid attack causes long lasting distress and agony to the survivor. Mostly the face, breasts, and genitals of the girl are targeted by the culprit. This leads to a lot of Physical, Economic, Psychological, and Sociological repercussions on the victim.

1. PHYSICAL CONSEQUENCES:-

Acid can melt several layers of the skin including the muscles and the fat tissues since it gets severely burnt. The forehead completely shrinks off. The face may be altered into a stack of bones with little or no flesh left on it. A highly corrosive acid can also dissolve the bones. The hair is completely lost. This can critically impair the brain leading to mental disorders. In most cases the acid comes in direct contact with the eyes, nose, lips and ears. Majority of the survivors lose their eyesight as their eyelids are completely burnt off. Some turn deaf as the cartilages are pulled down. Many face difficulty in breathing because of the diminished nose and distorted nostrils. A lot of them cannot even open their mouth because the lips are completely torn off. Many a times the acid dribbles down from the chin affecting her neck and shoulders thereby

limiting her motions. She has to depend on others for her daily activities. The acid can even cause internal complications. The lungs and kidneys can be destroyed due to poisonous inhalations. There can be multiple organ failures faced by the survivor. In certain cases the female reproductive organs are aimed. The breasts may stop growing. The genitals may be forever ruined leading to enormous problems in urinating, passing stools and also menstruating. Many survivors are often unable to give birth. In short acid rarely kills her but it leaves her in an irreparable state.

2. ECONOMIC CONSEQUENCES:-

The victim has to undergo multiple surgeries and operations which are very expensive. The treatment continues for months or sometimes for many years. Often these girls belong to middle class or poor families. Affording such costly procedures and medicines is next to impossible for them in the absence of proper compensation provided to them. There are government hospitals but they provide basic facilities which are not sufficient enough to cure the wounds of these girls. Many parents get entangled into enormous debts. Some of them give up and do not insist on going for further treatment. These girls are neither able to study nor work. Many of them lose their employment opportunities and therefore get financially dependent on their families.

3. PSYCHOLOGICAL CONSEQUENCES:-

Besides the physical agony the victim has to also face a lot of psychological, mental and emotional suffering. She has to go through a lot of post-traumatic stress and depression. Many of them also undergo panic attacks leading to sleeplessness, nightmares, anxiety, weakness and fatigue. They are not able to forget the incident and live a peaceful life. They believe they can never come back to their normal lifestyle. They start hating themselves for their appearance. They are scared and embarrassed to interact with anyone because of the terror of being attacked again. They fear that people will laugh at them or turn them down. There is huge drop in their confidence. The incident not only destroys them externally but takes away their recognition from them.

4. SOCIOLOGICAL CONSEQUENCES:-

This seems to be the most dangerous out of all. In India, there is always this constant worry amongst the parents on questions like “Duniya ko kya mooh dikhayenge?” (How

shall we face the world?) and “Char log kya kahenge” (What will people say?). It becomes very difficult for the victim to survive in the society. They often cover their face with a scarf or dupatta. They are highly discriminated as people count them in a different list because of their looks. They are at times made fun of or shooed away. Many people in turn blame them saying, “She deserved it as she is a girl of immoral character” or “This had to happen as she was asking for it.” For a girl her beauty is her forte and losing it is next to losing her life. The victims often lose chances of getting married. Nobody is ready to accept them. Married and widowed survivors are often deserted by their husbands and in laws. Gradually the victim tries to isolate herself from the rest of the world thereby becoming lonely. Some give up on life and even commit suicide.

LEGISLATIVE AND JUDICIAL APPROACH -

Initially we did not have any individual provision for acid attack in India therefore cases pertaining to the same were dealt under Sections 302, 307, 320, 322, 323 and 326(2) of the Indian Penal Code, 1860. Section 302 provides for death penalty or life imprisonment with fine to any person who commits murder while Section 307 provides for life imprisonment or imprisonment for fourteen years with fine to any person who attempts to commit murder. Sections 320, 322, 323 and 326(2) dealt with hurt/grievous hurt and the punishment for the same. In, **Morepally Venkatasree Naguesh v. State of Andhra Pradesh**², the accused poured Mercuric Chloride in the vagina of his wife as he suspected that she had an affair. The wife died due to renal failure. The accused was convicted under Sections 302 and 307 of the Indian Penal Code, 1860.

In, **The State of Karnataka by Jalahalli Police Station v. Joseph Rodrigues**³, acid was thrown on the girl for refusing a job offer. The accused was convicted under Section 307 of IPC, 1860 and was awarded life imprisonment.

In **Ramesh Dey and Others v. State of West Bengal**⁴, the accused threw acid on the girl on account of revenge. He was awarded a rigorous imprisonment of only one year and a fine of Rs.1000/- each in default of simple imprisonment of two months.

² (2002) (1) ALD Cri 905.

³ Kar HC, Sep (2006).

⁴ (2007) (3) CHN 775.

With the increase in the cases day by day there was a need felt to either alter the existing provisions or bring a new provision. The punishments inflicted were also very simple.

Finally after a long struggle the **Criminal Amendment Act, 2013** allotted a separate space for acid attack declaring it to be a discrete offence. It was announced to be a cognizable and non bailable offence triable by the Court of Session. The following provisions were brought into existence to deal with the offence in an effective manner under the Indian Penal Code, 1860, now under the Bharatiya Nyaya Sanhita, 2023 and Criminal Procedure Code, 1973 now the Bharatiya Nagarik Suraksha Sanhita, 2023 :

1. **Section 124(1), The Bharatiya Nyaya Sanhita, 2023** (Earlier, under Section 326A of the Indian Penal Code, 1860)-: Punishment for acid attack, Imprisonment of not less than 10 years or life imprisonment with fine to be paid to the victim.
2. **Section 124(2), The Bharatiya Nyaya Sanhita, 2023** (Earlier, under Section 326 B of the Indian Penal Code, 1860)-: Punishment for attempted acid attack- Imprisonment of five years which can be extended to seven years with fine.
3. **Section 396, The Bharatiya Nagarik Suraksha Sanhita, 2023** (Earlier, under the Code of Criminal Procedure, 1973 Section 357A and B: To maintain a Victim Compensation Fund and compensation paid to the victim by the state shall be in addition to the fine paid to her.
4. **Section 397, The Bharatiya Nagarik Suraksha Sanhita, 2023** (Earlier, under the Code of Criminal Procedure, 1973 Section 357 C: All the hospitals public or private, run by the central or state government or by local bodies shall immediately provide first aid or medical treatment free of cost to the victims of acid attack.

THE LANDMARK JUDGMENT: LAXMI AGARWAL

V. UNION OF INDIA⁵

“He changed my face, not my heart. He threw acid on my face, not on my dreams!”

-Laxmi, Survivor.

Laxmi was only fifteen years old when she was attacked by three men in New Delhi. Her only fault was that she rejected the marriage proposal of a thirty two years old man. The only legal remedy that she received was a compensation for her medical treatment which was very less. So she filed a PIL in the Supreme Court demanding for a change in the existing law.

⁵ (2014) 4 SCC 427.

Accordingly in the year 2013 the above discussed provisions were inserted pertaining to stringent punishment to the offender and a fair compensation to the survivor. The court also laid certain guidelines such as:

1. No sale of acid to persons below 18 years of age.
2. The buyer has to produce an identity proof.
3. The buyer has to state the purpose of sale.
4. A register has to be maintained by the seller.
5. The seller has to furnish the information regarding his stock to the sub-divisional magistrate within fifteen days failing which the stock would be confiscated and a fine of Rs.50, 000/- shall be attracted.

OTHER EMINENT JUDGMENTS –

In **Parivartan Kendra v. Union of India**⁶, the predicament of two Dalit girls was presented before the honourable court. It was held that the concerned State / Union Territory government should provide a compensation of more than three lakhs to the victims.

In **State of Maharashtra v. Ankur Narayanlal Panwar**⁷, Preeti Rathi from Delhi who had just got a job as a nurse in Colaba was attacked by her neighbour Ankur out of jealousy since he was always compared with her by his parents because of his unemployment. The victim accidentally swallowed the acid so she died after one month of the incident. At first the accused was awarded death penalty but recently in the year 2019 it was commuted to life imprisonment holding him to be young and not beyond reformation.

HERE'S WHAT THE NUMBERS HAVE TO SAY: STATISTICAL OVERVIEW-

A study conducted by UNICEF reveals that acid attack is a serious problem and globally eighty per cent victims of acid attacks are young girls/ women. The National Crime Records Bureau Report, 2018 stated that India witnessed approximately 1500 cases of acid violence from the year 2014- 2018.⁸ A total of 596 cases were reported in the year 2017 and 2018 with 623 victims at prey and only 149 persons charge sheeted. Uttar Pradesh topped the list followed by states like West Bengal, Delhi, Madhya Pradesh, Orissa, Punjab, Andhra Pradesh, Haryana,

⁶ (2016) 3 SCC 571.

⁷ AIR (2019) 2 Bom R (Cri) 753.

⁸ Crimes in India, <https://ncrb.gov.in/sites/default/files/Crime%20in%India%202018%20-%20Volume%201.pdf> (last visited Nov.4, 2020).

Bihar and Gujarat. If we look at the conviction rate, there has been a huge decline in the same. In 2016 and 2017 a total of only 25 accused were convicted out of the 67 completed trials while a total of 849 cases are yet to be decided.⁹ Many cases are not even reported and many are just settled outside the court especially if the attacker is a family member. Many survivors continue to stay with the attacker as they are left with no other option. In the year 2022, India there were 202 cases of acid attacks reported with 71 cases if attempts. West Bengal and Uttar Pradesh reported highest number of cases.¹⁰ The figures are clearly indicative that the crime rate is increasing but the conviction rate is still stunted.

SHIVERS DOWN THE SPINE: STORIES OF PAIN AND ENDURANCE-

“It took me a while to admit what life had thrown on me and asked me face it!” says Soniya Chaudhary who was attacked by the accused because she had complained about him for stealing a mobile phone. The accused wanted revenge because she did not apologise for his arrest.

“I could feel the liquid eating up my face!” says Aarti who was attacked on refusing a marriage proposal from the accused.

“I felt like someone stripped off my skin and sprinkled chilli powder on it!” says Daulat Khan who was attacked by her own sister on account of a property dispute.

In yet another shocking incident in Mumbai, a man threw acid on a 24 year old woman because according to him, she used to always stare at him with hatred and anger.

BREAKING STEREOTYPES, REBUILDING DREAMS: BRAVE HEARTS -

Today there are many survivors who are breaking the barriers posed by exclusion and rejection in the society. A glaring inspiration comes from **Laxmi Agarwal** who has her own Chaany Foundation, working tirelessly to end acid attacks in India. Her mission is to help the survivors find employment and live a self-sustaining life.

Pragya Singh, a survivor runs her own NGO named Atijeevan Foundation which makes

⁹ India Today, <https://www.indiatoday.in/diu/story/india-saw-almost-1-500-acid-attacks-in-five-years-1636109-2020-01-12> (last visited Nov.4, 2020).

¹⁰Number of acid attack cases reported across India from 2018-22
<https://www.statista.com/statistics/1103056/india-acid-attack-cases/> (last visited Mar. 13, 2024).

arrangements for free medical treatment of the victims.

Anmol Rodriguez, who was attacked by her own father, is a successful model today campaigning against acid attacks.

Many survivors are running a café named '**Sheroes**' in Agra and Lucknow with the aim of creating awareness against acid attacks and also empowering the survivors.

CONCLUSION AND RECOMMENDATIONS-

Over the years acid violence has been spreading like a virus in India. It is a shame for the entire nation for not being able to protect its daughters. These dreadful and horrendous acts make us question humanity. Where is our country heading towards? What is the rationale? Is there something called as conscience still existing in humans? These questions need immediate answers.

No doubt the legislature and the judiciary are trying their level best to curb this evil but still we hear/read about so many girls being attacked each day. Mere enactment of laws won't really be of much help. There has to be a proper implementation and conformity of those laws, because even though we have them there has neither been a decrease in the crime rate nor an increase in the conviction rate. Although the sale of acid was regulated way back in 2013 but today it is still been illegally sold and bought on a large scale. Also India has disappointed the survivors with the steady and corrupt procedure of gaining justice. The compensatory and rehabilitative measures provided to them are highly unsatisfactory. I feel there are a lot of things still left uncovered and unleashed. I believe the following points have to be considered by the decisions makers:

1. The prime cause of such women oriented crimes is the patriarchal system deeply rooted in the Indian society. Men are excessively portraying themselves to be superior to women. This issue needs to be addressed first.
2. There is an immediate need to reform the existing conservative society. Large scale awareness programs like seminars, conferences, panel discussions, debates, television series, movies, street plays, dramas can help to a great extent in coming up with solutions to various problems.

3. The existing laws are not stringent enough. The punishment should be very high to create a fear in the perpetrators.
4. There has to be a strict vigilance on the sale of acid. Stringent laws are needed to make it mandatory for the sellers to acquire a license and to maintain a record of their stock and sale failing to which a heavy fine has to be imposed. Sale of acid should be absolutely banned for any use other than industrial or manufacturing purpose.
5. We need a revised scheme to provide legal, financial, medical, compensatory and rehabilitative measures to the victim.
6. There has to be a prohibition on out of court settlements which often make money or marriage as a settlement tool.

We as responsible citizens also have a lead role to play in this. Our society has always lacked the sense of accepting a downtrodden individual. There is more acid planted in the minds of people than anywhere else. People are only concerned about their 'Izzat' (Social standing). In this communal web of esteem, stigma and humility where does the survivor stand? Why is it so difficult for us to accept her the way she is? Why is it so difficult for men to take "no" as an answer from a girl? Are their egos so fragile that they are provoked to turn themselves into such monsters? All these questions are prompting all the vulnerabilities that women are facing in the country.

It's high time! The safety of our daughters is the pressing need that has to be addressed right away. Parents on the other hand should provide best education to their daughters; make them stand on their own feet so that they can confidently raise their voice against such wrongs without any fear. Boys must be taught to respect women. They should understand that a '**no means no**', so they must learn to accept the girls decision and move on.

Herein lies the greatest lesson:

Stop Acid Attacks!

Do not throw acid on Humanity!

Do not deface the Society!

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