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Study on Acid Attacks and Related Laws in India

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In India, the number of acid attacks on women has significantly climbed during the last ten years. An abominable act known as acid violence is typically committed against women with the intent to maim or kill them. It is also known as violence against women based on gender. A study found that 78% of documented incidents of acid attacks occurred as a result of the victim's rejection of love or marriage. Every day there are more acid attacks on women. An acid is an excellent tool for abusers to use against women since it is so easily available and reasonably priced. Nitric and sulfuric acids are the ones that are most frequently used in these assaults. Although fatalities from acid assaults are rare, they do leave behind long-lasting physical, psychological, and social scars. This article will detail every rule that India has to combat the plague of acid assaults. The world's highest annual rate of acid attacks occurs in India, where crime is also rising despite efforts taken by the Government and the Supreme Court of India. Both India's pervasive patriarchal worldview and its weak legal system, which fails to give victims meaningful redress, are to blame for this development. The statute states that until 2013, acid attacks were not considered a separate crime. The Criminal Law (Amendment) Act, 2013, added Sections 326A and 326B to the Indian Penal Code, 1860, creating additional provisions for victims of acid attacks, however, this was in response to changes made to the IPC. In addition to a fine that should reimburse the victim's medical costs, criminals found guilty under these sections must serve at least ten years in jail, with a potential life sentence. Acid attacks now fall under a separate section of the IPC (326A), which, in addition to a fine, entails a minimum penalty of 10 years in prison that may be elevated to life. The law also lays out consequences for refusing to provide medical attention to victims of police officers who decline to make a police report or preserve any evidence. While refusing to receive treatment (by both public and private institutions) is punishable by up to one year in jail, dereliction of duty by a police officer is penalized by up to two years in jail.

Keywords: *violence, patriarchy, victims, acid burns, psychological violence, gender-based violence, trauma.*

INTRODUCTION

The Acid Attack Victim 'Anmol'¹ said, "*Acid can only change our face but not ruin our soul.*" "*We are the same inside out and we should accept ourselves for who we are and live our lives happily.*"

In honor of our nation's 75th anniversary of independence, we celebrated Azadi ka Amrit Mahostav. While our nation has made significant strides in the areas of health, education, and defense, we have been unable to change our patriarchal society's conservative ways of thinking. The globe over, brutality, hostility, and discrimination are practiced in various ways against women. The Acid Attack is one of the worst and most vicious forms of cruelty against women. This crime is performed against women of all ages, but young girls are typically subjected to severe anguish and agony by having acid thrown on them. Men can also experience acid attacks on occasion. The cruel act of flinging caustic material, such as hydrochloric acid or nitric acid, on a victim's face to disfigure, torture, or kill her is referred to as an "acid attack." To permanently disfigure the victims and give them severe physical and mental suffering, acid is flung, sprayed, or spilled on their bodies and faces.

The stress of not being able to identify oneself in the mirror and the misery of lost attractiveness exacerbate the victim's acute physical pain. Even after they have healed from the physical pain, most attack victims are incapacitated and dependent on others for everyday chores, which adds additional trauma to both the victim and their family. Acid attacks encourage prejudice and gender inequality. They might become so afraid that they can't leave their home or perform even the simplest duties, let alone get married, have kids, find a job, attend school, etc. There is no guarantee that they will succeed even if they are motivated to pursue a normal life given their

¹ Nikita Sawant, 'Acid attack survivor Anmol Rodriguez is an inspiration to women everywhere' (*Femina*, 04 January 2019) <<https://www.femina.in/achievers/acid-attack-survivor-anmol-rodriguez-inspiration-113331.html>> accessed 18 January 2023

appearance and limitations following an attack. They may be unable to find employment, which forces them to work nonstop to survive.

Meaning of Acid and Acid attack: The terms 'acid attacks' and 'acid' are specified by the "Prevention of Offences (by Acids) Act 2008" (National Commission for Women - Draft Bill).

According to Section 3² of said Act:

"Acid" refers to and involves any material that has an acidic, corrosive, or burning tendency that can cause physical harm that leaves scars, a temporary or permanent impairment, or disability. "Acid attack" means "any act of throwing acid or using acid in any form on the victim with the intent of or with the knowledge that such person is likely to cause to the other person Permanent or partial damage or deformity or disfiguration to any part of the body of the such person." The Indian Penal Code, 1860 as a result of the Criminal Law (Amendment) Act, 2013 under Explanation 1 of Section 326B, now includes the following definitions of acid: "any substance which has the acidic or corrosive character or burning nature, capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability".

Because acid attacks are not like other crimes, there is no clear-cut legislation that deals with this issue. The victim will have to live with a disfigured face for the rest of their lives and deal with being shunned not only by society but occasionally even by their own family. There is no strict law in India that can address this issue. In the world, this crime is primarily committed in Bangladesh, Pakistan, India, and Cambodia. Every other nation has contributed to laying the groundwork for a workable solution for the victims' survivors. In 2002, our neighbor, Bangladesh passed regulations aimed at reducing the number of acid assaults. When compared to Indian law on the subject, Bangladeshi legislation is significantly more jurisprudentially sound. Indian legislation neither fully acknowledges the seriousness of acid attacks nor provides support for those who have survived them. There is no Criminal Injuries Compensation Board in India, even though compensation is a significant component of this crime. Yes, we had heard

² 'Rashtra Mahila' (National Commission for Women, October 2008)
<<http://ncw.nic.in/sites/default/files/rmoct2008e.pdf>> accessed 18 January 2023

repeatedly that the federal government had informed each state that had established a compensation board, but no single body had worked on the issue.

PSYCHOLOGICAL EFFECTS

The majority of respondents (70%) claimed that they had to deal with psychological impacts, including supportive family behavior, children's ignorance, and relatives' ridiculing behavior. The results showed that women had mental disorders and that they vented their stress on others while crying and shouting. There were also discovered other psychological impacts, such as permanent trauma, social isolation, and suicidal ideation. In contrast, other emotions including dread, menace, and annoyance were at an all-time high. Significant research revealed that acid assaults hurt every part of the survivors' lives. In many cases, the psychological effects were severe, leaving the survivors intellectually retarded and forever shocked.

SOCIAL AND ECONOMIC ISSUES

Acid attacks typically leave their victims physically or mentally impaired, they become dependent on their partners or families to complete daily tasks like eating and running errands. They endure social prejudice their entire lives and develop loneliness. These addictions are made worse by the fact that many acid survivors struggle to obtain suitable employment because of physical and vision impairments. As a result, divorce and spouse abandoning are widespread social ills. Additionally, those who survive an acid assault while unmarried almost certainly experience social exclusion, which effectively ruins their chances of getting married. They may be reluctant to leave their houses out of dread of the reaction of the outside world because they are humiliated that people would look or laugh at them. Unmarried victims are less likely to remarry, and those who suffered severe injuries from the attack such as blindness will not be able to obtain employment and support themselves. Victims find it extremely difficult to support themselves due to discrimination from other people or infirmities like blindness, and they end up depending on others for food and money.

ACID ATTACK LAWS IN INDIA

- Use of acid with the intent to permanently or partially injure, or inflict disability, damage, burns, or incapacity is prohibited by Indian Penal Code, 1860, Section 326A. The minimum punishment under this provision is ten years in jail, with a maximum sentence of life in prison and a fine based on the victim's medical expenses.
- **Section 326B³ of the Indian Penal Code, 1860** states that it is unlawful to voluntarily throw or attempt to throw acid with the intent to cause harm. The minimum term for a criminal is five years in prison; however, the maximum sentence is seven years in prison and a fine.
- **Section 357B⁴ CrPC reads:** "The fine payable to the victim under section 326A or section 376D of the Indian Penal Code shall be in addition to the compensation given by the State Government under section 357A."
- **Section 357C⁵ CrPC reads:** "All hospitals, whether public or private, whether operated by the Central Government, the State Government, local bodies, or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offense covered by section 326A⁶, section 376⁷, section 376A⁸, section 376B⁹, section 376C¹⁰, or section 376E¹¹ of the Indian Penal Code, and shall promptly notify the police of such incident."

GUIDELINES ISSUED BY THE SUPREME COURT IN THE LAKSHMI V UOI CASE

Lakshmi v Union of India¹²

³ Indian Penal Code 1860, s 326B

⁴ Code of Criminal Procedure 1973, s 357B

⁵ Code of Criminal Procedure 1973, s 357C

⁶ Indian Penal Code 1860, s 326A

⁷ Indian Penal Code 1860, s 376

⁸ Indian Penal Code 1860, s 376A

⁹ Indian Penal Code 1860, s 376B

¹⁰ Indian Penal Code 1860, s 376C

¹¹ Indian Penal Code 1860, s 376E

¹² *Laxmi v Union Of India & Ors* Writ Petition (Civil) No 129/2006

- Prevent the sale of acids and other corrosives over the counter unless the seller maintains a logbook or register that records each acid sale together with the buyer's information and the quantity of acid sold.
- With a valid photo ID, only people over the age of 18 may make purchases.
- The seller notes in the notebook the reason(s) or causes for receiving acid.
- Within 15 days, the vendor must notify the relevant Sub-Divisional Magistrate (SDM) of all of their acid inventories. Any unreported acid stock may be seized by the relevant SDM, who may also find the offending merchant up to Rs. 50,000.
- Any person who violates any of the aforementioned instructions would be subject to a fine of up to Rs. 50,000 from the concerned SDM. Higher education institutions, research facilities, healthcare facilities, governmental organizations, and public sector departments that require to maintain and store acid/corrosive materials must keep a record of their usage and report it to the relevant SDM. Identifying a person who will be liable for the storage and ownership of acid on their premises. A person whose job it is to inspect everyone leaving laboratories or storage facilities where acid is used must keep an eye on the acid at all times.

STATISTICAL ACCOUNT OF ACID ATTACK CASES

The Data Intelligence Unit (DIU) of India, reported that 386 acid assaults on women were reported in the nation between 2018 and 2022, during which time 62 assailants were found guilty.¹³ 2017 saw the highest acid assaults in these five years, with 309 attacks and 319 casualties. Delhi, West Bengal, and Uttar Pradesh have consistently been rated among the top 10 states for acid attacks. In India during the previous five years, only these three states have produced 42% of the victims of acid attacks.

¹³ Ajay Kumar Mishra, '386 acid attack cases on women registered in 2018 to 2022' (*All India Radio*, 2 August 2022) <<https://newsonair.gov.in/News?title=386-acid-attack-cases-on-women-registered-in-2018-to-2022%3A-MoS-Ajay-Kumar-Mishra&id=445334>> accessed 18 January 2023

WHAT IS THE LAW ON THE REGULATION OF ACID SALES?

After learning about acid attacks, the Supreme Court decided to regulate the sale of caustic substances in 2013. By The Poisons Act, of 1919, and based on the directive, the MHA developed the Model Poisons Possession and Sale Rules, 2013, and issued a directive to all states on how to regulate acid sales. It asked states to create their regulations based on model regulations because they had jurisdiction over the matter.

Acid cannot be purchased over the counter unless the vendor maintains a logbook or register recording those purchases, according to the MHA principles and the model standards. This notebook was to contain the details of the person to whom acid is sold, the amount sold, the person's address, and the rationale behind obtaining acid. Before the sale may go through, the buyer must furthermore produce a government-issued photo ID bearing his address. Additionally, The purchaser must present identification demonstrating their age is greater than eighteen years. Additionally, sellers must notify the relevant Sub-Divisional Magistrate (SDM) of all acid stock within 15 days of discovering any stock that has not been reported. For a violation of any of the instructions, the SDM has the authority to seize the stock and, if necessary, impose a fine of up to Rs 50,000. According to the regulations, departments of Public Sector Undertakings, government agencies, and research facilities that must preserve and store acid are obligated to keep a register of their usage and submit it to the relevant SDM.

A person is responsible for the custody and storage of acid on their property. The guidelines state that the acid must be stored under this person's supervision and that students and staff must be checked as they leave laboratories or storage facilities where acid is utilized. To prevent the use of acids and chemicals in crime, MHA again issued a warning to all States and UTs in August of last year, urging them to review and make sure that the retail sale of these substances is rigorously governed by the Poison Rules.

VICTIM COMPENSATION AND CARE

The MHA instructed states to make sure that, in compliance with Supreme Court directives, victims of acid attacks receive compensation from the respective State Government or Union

Territory of at least Rs. 3 lakhs to cover the cost of aftercare and rehabilitation. Within 15 days of the incident, Rs 1 lakh from this sum must be handed to the victim to pay for any expenditures related to urgent medical care. "As swiftly as may be practicable and positively within two months thereafter" is how quickly the remaining amount of Rs. 2 lakhs must be paid. The state is expected to provide free care for acid attack victims in any hospital, public or private. The victim will only receive Rs. 1 lakh in compensation; the expense of medical care will not be covered." Acid attack victims need to undergo a series of plastic surgeries and hence 1-2 beds at the Apex State Tertiary Hospital could be earmarked for the treatment of acid attack victims so that the victims need not run from pillar to post to get these operations performed expeditiously," the 2013 MHA advisory said.

"In addition, private hospitals which have availed the facility of concessional land for setting up the hospital could also be persuaded to earmark 1-2 beds for treatment of underprivileged victims of acid attacks which the State Government can identify for treatment," is added. In addition, MHA recommended that states offer victims social integration programs for which NGOs might be financed to solely handle their rehabilitation needs.

WHAT ROLE DO THEY PROVIDE IN PREVENTION?

Police sources claim that the rules on acid sales mostly aid in finding the accused and less so in prevention. "The implementation of the regulations is not very strict. Acid is still easily available in many places. Then there are crimes of passion. In a majority of cases the accused is not even thinking about consequences," stated a senior police officer. Another officer claimed that since social attitudes are shifting and the police are concentrating on crimes against women, things have changed for the better in comparison to the past. But society will always have the answer to this issue. Awareness-building is necessary. The officer counseled parents to teach their children the value of boundaries and consent.

CASE LAWS

Lakshmi v Union of India¹⁴ It involves Lakshmi, a young woman who was attacked with acid when she was just 16 years old. This attack was motivated by a marriage proposal that was declined. Lakshmi bravely petitioned the Supreme Court of India in 2006, asking for compensation, new laws to be passed, and amendments to any rules already in place that dealt with acid assaults in India. She demanded a complete prohibition on the sale of acids to the general public in marketplaces. After carefully considering and debating the case, the Supreme Court upheld her appeal and ordered the federal and state governments to develop the necessary laws. When the governments failed to follow these rules, the Supreme Court decided to solve the issue on its own by issuing rules. According to the law, no one under the legal drinking age of 18, or 18 years old, should be sold acid. Anyone intending to purchase acid has to show a valid photo ID. In the Lakshmi case: In certain states, the minimum compensation of 3,00000 per acid attack victim has not been set. Let's use the Bihar case as an illustration. Two girls were attacked with acid, causing multiple injuries. The state government granted them 25,000, but the girls had already spent 5,000. This is an Indian system for processing compensation.

SEVERAL INSTANCES/CASES BEFORE THE INTRODUCTION OF IPC SECTION 326A

In *Marepally Venkata Sree Nagesh v The state of A.P.*¹⁵ As a result of the accused injecting mercuric chloride into his wife's vagina out of suspicion for her character, she suffered renal failure and passed away. Under Sections 302 and 307 of the IPC, the accused was indicted and convicted.

In *Devanand v In the State*, the wife refused to live with him, and a man attacked her with acid. The wife lost one eye and experienced lasting disfigurement. The defendant received a 7-year sentence after being found guilty under Section 307.

¹⁴ *Laxmi v Union Of India & Ors* Writ Petition (Civil) No 129/2006

¹⁵ *Marepally Venkata Sree Nagesh v The state of A.P* (2002) CriLJ 3625

*State of Karnataka by Jalahalli Police Station v Joseph Rodrigues*¹⁶. It is one of the most well-known acid attack cases. Because Hasina declined his job offer, the accused threw acid on her. Due to this, she suffered severe physical scarring, a change in the hue and appearance of her face, and blindness. According to IPC Section 307, the offender was found guilty and given a life sentence. The offender was required to give Hasina's parents compensation in the amount of Rs. 2, 00,000/- on top of the Rs. 3, 00,000 fine imposed by the Trial Court.

Thus, Acid assaults are a complicated and widespread phenomenon. However, developing nations like Colombia, Pakistan, Nepal, Bangladesh, Uganda, and India account for 90% of reported acid assaults. Acid attacks are most common in India. Around 1000 of the total 1500 incidents recorded annually around the world are committed in India. There aren't many statistics available because the crime wasn't classified as a specific criminal offense until after the 2013 Criminal Law Amendment Act was passed. But a study of the information gathered by various groups shows that incidences have been increasing in India for a long time.

In many rural places, there aren't enough resources to deal with the crime, thus many victims are unwilling to disclose because they feel ashamed and stigmatized (Acid Survivors Trust International). Around 1000 cases are thought to occur each year in India (Acid Survivors Trust International). Even though there have been several documented acid attacks on men in India, men typically view the crime as a form of violence against women because they make up more than 80% of the victims and 84% of the perpetrators. Over 84.48% of crimes are committed in metropolitan locations, with the majority of victims being between the ages of 18 and 22. (Patel, 2014). In more than 76 % of cases acid attacks are committed by someone known to the victim, and in the vicinity of their residence (Acid Survivors Trust International).

There are four categories in which the causes of acid attacks can be placed moving forward:

Acid Attacks' Effects The majority of victims of acid attacks survive (Acid Survivors Trust International). As a result, victims have devastating impacts that can be broadly divided into three categories: physical; psychological; and social and economic. bodily effects The type or

¹⁶ *State of Karnataka by Jalahalli Police Station v Joseph Rodrigues* (2006)

concentration of acid employed in the attack, as well as the length of time the body was exposed to the acid, determine the degree of the physical damage. A victim will sustain more harm the longer their body is exposed. Because they are so corrosive, acids quickly disintegrate skin, fat, and muscle. In certain circumstances, they can reach bones and internal organs (Law Commission of India, 2009). Essential body parts such as the eyelids, ears, nose, nostrils, mouth, lips, eyes, cheeks, chin, neck, forehead, skull, breasts (including the destruction or cessation of breast development in young girls), shoulders, and hair are completely or partially destroyed in victims, leaving them permanently disabled (Law Commission of India, 2009).

SUGGESTIONS

- Government must address the availability of acid and its core causes, gender inequality, and discrimination.
- The unintentional acid attack victim should be included in the Compensatory Jurisprudence's preview.
- Except for commercial and scientific uses, the distribution and sale of acid should be prohibited.
- The justice system ought to successfully execute the idea of restorative justice.
- Many severe issues with the justice system could be resolved by using Alternative Dispute Resolution (ADR) or arbitration mediation.
- The regulations governing acid attacks are inadequate. If no harm is done, throwing acid intentionally is not punishable under IPC provisions.

FINDINGS

Acid assaults are common in India, and despite recent government efforts to curtail the crime, the number of attacks has increased. True incidence rates must be precisely measured to effectively discourage crime, but the numbers are inaccurate since many acid attacks go unreported and there are not enough resources to address poor reporting rates. The patriarchal society and insufficient legal system in India are the main contributors to the rising incidence rates of acid attacks. Acids continue to be inexpensive and easily accessible despite new

restrictions on their sale being enforced by the Supreme Court of India in *Laxmi v UOI*. This is because the limits set by the court are frequently disregarded. Even when cases of acid attacks are reported to the police, it takes the Indian legal system a long time to conclude. In addition, many victims of acid attacks do not obtain compensation on time despite Supreme Court standards regulating compensation. Only 799 of the 1273 victims received compensation in 2020. (PTI, 2020).

The following actions ought to be taken to enhance victim justice and stop acid attacks:

- Acid attacks in India must be properly counted in terms of incidence and prevalence rates. The National Crime Records Bureau (India) should produce annual reports with reliable data to attract the attention of NGOs and other non-governmental organizations that work to prevent crime.
- The Supreme Court of India's guidelines from *Laxmi v Union of India* must be scrupulously observed, according to the states. To speed up the time it takes for courts to decide cases at the end of the process, police must be directed to wrap up their investigations and close cases fast.
- To maximize the possibility of conviction, Section 114 B should be added to the Indian Evidence Act. The Indian government should start a public awareness campaign to educate people about the significance of thoroughly washing a victim's body with water as soon as possible after an acid attack to decrease the severity of the damage.
- The Indian government needs to start teaching young people about non-violence, human liberty, gender equality, and patriarchy. In addition, the general public has to be taught how to handle acid attack victims humanely rather than stigmatizing or demonizing them. Cultural narratives should be reframed to help the general public comprehend why acid attack crimes are primarily committed by men against women and are the result of an intolerable patriarchal society and unacceptable legal system that treats such violence against women as a minor offense rather than a serious life-threatening crime that damages victims for life, harms, and threatens. Opportunities for victims to pursue education and employment must be ensured.

CONCLUSION

Acid attacks are the most brutal and typically gender-specific form of violence that has been observed. Despite news of acid attacks coming from all across the world, India has experienced a rise in these incidents. Although the commencement of the acid attack laws' legal changes is hopeful, there is still a long way to go until these provisions are completely enforced. Although it is known that new laws take time to implement and change due to the judiciary's dynamism, some of the initial issues need to be resolved. Current acid attack laws and judicial attitudes toward the scope of damages are severely circumscribed in light of the nature and seriousness of the breach. Additionally, considering the deficiencies in Indian law, it has been considered how crucial it is to develop unique legislation in this domain. The conduct should be punished severely because it appears to have been premeditated and required a significant deal of malice on the part of the offender. In addition, a key provision for sustaining the rule of law is adequate compensation for the victim.

The effectiveness of a law depends on how it is implemented. Acid attacks have escalated even after the IPC was changed to include strong penalties against them. "People believe inner beauty is important, but in reality, just a few people transcend beyond outward attributes," says Lakshmi Agarwal. This is an important point. Numerous effects must be dealt with by an acid attack victim. Acid vapors can have physical implications beyond just disfigurement. They also contain other health problems. For these folks, social exclusion, aggressive body language, taunts, and other comments are commonplace. The chances of marriage dwindle. They can't work because of a disability, thus they are dependent on others. Many people refuse to hire them because of their disfigurements, even if they are not disabled. They experience Post Traumatic Stress Disorder (PTSD) psychologically, and they are more prone to experience low self-esteem, despair, anxiety, a lack of hope, etc. The Indian Government should draw inspiration from Bangladesh and enact legislation akin to The Acid Control Act, of 2002, and the Acid Crime Prevention Act, of 2002. Indicators of these acts include:

- Limitations on the sale, export, and import of acids.
- The establishment of rehabilitation facilities for victims;

- A victim-specific fund known as the Acid Attack Council Fund;
- Prompt and proper medical care for victims.

The lives of those who survived acid assaults will be considerably improved by these small changes. Acid is an easily accessible drug that urgently needs control. It is our shared responsibility as citizens to abolish this social evil and get rid of the stigma attached to this crime for the benefit of the survivors. A special law must be implemented to limit the number of acid attacks in India.