

A REVIEW OF LITERATURES ON ACID ATTACKS IN INDIA

Minakshi Goswami

Junior Research Fellow,

Vivekananda Kendra Institute of Culture, Uzanbazar.

Abstract: *Acid attack is a deep rooted social evil. Over the years, the intensity of this crime has attracted social activists, legislators, judges as well as researchers to identify measures to curb this evil. A lot of work has already been published that deals with the various aspects of the cruel act of acid throwing. As the degrading act of human rights abuse through acid throwing is attracting the interest of researchers to study the various aspects of this crime; it is necessary to study and review the existing literatures so that the efforts put by the earlier authors are not repeated. In this paper, the author makes a humble attempt to review the existing literatures on acid attack in India. Further, the paper also identifies the gaps that may be taken up for further investigation and research.*

Key Words-Acid attack, Human Rights, Literatures, Review, Research Gaps

I. INTRODUCTION

Acid attack, which is also known as acid violence or vitriolage, has emerged as a brutal act that shows the gravity of the ongoing atrocities and human rights violations. The crime of acid attack is a premeditated act of violence wherein acid is thrown or poured on the face or other body parts of the victim. The atrocious crime of acid violence can be seen in many countries; however, it is more prevalent in countries like Bangladesh, Pakistan, India and Cambodia. The crime of acid attack can be committed against any person without any distinction being made on any grounds viz. age, sex or religion. However, the 226th Law Commission of India

Report as well as the Justice Verma Committee Report¹ admits that the heinous crime of acid attacks has a specific gender dimension in India. Acid attackers generally target young girls with the intention of disfiguring the face of the victim. The most common types of acids used to attack victims are hydrochloric², sulphuric³ and nitric⁴ acids. The main reasons behind commission of the brutal act of acid throwing are many, namely rejection of love or marriage proposals, refusal to pay dowry, rejection of sexual advances, property or family dispute or marital disputes like refusal to give divorce. Acid attacks results into severe physical, psychological and socio-economic consequences and makes the life of the victim worse than death. Acid attack is a complex and multi-dimensional problem that makes it very difficult for the survivors to return to normalcy. This paper is an attempt to review the literatures on acid attack and identify the gaps in their coverage. The researcher in this paper has not only reviewed books and articles written on the subject; but the 226th Report of the Law Commission of India, Criminal Law (Amendment) Act 2013 etc. are also been studied.⁵

II. LITERATURE REVIEW

The violence of acid attack is not just a human rights or legal question; but is a medical emergency as well. **Rabindra Nath Karmakar** authored book *'Forensic Medicine and Toxicology: Theory, Oral & Practical'* (2006) is a book written prior to the *Criminal Law (Amendment) Act 2013*. Along with the medical factors; this book beautifully narrates India's legal stand on acid attack prior to 2013. The author narrates the medico legal importance of vitriolage in three groups. (a) Under the first heading the author mentions that permanent disfigurement of head and face constitutes a grievous hurt. (b) Secondly permanent loss of sight of either of the eyes also constitutes grievous hurt. (c) Under the third category permanent impairment of

1. This Report was submitted by Justice Verma Committee on Amendments to Criminal Law. This Committee was constituted by Government of India Notification No. SO (3003)E, dated December 23, 2012 with Justice J.S. Verma (retd.) as the Chairman and Justice Leila Seth (retd) and Gopal Subramaniam as members.
2. Hydrochloric acid is used to make soy sauce, cosmetics, traditional medicine and amphetamine and to polish jewellery.
3. Sulphuric acid is the world's largest-volume industrial chemical used to manufacture explosives, dyes, glue, wood preservatives, weaving, amphetamine and automobile batteries.
4. Nitric acid is used by goldsmiths, jewellers and brass makers to purify gold and metals.
5. Parvathi Menon and Sanjay Vashishtha, (2013), "Vitriolage & India - The Modern Weapon of Revenge", INTERNATIONAL JOURNAL OF HUMANITIES AND SOCIAL SCIENCE INVENTION, [http://www.ijhssi.org/papers/v2\(10\)/Version-2/A0210020109.pdf](http://www.ijhssi.org/papers/v2(10)/Version-2/A0210020109.pdf) (March 6, 2016).

function of any member or joint also constitutes an offence of grievous hurt. Further this book also highlights the motives behind or the factors that contributes to the brutal violence of acid throwing as hatred, jealousy, rivalry, enmity, revenge, destructive use during riots etc. Being from the medical background, the author exhaustively categorises the effects of vitriolage as (a) disfiguration of head and face/whole body. (b) contractures, scar formation, restriction of the movement of joints, (c) destroying of garment, (d) permanent loss of sight (e) evidence of splashing or spilling or pouring of acid/other things on the body (f) extensive involvement may even lead to death. The author also mentions about the treatment or first aid that should be provided to the victim immediately after the attack. The author mentions the need of washing of the burn parts with water and application of antiseptic ointments to prevent secondary infections. The need to take special care of eyes by washing with plain water and application of liquid paraffin is also duly mentioned in this book. While the medical perspectives of such attack is briefly but exhaustively discussed by the author; the legal portion of this book stands outdated in the light of the recent amendment.

Everything that comes into being must have a cause. Acid attacks too can be categorised under certain common causes and factors. The reasons of a person behaving in a particular way differs from country to country, the surrounding environment and the overall environment a person is brought up into. The next literature thus focuses on a comparative study on the reasons and motives behind acid attack cases in four different countries. '*It was Like Burning in Hell*' (2009) is **Jane Welsh**, Department of Anthropology, University of North Carolina, Chapel Hill authored master's thesis. This work is a comparative exploration of motives and causes of acid attack violence in countries like Bangladesh, Pakistan, India and Cambodia. Exploring the major factors that contributes to the violence of acid throwing, several high profile cases in Cambodia, Bangladesh and India are also been referred by the young author. This comparative work also highlights the role played by government as well as non-governmental organisations in supporting the victims and their families. However, the author further views that the initiatives of these organisations are insufficient to address the financial difficulties that victims undergo at the time of treatment. Families that aren't financially much stable are left with no other alternative, but to compromise with victim's treatment. The success story of

NGOs advocating for social, medical and legal reforms is quiet impressive, but there still is a long way to go. The scope of this research work is quiet broad and hence in a few parts of it lack of availability or access to relevant and reliable literatures can be observed. While explaining the Indian scenario on acid attacks Haseena Hussain's case is referred by the author, but the landmark judgement of Laxmi's case finds no mention in the entire thesis. However, this work is a comprehensive and well written research that ends with a set of recommendations for potential interventions and further research on this domain.

Another literature reviewed by the researcher is the 226th Report of the Law Commission of India on '*The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime*' (2009). The 226th Report of the Law Commission of India not only looks into the technicalities of legal provisions, but at the same time effectively deals with the consequences and after care necessary for the rehabilitation of the victim. This Report is divided into six parts. The first part of this report introduces the cruel and deliberate act of acid attack with a brief overview on the consequences and reasons of such attack. Further this chapter also highlights the legal provisions applicable to such crimes. In its second chapter, the Report provides the statistical overview and detailed analysis of the consequences of such attack. The third chapter relates to cases on acid attack that have been registered under different sections of the *Indian Penal Code*. In the fourth chapter a comparative study on the laws of Bangladesh, Cambodia, Uganda, Jamaica, United Kingdom is made. The fifth chapter of this report on compensation for the victim highlights a few important cases on compensation to the victims of acid attacks. The last and the final part of this report, i.e. conclusion and recommendations propose the inclusion of new provisions on Indian criminal laws to consider acid attacks as a standalone crime.

Nehaluddin Ahmad in the article '*Acid Attacks on Women: An Appraisal of the Indian Legal Response*' (2011) puts light on the evil practice of acid attack that is prevalent in many South Asian countries. The intentional throwing or pouring of acid with a motive of defacing or killing a person is used as a brutal way of taking revenge. Though this act can be and is in reality committed against persons irrespective of sex, age or other such classifications; it is mostly committed against women who are in the prime of their youth. With a short and beautiful starting describing the causes of such

attack the author proceeds to the main arguments. Highlighting the physical as well as psychological consequences of such attack, the author also covers the insufficiency of the law to give justice to the victims and the possible steps that can be taken to strengthen the law to deal with such attacks. The author also points out the gender aspect of the violence of acid attack. Before concluding this article with a set of suggestions; this work also lists down the major factors that in the author's opinion are contributing to the growth of acid attack cases.

The psychological consequences and trauma faced by victims in crimes like molestation, rape, acid throwing is grave. It is very difficult for the victims to depict the incident, lodge a complaint and fight for justice. Complications to this difficult situation are further added with police, family and society's wrong attitude and way of handling such victims. Lack of skill in dealing with sensitive issues like acid throwing often results in secondary victimization and aggravates the trauma of the sufferer. **Parvathi Menon and Sanjay Vashistha** authored '*Vitriolage & India- The Modern Weapon of Revenge*' (2013) is a well written piece of article that covers almost all aspects of the brutal violence of acid throwing as a weapon of revenge. Starting with the tragic incident of Laxmi's life the authors proceed to highlight a few relevant statistics on the issue. The common reasons of acid violence and the post attack evil consequences that the victims and their families undergo are also been exhaustively discussed in this work. Moving to the legal scenario with respect to acid attack, the authors highlights India's obligation under the 1993 *Declaration on the Elimination of Violence against Women*. This article comprehensively deals with India's legal stand on acid violence pre and post *Criminal Law (Amendment) Act of 2013*. Two of the most important issues raised by the authors in this article are 'role of police in the investigation of acid attacks' and 'judiciary's role in prosecuting the perpetrators of acid attack'. This article is concluded after a short mention of acid violence in other South Asian countries (Bangladesh, Pakistan and Cambodia in particular). Though this article is a successful attempt in giving a holistic approach on the brutal act of acid throwing, the major role played by Civil Society Organizations is nowhere been appreciated by the authors. However, the inadequacy of compensation provided to the victims is not just highlighted, but is strongly criticised in this article.

Another report reviewed by the researcher is the '*Report of the Committee on Amendments to Criminal Law*' (2013). Reviewing this literature is significant as the

outcry of public after the Delhi gang rape case and the resulting outcome in the form of Justice Verma Committee Report are the only reasons behind declaring acid attacks as a standalone offence in India. The Verma Committee Report mentions acid attacks as the most heinous form of violence. Referring to the 226th Report of the Law Commission of India, Verma Committee admits that though acid attacks can be committed against any man or woman; it has a specific gender dimension in India. Some of the vital reasons of acid attack like rejection of sexual advances or marriage proposals, alleged adultery and domestic violence are also mentioned in the report. The Verma Committee Report rightly points out that attackers target the face of the women as they are conscious that self-worth and self-esteem of a woman often lies in her face; and hence the dismemberment of the face or the body will cause a permanent psychological damage to the victim. Acknowledging the research already done by the Law Commission of India in its 226th Report; the Verma Committee proposes and succeeds to bring the long awaited amendments to Criminal Law.

Law is a dynamic process; that develops with time and civilization of humanity. Amendments play a vital role in addressing legal gaps and making them more suitable and relevant. The '*Criminal Law (Amendment) Act*' (2013), one of the most significant amendments to the Criminal Laws of India is also reviewed for better understanding the scope and ambit of the newly inserted criminal law provisions. After the terrifying gang rape incident of December 16, 2012 and the resulting protests and rallies it was realised that violence against women demands stringent legal provisions. According to the report prepared by Justice Verma Committee on Amendments to Criminal Law⁶, the most awaited amendment to the *Indian Penal Code* took place that made acid attacks a standalone offence. Under the *Criminal Law (Amendment) Act* 2013, a new clause was inserted in Section 100 of the *Indian Penal Code*. Under this newly added clause, an act of throwing acid or even an attempt to throw or administer acid which may be reasonable to cause the apprehension that grievous hurt will otherwise be the consequence of such act. Under the provisions of Section 166A, the criminal consequences to be faced by a public servant in case he fails to record any information given to him under Section 154(1) of the *Code of Criminal Procedure*, 1973 in relation to a cognizable offence punishable under the

6. Justice Verma Committee on Amendments to Criminal Law was constituted by Government of India Notification No. SO (3003)E, dated December 23, 2012 with Justice J.S. Verma (retd.) as the Chairman and Justice Leila Seth (retd) and Gopal Subramaniam as members.

provisions of Section 326A and 326B of the *Indian Penal Code* are specifically provided. Other two important provision inserted by the *Criminal Law (Amendment) Act* in the *Indian Penal Code* are Section 326A and Section 326B. The *Criminal Law (Amendment) Act 2013* holds much significant in relation to imposing criminal consequences on the perpetrators of acid violence.

Laws and regulations play a vital role in controlling deviant behaviours of members of a society. Crimes like acid attacks affect not only the person concerned, but have a tendency of disturbing the smooth functioning of the society. The next literature reviewed by the author looks into the effectiveness of the laws that addresses the crime of acid attack. **Kundan Srivastava** authored article '**Weak Laws against Acid Attacks on Women in India- Shameful state for Women Organization**' (2014) starts with a definition of the term 'acid attack' in the words of the author. The author considers marriage and family related issues, rejection, male honour etc. to the vital reasons that results into the brutal violence of acid attack. It is also pointed out that poor interpersonal relationships and domestic intolerance towards women also contributes greatly towards commission of violence against women. This article also describes the causes and consequences of acid attack in a precise way. This article also narrates how the cheap and easy availability of acid is aggravating the whole situation and putting the victims in a state of terrible physical and psychological challenges. As the name suggests, the author in this article shows that the laws regulating the crime of acid attack are weak and the situation is further complicated by poor implementation of legal provisions and guidelines issued by the Courts.

Vanita Awasthi and **Rohit Kumar Gupta** author article '**A Socio-Legal Study of Acid Attacks on Women in India**' (2015) starts with a brief description of the brutal violence that acid attack survivor Laxmi Saa experienced. After defining what constitutes an acid attack; the authors provides some statistical data on the issue. They also point out that incidents of crimes against women often goes unreported and hence the little statistics that is available has a tendency of under representing the actual picture of the problem. The author further views that in general, culprits choose market places or public roads to attack the victim. They rely on moving motor cycles as it is the easiest medium of escape. The causes and consequences of acid attack are clearly explained in this work with the use of diagrams and citation of relevant statistics. Physical, psychological and socio-economic consequences that victims and

their families experience are also narrated in a beautiful way. The authors of this article, further, explain India's legal framework on acid attack and the role of police in the investigation of cases of brutal violence of acid throwing. Though this article provides a clear picture on the causes, consequences, statistics and laws on this violence; some of the important aspects like role of judiciary and initiatives taken by the Civil Society Organizations are not covered in the scope. This article is concluded with a proposal for concentration on value based education and enactment of new laws as the best way of to eliminate acid attacks from India.

Chinmaya Kumar and **Hiranmaya Nanda** authored research paper '*Acid Attack and Women in India: A Critical Analysis*' (2015) starts with a brief overview on the issue of acid attack. This introductory part also points out how the increasing rate of crimes and discovery of new ways of committing them is a big concern for the society. In this paper, the significant recommendations put forward by the 226th Report of the Law Commission of India and the amendments brought by the *Criminal Law (Amendment) Act 2013* are outlined. The newly inserted provisions of criminal law that were brought under operation by the *Criminal Law (Amendment) Act 2013* are discussed in this paper in a detailed manner. The scope of this paper is mostly confined to the legal matters only. However, the title of this paper tends to show a wider picture and it is difficult to infer that the scope of this paper excludes the international framework, role of civil societies, consequences of the offence and ways to address the evil effects of the violence.

Aishwarya Deb and **Prithwish Roy Chowdhury** authored '*A Fate Worse than Death: A Critical Exploration of Acid Attack Violence in India*' (2015) starts with a thought provoking quotation of acid attack survivor Laxmi. This quotation beautifully portrays how acid attack brings a complete change in the victims' life. Laxmi's statement also portrays how society blames victims; rather than showing empathy for such attacks. The introductory part of this article considers 'social stigmatization' and 'leniency of laws in punishing perpetrators' as a major reason of why many such violent incidents go unreported. Looking at the gender dimension of such attacks the authors narrates that most of the reported acid attacks have been committed on women as a weapon of dominating them by showing masculinity and superiority. The long continuing strong patriarchal culture of India is blamed as the main reason why female section has to face such atrocious attacks. The authors of this article discussing

the legal provisions and developments on acid attack questions whether the present punishment and compensation is enough considering the lifelong impact of the attack on the survivors. After completing the prescribed term of imprisonment the perpetrators will be free and will live a normal life. However, the victims and their families will have to live with the trauma for their entire lifetime. A part of this article, entirely dedicated on the story of bravehearts is very inspiring. The stories on how survivors continued to live their dreams and inspired their fellow survivors to do the same are really appreciable. Though this work has certain limitations as the authors have abstained from discussing the international perspective and policies on acid attack, role of Civil Society Organizations at international or national levels etc., this work has its own weightage.

REFERENCES

Deb,A and Chowdhury P. Roy , “A Fate Worse than Death: A Critical Exploration of

Acid_Attack Violence in India”, Law Mantra, Vol. 2, Issue 5,
<http://journal.lawmantra.co.in>

Mohapatra, Chinmaya Kumar and Nanda, Hiranmaya, “Acid Attack and Women in India: A Critical Analysis”, Global Journal for Research Analysis, Vol. 4, Issue 7, July 2015.

Nehaluddin, Ahmad, (2011), “Acid Attacks on Women: An Appraisal of the Indian Legal Response”, 12 Asia-Pac. J. on Hum. Rts. & L. 55 2011.

Menon Parvathi and Vashishtha Sanjay, (2013), Vitriolage & India – The Modern Weapon of Revenge, International Journal of Humanities and Social Science Invention, Volume 2 Issue 10, available at [http://www.ijhssi.org/papers/v2\(10\)/Version-2/A0210020109.pdf](http://www.ijhssi.org/papers/v2(10)/Version-2/A0210020109.pdf).

Kamakar, Rabindra Nath, (2006), Forensic Medicine and Toxicology: Theory, Oral & Practical, Academic Publishers, 1st. ed.

Report of the Committee on Amendments to Criminal Law (Justice Verma Committee Report).

The Criminal Law (Amendment) Act, 2013, Ministry of Law and Justice,

Universal's Compendium Reports of the Law Commission of India, Vol. 18 (202nd to 234th Report), 2nd ed. 2010, Universal Law Publishing Co., New Delhi.

Awasthi, Vanita and Gupta Rohit Kumar, "A Socio-Legal Study of Acid Attacks on Women in India", International Journal of Research and Analysis, Vol. 2, Issue 6, 2015.

Welsh, Jane, (2009), "IT WAS LIKE BURNING IN HELL", A thesis submitted to the faculty of the University of North Carolina, available at <https://cdr.lib.unc.edu/indexablecontent/uuid:e472922a-b4a3-47a4-82e5-661dd7a966c5>.