



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2021 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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## A Criminological insight into Acid Attacks

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Received 21 September 2021; Accepted 14 October 2021; Published 18 October 2021

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*The article tends to explore the criminological perspective of acid attacks. I have divided the research paper into three parts. The first part tries to give some general information about Acid Attacks as a crime, then the second part has a table which talks about five cases along with their year, place, facts, and evidence and then relates these five cases with various criminological theories and closely examines the criminological insights of each case. I have tried to connect all the cases with an appropriate type of criminological theory which can be applied to them. The third and the last part of the paper was written after having an interview-cum-conversation with a Supreme Court Advocate who gave me an insight into the psychology of the offenders behind committing the offence of acid attack with a special reference to the case of Lakshmi vs UOI & Others. The advocate also gave me an insight into the victim profile and the offender profile. The article ends with a note stating the further challenges that await us in curbing the crime of Acid Attacks.*

**Keywords:** *criminological theories, victim profile, offender's profile.*

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### INTRODUCTION

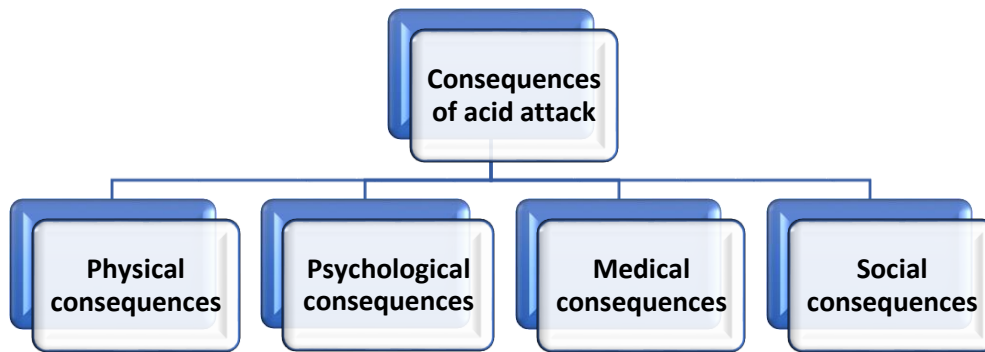
An excessive rise is witnessed in the cases of acid attacks in the previous years, and the most common victims of this crime are women. This crime is a form of violent assault in which a corrosive substance is thrown intentionally on the body of the victim to disfigure, torture, wound, or kill him/her. Two acids that are very commonly available are hydrochloric acid

and sulphuric acid, these acids melt the skin and even the bones of the victims due to their low ph. scales. In a research<sup>1</sup>, it was found that 78 % of the acid attacks took place due to the rejection of love proposal or refusal to marriage.

### Causes of Acid Attack

The crimes of acid attacks reflect gender inequality and discrimination existing in society. Most acid attacks are inflicted against women who challenge the conservative norms which reduce women to an inferior position. Since the time women realised that they can take a stand for themselves against male chauvinism, a steep rise was observed in the cases of acid attacks. Other reasons for acid attacks may include revenge, jealousy, relationships conflicts, business conflicts.

### CONSEQUENCES OF ACID ATTACK<sup>2</sup>



**Physical Consequences:** Throwing acid on a person rapidly eats his or her skin and might also destroy his or her eyesight. However, the depth of the injury depends on the strength of the

<sup>1</sup> Chaaru Gupta, 'Why India's Stringent New Laws Have Not Reduced Acid Attacks' (*NewsClick*, 2020) <<https://www.newsclick.in/Why-India-Stringent-New-Laws-Have-Not-Reduced-Acid-Attacks#:~:text=The%20current%20provisions%20of%20law,the%20victim%20suffers%20no%20injuries.>> accessed 11 September 2021

<sup>2</sup> Shivani Goswami & Rakesh Kumar Handa, 'The Peril of Acid Attacks in India and Susceptibility of Women' (2020) 3 *Journal of Victimology & Victim Justice*

acid and the duration of its contact with the skin. The acid attack makes it very difficult for the victim to lead a normal life due to their physical deformities.

**Psychological Consequences:** It is very common for the victims to have mental health issues after recovery due to the trauma that they undergo. Frequent episodes of anxiety and depression are observed in acid attacks survivor.

**Medical Consequences:** These attacks may lead to some very serious medical consequences such as permanent blindness, eye burns, permanent scarring of the face and body. Thus, the acid attack survivor has to put in a lot of expenses on medical issues some of which are not even curable.

**Social Consequences:** Most of the acid attack victims are ignored by society, relatives, and even by their family members. This leads them towards an isolated and lonely life. Therefore, it is very difficult for them to survive in the society

### PROVISION APPLICABLE FOR ACID ATTACK<sup>3</sup>

Earlier there were no specific provisions relating to acid attacks in India. Then the Law Commission, the national commission for women, and other women's rights organisations demanded a specific law to deal with the rising increase in acid attacks. The 226th Law Commission report showed the alarming increase in acid attack cases and also pointed out that the conviction of the accused in these cases happened under the charges of grievous hurt, attempt to murder, or murder and under such charges, the victim rarely got any compensation. The report also portrayed the laws regarding acid attacks in various country and its main motive was to provide the victims with adequate compensation and relief.

Therefore, keeping this in mind the Law Commission of India purposed to insert sections 326A and 326B in the Indian penal code. Section 326A stated that in case of hurt by acid attack the accused shall be punished with a minimum imprisonment of 10 years which might be

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<sup>3</sup> Ayushi Tripathi, 'Laws Against Acid Attack in India' (*Lawsisto.com*, 2020) <<https://lawsisto.com/artcileread/NDky/LAWS-AGAINST-ACID-ATTACK-IN-INDIA>> accessed 11 September 2021

extendable up to life imprisonment with a fine up to rupees 10 lakh. Furthermore, section 326B stated that “intentionally throwing or administering acid” and here accused shall be liable to a term of five-year imprisonment which would be extendable to 10 years and a fine up to rupees 5 lakh. Besides this, both the offenses were stated to be cognizable, non-bailable, and non-compoundable by nature and would be tried by a session court.

It was also proposed that under section 114B of the Indian Evidence Act when a person has thrown or administered acid on another person then the court shall presume that such act was done to cause such harm and also with the knowledge that such act is likely to cause such grievous hurt or injury as mentioned under section 326A of IPC.

## Part II

S. No	Case Name	Case Brief & Evidence	Year	Place	Criminological Insights
1.	Ramesh Dey and Others v State of West Bengal <sup>4</sup>	<b>Facts:</b> In this case, the Victim had rejected the proposal of the main accused Ramesh. The accused with the intention of taking revenge had decided to throw acid on the victim. The accused succeeded in his	2007	West Bengal	Self-Control Theory

<sup>4</sup> *Ramesh Dey & Others v State of West Bengal* 2007 (3) CHN 775

		<p>second attempt when he went along with two others to the victim's house and threw acid on her. In this incident, the victim, her aunt, her mother, and her son got injuries. However, the victim, Padma died due to grievous Injuries on her neck, breast, legs, knees, and scalp. The court convicted the accused, while the two people accompanying him were acquitted.</p> <p><b>Evidence -</b> The state contended its evidence by</p>			
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		<p>stating the refusal of the proposal by the Padma, which might have sown the seeds of revenge in the mind of the accused. He also pointed out the first attempt made by Ramesh, in which he failed. The prosecution also contended that the ocular evidence matched the medical evidence and therefore from the evidence n record it was clear that the accused was guilty. However, no evidence was</p>			
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		found on the point of the other two accused on the point of their actual participation and therefore they were acquitted.			
2.	<b>The state of Uttarakhand vs Ajam<sup>5</sup></b>	<b>Facts:</b> The case included a family acquaintance who used to chase the victim and harass her just because she did not want to marry him and the accused was also given a warning and stopped from entering the house by her brother. One	2017	Roorkee, Uttarakhand	Pleasure and Pain Principle - Classical School and the Free Will Theory

<sup>5</sup> *State of Uttarakhand v Ajam Government Appeal No 12/2011*

		<p>day when the victim was returning from her tuition then the accused started chasing her with a mug full of acid in his hands and he threw the acid on her face. The face of the victim was burned and she was taken to an adjoining hospital.</p> <p><b>Evidence -</b> The evidence, in this case, included the statements of seven witnesses in support of the case. The brother of the victim also stated that the accused used to</p>			
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		<p>chase the victim and he had warned him earlier as well. However, the accused was acquitted because the FIR that was registered was having overwriting and the person who wrote it was also not testified.</p>			
3.	<b>Vipin Jain vs State Nct Of Delhi<sup>6</sup></b>	<p><b>Facts:</b> In this case, the victim along with his friend was going to a barber's shop, while he was about to reach the shop, the accused threw acid on him, some of the</p>	2019	Delhi	Self-Control Theory

<sup>6</sup> *Vipin Jain v State NCT of Delhi* (2017) 6 SCC (CRI) 673

		<p>drops also came on his friend's hand. The accused was awarded a sentence of one year along with a fine of Rupees 5,000</p> <p><b>Evidence</b> -The evidence, in this case, included the burnt clothes of the father and the son.</p> <p>Furthermore, the police also found a bottle containing acid and a polythene bag containing powder, from the roof of the house of the accused. The testimony of the victim, his friend, and his</p>			
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		<p>father were also taken, along with the acid shop owner who affirmed that the accused took acid from his shop to clean his drain. Further, the evidence on record included the medical reports as well. The defense evidence included an eye witness who stated that the accused was in his factory during the commission of the offense, however, this was later found to be distorted.</p>			
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4.	<b>Simran @ Meena Khan vs State<sup>7</sup></b>	<b>Facts:</b> The victim was a young girl of 25 years, who worked as a dancer in a hotel. Around a month before the incident, a quarrel had taken place between the victim and the accused because the accused was envious of her as she was more beautiful and also a better actor. She also said during the argument that she would throw acid on the victim and get her killed if she keeps on quarrelling.	2016	Delhi	General Strain Theory
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<sup>7</sup> *Simran @ Meena Khan v State* CRLA 179/2011

		<p>After about a month the victim had left the house at 7:00 pm as usual for her work and the accused was standing there in a shawl. As soon as the victim boarded the auto-rickshaw, he threw acid on her due to which she suffered severe injuries on her face. The accused was ordered a sentence of 10 years.</p> <p><b>Evidence-</b>No defence evidence was produced in this case. The prosecution</p>			
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		<p>evidence included eyewitnesses and the statement of the victim. The testimony of people who witnessed the fight that took place last month was also taken and the medical reports and the statements of the doctors were also recorded. Also, no infirmity was found in the statements of the victim despite strict scrutiny during cross-examination.</p>			
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5.	<p><b>The State of Maharashtra vs Ankur Narayan Lal Panwar<sup>8</sup></b></p>	<p><b>Facts:</b> The victim was a Delhiite and was selected as a Nursing Officer in Military Nursing Services and she was supposed to join the Naval office at Colaba, Mumbai as Second Lieutenant and therefore she rejected the marriage proposal of the accused and rather chose to pursue her career. When she deboarded her train at Bombay, the accused wearing a scarf</p>	2019	Bombay	Third and Fourth Principle of the Feminist Theories
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<sup>8</sup> *State of Maharashtra v Ankur Narayan Lal Panwar* Criminal Appeal No 139/2017

		<p>on his face and a cap on his head threw acid on her and some of its drops also came on the victim's relatives who were accompanying her. The victim helped in making the sketch of the accused who was then arrested and sentenced to life imprisonment.</p> <p><b>Evidence-</b>The evidence, in this case, included the container used by the accused which was found lying near the spot, the cotton swabs of the</p>			
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		<p>fluids that had spread over the ground and soil, and some burnt pieces of cloths. The victim gave her statement by writing as she could not speak and she also helped in making the sketch of the accused.</p>			
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**\*NOTE: All the theories mentioned above in the column of criminological insights are explained below in detail.**

### **CRIMINOLOGICAL INSIGHTS**

- **Self-Control Theory<sup>9</sup>**

The self-Control theory was argued by Gottfredson and Hirschi in 1990. This theory talks about the different pathways or actions chosen by people depending upon the variety of behaviour that might be harmful to others. Under this theory, self-control is defined to be the ability to restrict oneself from committing acts whose long-term costs are greater than the benefits coming out of them. It was believed according to the theory that individuals who lack self-control are more prone to get engaged in substance abuse, smoking, gambling, speeding in vehicles, or improper sexual conduct. It was believed that such individuals are likely to fail in marriage, employment, or even school. The point that was put forward was that the

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<sup>9</sup> Michael Gottfredson, 'Self-Control Theory and Crime' [2017] Oxford Research Encyclopaedia of Criminology & Criminal Justice

individuals with high self-control are less likely to engage in criminal behaviour but are considered to be deviant, sinful, and reckless. The main premise of this theory thus happens to be that the people who run behind the short-term goals without thinking about the long-term cost that they might have, severely lack self-control. Even in the first case mentioned above in the table, the accused Ramesh just thought of the short-term benefit of harming the victim who rejected his proposal. But he did not think about the long-term cost that both the victim and accused had to pay because of his deviant behaviour. The victim died while on the other hand the accused had to undergo punishment. All this could have been avoided if the accused would have thought about this long-term cost before committing the crime and rightly weighted the short-term benefits in front of these long-term costs.

- **Pleasure and Pain Principle – Classical School and the Free Will Theory<sup>10</sup>**

The pain and pleasure principle which was put forward by the classical school of criminology focused on the free will theory which meant that every person is free to choose between right and wrong conduct. According to this pain and pleasure principle, it is believed that the main feature of the criminal behaviour of a person is based on the comparison which he makes between pain and pleasure that the accused would derive from his act. Beccaria was the main propounder of this theory in 1764. The classical school believed that people are hedonistic and therefore try to see pleasure at every opportunity and avoid pain as and when possible. Although this theory fails to explain that why do criminal behaviours continue to increase in countries where governments execute harsh punishment. As can be seen in the second case of the table, when the accused realized that the victim had rejected his proposal and now, she would not belong to her then he decided to minimize his pain by increasing the pain of the victim which would help him in seeking pleasure. He might have wanted to make sure that if she does not belong to him then she should not belong to anyone. Thus, the pain and pleasure principle of the classical school tries to say that one of the major reasons for the commission of a crime happens to be that the defendants try to seek pleasure by maximizing the pain of the victims.

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<sup>10</sup> S M Afzal Qadri, *Ahmad Siddique's criminology, penology & victimology* (7th edn, Eastern Book Company 2016)

- **General Strain Theory<sup>11</sup>**

The general strain theory focuses on the fact that sometimes people are going through various burdens in the personal spheres of their life. This world includes parental rejection, need for money, discrimination, relationship problems, and family responsibilities. All these lead the people towards frustration. Hence, these strains increase the possibility of crimes to a large extent as they lead to a range of negative emotions which might further lead to an increase in crimes rates. According to the general strain theory that people use crime as an escape from these burdens. For example, they might attempt theft to obtain money or they may also try to seek revenge against the source of these burdens. It was said that a criminal response to such burdens is more likely when people cannot cope up with such burdens in a criminal manner. When we look at the fourth case in the table above it can be observed that the defendant was jealous of the victim as she considered her to be a more beautiful and better dancer. The defendant got frustrated and might have felt burdened due to such a strain and might have lost her control due to the pressure and therefore he decided to throw acid on the victim's face to reduce the burden that he felt on seeing the victim be a better and more beautiful dancer. Therefore, general strain theory tries to state that burdens might increase the likelihood of crimes particularly those burdens which are of high intensity.

- **Third and Fourth Principle of the Feminist Theories<sup>12</sup>**

Feminist theories are a group of several related theories and principles. From the criminological point of view, the third and the fourth principal of the feminist theories are important and related to the fifth case of the table above. The third fundamental principle of the Feminist Theory tries to examine criminal behaviour and victimization in the context of various social factors. Sometimes the man and a woman commit crimes due to the various notions of gender biases prevailing in society. While the fourth fundamental principle of Feminist Theories tops about explaining and combining theory with practice to come up with

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<sup>11</sup> Joseph Dalton Friel, 'An Examination of Robert Agnew's General Strain Theory – Student Anthology' (*Faculty.wcu.edu*, 2021) <<https://faculty.wcu.edu/studentanthology/writing-across-western/criminology-and-criminal-justice/47-2/>> accessed 12 September 2021

<sup>12</sup> Claire M Renetti, 'Feminist Theories' [2009] Oxford Bibliographies Online Datasets

more equal and just solutions to the crimes occurring due to gender biases. Overall, the feminist theory of criminology tends to focus on women offenders and women victims to understand the trends related to female criminality. When we closely examine the facts of the fifth case in the table above it can be observed that when the victim chose to pursue her career and therefore rejected the proposal of the defendant, he could not accept this easily. It might have happened that his ego got hurt and he might be thinking that women should be ready to marry instead of pursuing their careers. This might have led him to take revenge by throwing acid on her face to make sure that she pays off for rejecting him and choosing her career.

### **Part III**

Interview of the Stakeholders in reference to the Case of Laksmi vs Union of India & Ors

- The stakeholder whom I interviewed was an Advocate of the Supreme Court. I tried to write Part III of my article by using all the knowledge I gained by interviewing him. I tried to learn about the offender profile, his psychology and also got a bit of reference about the victim in the case of Lakshmi vs UOI by asking the Advocate about these topics.

#### **Offender Profile**

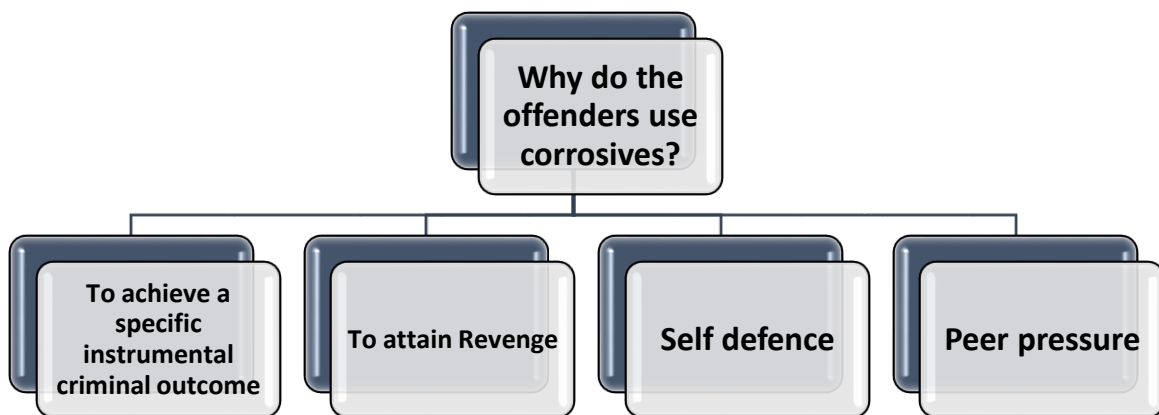
- **BACKGROUND OF THE OFFENDERS AS DESCRIBED BY ADVOCATE DURING THE INTERVIEW**

When asked about the background of the offenders he spoke that according to his experience majorly the offenders belonged to the age group of 18 years – 30 years. While in some rare cases they could even be above the age of 31 years. He also stated that while a majority of them happened to be males a small number of female offenders could also be seen.

- **PSYCHOLOGY OF THE OFFENDERS AS DESCRIBED BY ADVOCATE DURING THE INTERVIEW**

When asked about the psychology of the offenders, he explained that two factors are the most important for the commission of an offence, first the coming together of the victim and the offender in the same time and space and second is the availability of a corrosive substance. On being asked the reason for using corrosive substances like acids for attacking the victims, most of the offenders said that they chose acid due to its easy availability, low cost, and low perceived risk of carrying corrosives. In some cases, the offenders also agree that social media had a huge influence on them to possess corrosives. The offenders agree that they were inspired by reading about various cases around the world which led them to a “copycat attack”. While there was a group of offenders who did not carry corrosive substances regularly but attempted such crime due to a specific incident while another group that can be observed was a regular carrier of corrosives. While a few offenders use acids to immediately attack the victims, the others keep them as a threat to ensure that the victims agree to their demands. A group of offenders also used corrosive for amusement and can be related to the pain and pleasure principle from the classical school.

**The four major events as to why do the offenders use corrosives are -:**



**1. To achieve a specific instrumental criminal outcome**

Most of the time corrosive was used to achieve a specific outcome, such as a criminal outcome like obtaining cash, property, or drugs. For instance, in the cases of robbery, a corrosive was used to quickly overpower any potential threat that the victim might pose to the offender. Sometimes the victim was not given a choice to comply with the offenders and rather the acid was thrown quite spontaneously.

## **2. To attain Revenge**

Sometimes the offenders choose to use corrosive to attend some sort of revenge from the victim. Sometimes it is also observed that the offenders did not want to seriously injure the victim and they were not aware of the potential damage that the acid might have done. They often say that they only use the corrosive to punish the victim and take their revenge.

## **3. Self defence**

Sometimes it is also observed that the victims are themselves afraid of being attacked. In such situations, they keep the acid to protect themselves. When they feel that their own lives are at risk, they try to safeguard themselves by taking the help of such corrosives. The advocate told that sometimes the offenders used to tell him that how their desire to protect themselves drove them to use the corrosive.

## **4. Peer pressure**

Sometimes it was also seen that the defendant used the acid to fulfil the expectations of his peer group. Sometimes the defendant had not decided to use acid but when the incident occurs his friends pass him the corrosive and they, therefore, get encouraged to do so.

## **Victim Profile as described by Advocate during the interview about the case of Lakshmi vs UOI & Ors<sup>13</sup>**

As discussed in the beginning the victims of acid attacks go through a lot of pain and agony, both mentally as well as physically. But it is in the hands of the victim themselves that how are

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<sup>13</sup> *Lakshmi v Union of India & Ors* (2014) 4 SCC 427

they going to make their life ahead. They have two options, they can either cry for their fate or they can be determined to fulfil the goals they had and forget the past. Although, this is very easy to say than done. When we talk about Lakshmi, an acid attack survivor who was just 15 years old when acid was thrown on her. She dreamt of becoming a singer, had big dreams, and hence she was brave enough to fight every battle that came her way and was eventually successful. All this happened because of her hard work and diligence. She was strong enough to understand that the offender had thrown acid on her face but not on her dreams and she still is fully capable to fulfil them to the best of her abilities. 15-year-old Lakshmi came across a 32-year man who wanted to marry her. When she refused his proposal, he harassed her for months. And then one day finally when Lakshmi was on her way to Delhi's Khan Market the offender and his brother's girlfriend attacked Lakshmi with acid. The battle and struggle that followed have inspired hundreds of survivors to get back on their feet and move ahead in life. Lakshmi has been like a Ray of hope and a pillar of strength for all the acid attack victims. Lakshmi has very well explained in her interviews the plight of the acid attack victims. She told that even though the attacker attacks once, society attacks these victims every moment. The life which follows the attack is very painful. She often requested the people to not make the life of the survivors difficult by treating them like a victim and giving them sympathy instead of support. She often speaks to other survivors and makes them understand that self-love and self-acceptance are the only keys to their success. She also says that although we have the required laws now still the problem remains because of the slow justice system. He presses on the statement that making laws is not enough but also needs to be implemented. Hence it is high time that the victims get inspired by Lakshmi and get ready to fight their battles with bravery.

## CONCLUSION

**The challenges in preventing the acid attack crimes and future course of action as described by Advocate during the interview.**

Although a lot of sensitizations have been done about the crime of acid attack, still a lot of challenges are there which need to be overcome. One of the major problems is to know the

extent of this problem. It is also very important to understand the nature of these crimes, for instance, the majority of the victims happen to be women. It is often observed that we are not able to understand the culture that produces such trends. So, it is important to pay attention to such cultures that generate such crimes. Another important factor happens to be the ease of purchase of such corrosive substances. Even after the case of Lakshmi vs UOI, acid is still freely brought and sold in India. Such acid is so easily available at a low cost that is not at all difficult for even poor people to commit such crimes. Also, the offenders are of the perception that there would be no strict criminal justice sanctions applicable on them as most of the offenders had been previously arrested for the possession of corrosive substances but no strict actions were taken against them. And such things lead them to think that committing such crimes would also not result in the intervention of the criminal justice system. The future course of action can be to improve the knowledge and awareness regarding such acid attack crimes among the people. The availability of acids should be made a tedious task and the prices of such products should be increased. Various awareness campaigns should be there to increase awareness regarding the impact of acid attacks on the offender as well as the victim. In the end, the most important thing is to build a strong justice system that is successful to spread fear in the mind of the perpetrators.