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Forced Ingestion under Ambit: Acid Attack Jurisprudence Amplified

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Statutes in our country are, as pointed out by many scholars and experts, quite well researched and up to the mark.¹ The story of expert consultations and Parliamentary scrutiny has remained quite the same throughout the years. However, sometimes grave errors do creep in. Rather, as laws get enhanced, so do the methodology of crime and mens rea. One such error has been duly pointed out by the Supreme Court contemporarily in the case of Shaheen Malik v Union of India (2026).² Acid attack remains one of the most brutal forms of gender-based violence not only in our country, but in the whole world. It is not limited to a standard localised assault, but has emerged as a deliberate mechanism of gendered terror meant to cause permanent socio-legal erasure. Although traditional legal frameworks have viewed acid attacks through the prism of external facial or bodily disfigurement, commonly referred to as vitriolage³ in early criminal textbooks, the approach fell short of the evolving nature of actus reus in the modern scenario, hence creating a statutory vacuum for cases where the corrosive chemical is introduced internally via forced ingestion or intravenous substances. This expansion of acid attack to encompass forceful ingestion marks a necessary doctrinal shift from evaluating external visual deformity to defending absolute internal bodily integrity under Article 21 of the Constitution of India. By revolving around this conceptual pivot, this article demonstrates how statutory language must adapt to the needs of society and time, be it factored externally or internally.

¹ 'Public Engagement with the Legislative Process' (PRS)

<https://prsindia.org/files/parliament/discussion_papers/1370586595_Public_Engagement_with_the_Legislative_Process.pdf> accessed 25 May 2026

² Shaheen Malik v Union of India & Anr (2026) WP (C) No 1112/2025

³ Robert A Nye, *Crime, Madness and Politics in Modern France: The Medical Concept of National Decline* (Princeton University Press 2014)

Keywords: *mens rea, actus reus, vitriolage.*

INTRODUCTION

History has witnessed that acid attacks are quite different from other conventional forms of violence, such as using firearms or sharp-bladed weapons, both in motive and execution. While the latter weapons are primarily used only for bodily harm out of premeditation or fit of the moment, the former is deployed as a weapon of 'social death.' The primary intent in this case is often to preserve the victim's life in a vegetative state while destroying their social identity, economic autonomy and relational capacity. Hence, this act functions as an exercise of structured patriarchal power, frequently as a response to rejected marriage proposals, sexual advances or domestic independence. Under the veil of a physical crime, there hides a brutal mindset entrenched in the dominance of patriarchal norms in our society.

Historically, the widespread availability of industrial-grade acids, including sulphuric, nitric and hydrochloric acids, has converted household cleaners and manufacturing raw materials into low-cost, unregulated, deadly weapons of mass disfigurement. The traditional conception and psychological architecture of the perpetrator rely on the permanence of the external wound. However, when the methodology shifts from external splashing to forced internal ingestion, the motive is revealed as a more calculated one, one seeking to inflict torturous, agonising physical suffering that is not visible in the public view, intentionally skipping the visual thresholds traditionally required by forensic experts and criminal courts to prove harm.

The honourable Supreme Court has pointed out the absence of the required statute, and the law-makers need to place urgent importance on compiling and enacting one, to integrate and evolve into the criminal jurisprudence the needs of time and society. Besides, this mindset needs to be curbed at the earliest, as *mens rea* in such cases is on a more dangerous level than ordinary organised crimes, directly threatening the neutrality of gender, and forcefully subduing one of the two genders to remind them of the historical oppression, and coercing its continuance. Such instances must be dealt with firm actions, to stop not just another crime, but the cancerous disease of gender dominance and the brutal consequences of criminal coercion.

STATUTORY EVOLUTION & THE PRECEDENTIAL LANDSCAPE

A rigorous statutory review is a sine qua non to trace how Indian criminal law arrived at its current intersection. Before the Criminal Law (Amendment) Act,⁴ the Indian Penal Code (IPC)⁵ possessed no specific framework targeting acid violence. Prosecutors were forced to rely on general provisions concerning bodily harm, which highly undervalued the unique horror of chemical targeting.

To begin with, Sections 319 and 320 of the IPC captured conditions such as permanent privation of sight or hearing, or severe bodily pain for 20 days. However, it miserably failed to account for the psychological trauma, permanent social isolation and specific medical needs of acid attack survivors. Also, this section downgraded the true nature of acid attack by comparing it with other grievous hurts, which generally do not carry the stigma of social isolation and mental agony. Accompanied by further threats, acid attack, in the absence of proper statutes, became a popular threatening option for criminals to coerce unwanted or illegal activities, failing which further damage would come.

Before the enactment of specific acid attack provisions under Sections 326A and 326B⁶ of the IPC, Section 326⁷ was widely used to deal with incidents of acid attack. Although acid could be interpreted as a dangerous means within the ambit of the provision, this provision, just like the previous, could not adequately recognise the unique, devastating nature of acid attack. Relatively lenient punishments and inconsistencies in sentencing prevailed in acid attack jurisprudence, leaving the victims no option but to ensure complete justice.

All these inadequacies highlighted the need for a separate legal framework, specifically addressing acid attacks. The turning point eventually came with the Justice Verma Committee Report (2013),⁸ which explicitly recognised acid attack as a standalone category of extreme violence that requires distinct minimum sentences, non-bailable categorisation and mandatory victim compensation. Following the report, Sections 326A and 326B were added to the IPC.

⁴ Criminal Law (Amendment) Act 2013

⁵ Indian Penal Code 1860

⁶ Indian Penal Code 1860, ss 326A and 326B

⁷ Indian Penal Code 1860, s 326

⁸ Justice J S Verma Committee, *Report of the Committee on Amendments to Criminal Law* (2013)

Crucially, when the law shifted to the Bharatiya Nyaya Sanhita (BNS)⁹ in 2023, under Sections 124A and 124B, the basic foundational text remained intact, which, like administered in 2013, penalised permanent or partial damage, deformity, burns, maims, disfigures or disables any part of the body, or causes grievous hurt by “administering acid... or by using any other means” and with the intention or knowledge of causing such injury. The statutory minimum was set, and was later continued, to be ten years, extending to life imprisonment, along with fines directed exclusively to the victim’s medical rehabilitation.¹⁰ It is worth noting that the inclusion of the phrase “by administering acid... or by using any other means” practically provides the specific statutory anchor required to prosecute internal ingestion, at least through a purposive and progressive lens. However, with the apex Court’s observation, the inclusion of the aforementioned mode is gaining more ground and is recognised legally.

CHRONOLOGICAL MAPPING OF SUPREME COURT INTERVENTIONS

State of Karnataka v Joseph Rodrigues (2006):¹¹ This case involved a brutal assault in which acid was thrown on a young woman, causing severe burns, permanent disfigurement and long-lasting physical and psychological suffering. At that time, the IPC did not contain dedicated provisions addressing acid violence, and as discussed earlier, these crimes were generally prosecuted under provisions related to grievous hurt. The Karnataka High Court rightly acknowledged the exceptionally cruel nature of the attack and agreed that acid violence carries consequences far beyond ordinary crimes. Corresponding to the gravity of the offence, it upheld a stringent punishment for the accused and underscored the importance of deterrence in such heinous cases.

Legally, the Court ruled that a lack of explicit, premeditated intent to murder does not reduce the gravity of the crime under Section 326 if the perpetrator possessed clear knowledge that the application of corrosive substances is highly likely to cause death or reduce the victim to a permanent vegetative state. It also established that the extreme danger of the chemical agent, acid in this case, itself satisfies the threshold for mens rea required for minimum statutory penalties.

⁹ Bharatiya Nyaya Sanhita 2023

¹⁰ Bharatiya Nyaya Sanhita 2023, ss 124A and 124B; Indian Penal Code 1860

¹¹ *State of Karnataka By Jalalahalli Police v Joseph Rodrigues S/O V Zs Rodrigues* (2006) 5 AIR Kar R 724

Laxmi v Union of India (2014):¹² In the case of *Laxmi v Union of India* (2014), the court tried to regulate over-the-counter retail sales of acid. The case originated from a Public Interest Litigation (PIL) filed by Laxmi, an acid attack survivor, who wanted to flag the need for stronger legal and administrative measures to address the rising incidents of these brutal attacks. Recognising that acid attacks inflict lifelong physical injuries, permanent disfigurement, mental trauma and social exclusion, the apex Court treated the issue as one involving the protection of Fundamental Rights, particularly the disruption of Right to Life with Dignity under Article 21.

Some revolutionary legal safeguards were also established by the Court, which include a minimum compensation of three lakh rupees for acid attack survivors, and a prohibition on private hospitals from denying free first-line emergency medical treatment to victims. Besides, a major decision was to introduce state accountability and, henceforth, the shift of acid attacks from a private tort to a public health crisis requiring systemic intervention. Also, as mentioned earlier, all the States and Union Territories were directed to maintain valid records of acid purchasers, verify their identity and address, and consequently report stock details to local authorities. Hence, this case may be treated as the first guiding light to strengthening the legal base of acid attack jurisprudence in India.

Parivartan Kendra v Union of India (2016):¹³ The Supreme Court, in the case of *Parivartan Kendra v Union of India* (2016), reinforced and expanded long-term protections afforded to acid attack victims. The case was brought by Parivartan Kendra, a non-governmental organisation, on behalf of acid attack survivors who continued facing difficulties in accessing compensation, medical treatment, education and social rehabilitation. The petition highlighted the inadequacies in short-term relief alone, and rightly pointed to the persistent neglect suffered by survivors.

As a result, the baseline compensation cap of three lakh rupees was increased, as it was deemed inadequate for long-term, multi-stage reconstructive surgeries. The Court also extended protection and rehabilitation structures to include deep psychological care and social integration. Hence, the focus shifted from mere one-time compensation and medical care to a more comprehensive, life-long rehabilitative justice and structural state support.

¹² *Laxmi v Union of India & Ors* (2016) 3 SCC 669

¹³ *Parivartan Kendra & Anr v Union of India & Ors* WP (C) No 867/2013

The State's continuing obligation to support the recovery of such patients and its duty to restore their social cohesion were also underscored.

Shaheen Malik v Union of India (2026):¹⁴ In the contemporary case of *Shaheen Malik v Union of India (2026)*, the Supreme Court dealt the final blow to the horrors of acid attack till now. Recognising a long-standing gap in the statutory framework governing survivor protection. The Court observed that the definition of an “acid-attack victim” under the Rights of Persons with Disabilities Act, 2016¹⁵, was narrowly confined to persons disfigured externally due to the splashing of acid or similar corrosive substances. Hence, the inadvertent exclusion of victims of forceful acid ingestion, who have suffered irreparable internal damage beyond the physical vision, became imminent. Calling such an exclusion ‘arbitrary’, the Court adopted a purposive interpretation of the legislation, thereby including the latter category.¹⁶

The judgment is particularly noteworthy because it marked the first time the judiciary expressly brought forced ingestion or forceful injection within the legal ambit of acid attack, another leap for criminal jurisprudence. The Court noted that both the erstwhile Sections 326A and 326B of the IPC¹⁷ and the corresponding provisions under the BNS recognise not only throwing of acid, but also administration through oral or other indirect means. The most important observation is that the expression “acid attack victims” can be construed to include persons to whom acid has been administered, regardless of means or external scars. Also, this interpretation was given retrospective effect from the inception of the 2016 Act, thereby ensuring access to disability certification, compensation, rehabilitation schemes, healthcare facilities, and other statutory entitlements for previously overlooked survivors.

¹⁴ *Shaheen Malik v Union of India (2026)* Writ Petition (Civil) No 1112/2025 (SC)

¹⁵ Rights of Persons with Disabilities Act 2016, sch I

¹⁶ Khadija Khan, ‘Acid attack victims without visible injuries didn’t get legal cover. Not anymore, thanks to this woman’ *The Print* (05 May 2026) <<https://theprint.in/judiciary/acid-attack-victims-without-visible-injuries-didnt-get-legal-cover-not-anymore-thanks-to-this-woman/2922389/>> accessed 25 May 2026

¹⁷ Indian Penal Code 1860, ss 326A-326B

DECONSTRUCTING THE INCLUSION OF “FORCEFUL INJECTION”

Another important category to keep in mind while we talk about internal administration of acid is “forceful injection”. Though not explicitly recognised by the Court, this method also poses a similar, serious threat to administering acid. When an attacker uses physical restraint to inject any acidic or corrosive substance subcutaneously, intramuscularly or intravenously, the skin may show little more than a mere puncture mark. Yet, internally, the injected substance triggers immediate, devastating destruction. From a medical perspective, while external acid splashing results in coagulative necrosis – where the skin forms an eschar or leathery crust restricting deeper penetration – internal injection allows the corrosive to bypass the epidermis’s natural defence entirely.

If we delve deeper into the stages of the physiological chain reaction of internal chemical administration, the steps are as follows:

Vascular Necrosis: Immediate destruction of endothelial cell walls, followed by massive internal haemorrhaging and localised tissue death.

Systemic Toxicity & Organ Failure: The toxic ions are rapidly absorbed into the bloodstream, precipitating acute renal failure, severe metabolic acidosis and hence multi-organ dysfunction.

Invisible Disfigurement: Common results include internal scarring, muscular contractures and arterial destruction that impair basic life-sustaining functions, mainly causing death in many cases.

From a Constitutional perspective, the demand for the expansion of Article 21,¹⁸ uplifting it from mere animal existence to absolute control over one’s internal bodily integrity, has been fulfilled. The Court explicitly recognised the protection of the internal body with the same rigour as the external surface. This will prevent future defence attorneys from arguing that a lack of external scarring should reduce the charge to a simple hurt under Section 323¹⁹ or generic poisoning under Section 328.²⁰

¹⁸ Constitution of India 1950, art 21

¹⁹ Indian Penal Code 1860, s 323

²⁰ Indian Penal Code 1860, s 328

MEDICAL JURISPRUDENCE, EVIDENTIARY BURDENS & INSTITUTIONAL CHALLENGES

Although the expansion marks a major landmark for acid attack jurisprudence from a legal and societal point of view, it introduces significant challenges for forensic science and evidence procedures. For instance, in an external acid attack, the evidence is visually obvious and long-lasting, lowering the complexity for the police and medical examiners. Conversely, proving a forceful internal administration requires sophisticated medical diagnostics, pushing the prosecutors to rely on advanced toxicological reporting, internal biopsies and real-time clinical documentation to establish the path of administration.

Additionally, major gaps remain in the institutional execution of the Central Victim Compensation Fund (CVCf) and state regulatory schemes. While the law mandates immediate, free medical treatment, internal chemical injury survivors encounter severe obstacles. Most government facilities lack the specialised facilities of various medical fields like gastroenterology, nephrology and vascular surgery teams required to treat chemical trauma, forcing the victims into expensive private medical networks, where state-guaranteed compensation is practically delayed by bureaucratic red tape and reimbursement procedures.

CONCLUSION

The progression of acid attack jurisprudence reflects a maturing legal system that is beginning to delve beyond surface-level harm to protect substantive human rights. Also, the timely recognition and closure of a dangerous loophole relieves the victims of severe chemical torture, followed by legal exclusion and practical problems, making their lives socially inert and irreparable. This judicial philosophy marks the dawn of victim-based jurisprudence in criminal jurisdictions, if only sustained through alleviations of concrete policies like standardisation of internal forensic protocols, judicial and law enforcement sensitisation and a dynamic compensation framework. Then only the final nail of the coffin of acid attack violence can be hammered, collectively.