
ACID-BASED VIOLENCE AGAINST WOMEN IN INDIA AND MECHANISMS TO CURB IT

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ABSTRACT

In this article, I will examine the reasons behind large-scale acid attacks being perpetrated against women in India. I will further describe the physical, psychological, social, and economic effects it can have on women. Acid attack survivors face ridicule and are ostracised from society. They have to constantly face stigma throughout their lives and they are not accepted in society unless they undertake cosmetic treatment. There is poor implementation of laws curtailing acid attacks and these attacks continue to take place despite banning over-the-counter sale of acid.

Even though compensation is provided to these victims, it still does not address the after-effects of acid attacks and the mental and psychological trauma which the victim has to undergo. I will also examine landmark Supreme Court cases that discuss the rights of acid attack victims. Lastly, I will come up with solutions that can be used to improve the status of acid attack survivors by addressing the loopholes in the law framed to compensate and rehabilitate such victims and how these women can be better reinstated in society.

Introduction

Based on the definition given by the National Commission of Women in India, 'Acid attack is described as an act of throwing acid upon the victim with such intention or knowledge that it is likely to cause permanent or partial damage or deformity or disfiguration to anybody part of such person'. The majority of acid attack cases in the world get reported in India and a large number of such cases fail to be taken up in Courts.¹

Based on the research conducted by the Acid Survivors Foundation in India, 72 percent of acid attack cases have been reported to have taken place against women in India. According to another research conducted by the organization of Acid Survivors Foundation of India, a total of 500 to 1000 acid attack cases have gone unreported in India. Even the rates of convictions are less and the victims are not adequately compensated.²

Higher rates of acid violence in a country against a particular gender demonstrate the level of gender inequality and prejudicial treatment being meted against women. Women mostly end up as victims of acid-based violence because of the operation of gender-based stereotypes in society that lower the standards of women in society. Women have to always re-confirm existing societal and moral norms and acid-based violence in one way of ways of making them re-confirm to such standards.³

In rural areas, Indian mythology and scriptures depict a woman respecting and obeying her male counterpart. A woman has to abide by rules such as eating and walking after her husband and not going to public places without his permission and presence. The same ideology continues to persist even when people migrate to urban areas. These rural men find it hard to accept gender-related norms and defy these structures. They indulge in acts of pre-meditated assault and violence.⁴

The main causes behind acid attacks are cases of rejection of romance, refusal of marriage, family disputes, dowry refusal cases, domestic violence, relationship conflicts, land or money

¹ HARYANA LEGAL SERVICE AUTHORITY, "Living in the Shadows", *A Project for Acid Attack Victims*, <http://hlsa.gov.in/sites/default/files/March%2C%202019/Project%20for%20Acid%20Attack%20Victims.pdf> (last visited 8th April 2021)

² Mousavi Singh, Vijay Kumar, Raja Rupani, Sangeeta Kumari, Shiuli, Pradeep Kumar Yadav, Raghvendra Singh, Anoop Kumar Verma, *Acid attack on Woman: A new face of gender-based violence in India*, 26 Indian Journal Of Burns, 83-86 (2018).

³ S. Uma Maheshwari, Dr. DilsadShaik, *RIGHTS OF ACID ATTACK VICTIMS IN INDIA*, 7 Journal of Critical Reviews, 2394-5125 (2020).

⁴ *Id.*

disputes, business conflicts, vengefulness and status jealousy, suspicion of infidelity, theft, or robbery, mistaken identity, sex crimes such as rape and sodomy leading to victim's death and nemesis perpetrator inflicting self-injury.⁵

The acid used in such attacks includes sulphuric, nitric, and hydrochloric acid. The consequences of such attacks are physical, psychological, medical, and social. The psychological aspects of such attacks involve problems such as mental unsoundness, depression, anxiety, and insomnia. It also destroys their identity and levels of self-esteem and confidence compelling them to live a life of socio-economic exclusion.⁶

Victims are left with limited alternatives and limited access to medical and psychological assistance. The physical consequences of such attacks include damage or destruction to the eyes, nose, and ears. It leads to disfiguration of the face or breathing issues or bilateral blindness or throat injuries or damage to the genital regions.⁷

Laws Governing Acid Attacks in India

Criminal Law (Amendment) Act, 2013

S.326 – A and S.326 – B were newly added where acid attack victims were punished for throwing acid and voluntarily throwing or attempting to throw acid causing partial damage, deformities, burns, maiming or disfiguring any part of the person's body.⁸

The minimum punishment under **S.326-A** for throwing acid is *10 years imprisonment extending up to life imprisonment* along with payment of the fine. In the case of **S.326-B**, the minimum punishment for the attempt or the throwing of acid is *5 years extending up to 7 years along with a fine*.⁹

Provisions related to compensation and medical treatment of acid attack victims

Under **S.357-B**, compensation is paid by the State government in addition to payment of fine to the victim under **S.357-A** of the Indian Penal Code, 1890. As per **S.357-C**, medical aid or first aid will be provided free of cost to victims by the hospital authorities, either public or

⁵ *Id.*

⁶ *Id.* at 3

⁷ *Id.* at 3

⁸ *Id.* at 1

⁹ *Id.* at 1

private, whether run by the Central or State government, local bodies, or any other person under **S.326 – A, S.376, S.376 -A, S.376 -B, S.376 – C, S.376 – D and S.376-E** of the Indian Penal Code, 1890.¹⁰

Landmark Supreme Court Cases

Laxmi V. Union of India¹¹

In this case, the Supreme Court imposed a ban on the selling of acid in shops. It laid down the following conditions:

1. It prevented over-the-counter sale of chemicals unless the seller maintained a record of the address and other details of the buyer.
2. Dealers were only able to sell acid upon specifying the purpose of sale showing a photo identity card issued by the government.
3. Within 3 days from the date of the transaction, the seller had to submit the details of the sale to the local police.
4. Persons below 18 years of age cannot purchase acid and all stocks must be transferred to the possession of the local Sub-divisional Magistrate within 15 days for declaration.
5. Defaulters who have left the stocks to be undeclared will be fined a penalty of Rs.50,000.
6. Acid attack is classified to be a non-bailable and a cognizable offense.¹²

Parivartan Kendra V. Union of India (2015)¹³

The Supreme Court issued a direction to the Government or Union Territory to all private hospitals of their respective states to seriously take up the matter or issue of acid attacks.

The Supreme Court held that despite the decision given by the court in the Laxmi case, the acid sale is still accessible to the people in our country. The Supreme Court further directed private hospitals not to avoid treatment of victims suffering due to acid attacks and award full treatment to victims in form of medical care, food, bedding, and reconstructive surgeries.¹⁴

¹⁰ *Id.* at 1

¹¹ *Laxmi v. Union of India*, 2014 4 SCC 427

¹² *Id.* at 1

¹³ *Parivartan Kendra v. Union of India*, (2016) 3 SCC 571

¹⁴ *Id.* at 1

Solutions To Curb Acid Violence

Acid attacks and over-the-counter sales are still taking place despite the laws in place against acid violence and guidelines being issued by Courts. Based on the survey conducted by the National Crimes Record Bureau, the highest number of acid attack cases were recorded in the year 2017 at 309 with 319 victims.¹⁵ The number of cases has not come down even in the following subsequent years. In the year 2019, the number of cases was reported as 240 but the total number of pending cases that have gone for trial from previous years was recorded at 439.¹⁶ The implementation of these laws and guidelines needs to be made more stringent.

- Acid sale over the counter must be prohibited and its distribution must only be allowed for *commercial and scientific reasons*. The particulars for acid purchase must be recorded.¹⁷
- A *Criminal Injuries Compensation Board* must be instituted at the Centre, State, and District levels in our country that must provide interim and monetary compensation to victims subject to offenses like rape, acid attacks, and sexual assaults. This compensation must also take into account expenses for medical treatment, rehabilitation, and loss due to earnings.¹⁸
- Integrated Public health response - Various stakeholders such as government officials, policymakers, NGOs, community members must re-address this issue from a socio-ecological and bio-psycho-social model where gender-based violence and its main causes are identified. There must be a coordinated approach of criminologists, psychologists, and perpetrators to understand the basic motivations behind the commission of gender-based violence. The gap regarding information as to why criminals commit acid-based crimes needs to be bridged by conducting proper research and by introducing action-based initiatives.¹⁹
- Education and Sensitisation of National Institutions – Government officials, policymakers, community and religious bodies, judges, police officers, medical doctors, NGO members need to be acquainted with the ramifications of acid attack

¹⁵ Pulaha Roy, *India saw almost 1,500 attacks in five years*, <https://www.indiatoday.in/diu/story/india-saw-almost-1-500-acid-attacks-in-five-years-1636109-2020-01-12> (April 9th, 12:46 pm)

¹⁶ <https://ncrb.gov.in/sites/default/files/CI%202019%20Volume%201.pdf> (last visited 17th Jan 2022)

¹⁷ LAW COMMISSION OF INDIA, <https://lawcommissionofindia.nic.in/reports/report226.pdf> (April 9th, 12:46 pm)

¹⁸ *Id.* at 16

¹⁹ Ms.Meghna Bajpai & Ms.Sugandha Singh, *ACID ATTACK: A BURNING ISSUE IN INDIA*, 3 Galgotias Journal of Legal Studies, 2321-1997 (2015)

violence so that more stringent laws are implemented and the perpetrators of crime are punished.

Regular training sessions to inculcate change in behaviours and to improve awareness regarding acid attack violence taking place can act as proper forums for information dissemination to challenge discriminatory attitudes. Strategies aiming at gender sensitivity training must be introduced at an early age for young boys and girls. A Zero tolerance policy must be adopted where acid attack violence can be curtailed focussing on changing the attitudes of potential throwers of acid and by regulating the sale of the corrosive substance.²⁰

- Services catered towards women with disabilities who undergo acid-based violence – Women with disabilities require specialized services where their physical and psychological needs are taken care of by trained staff members. Information regarding women with disabilities must be spread across wider audiences, NGO's and government organizations so that it leads to the development of affirmative policies.²¹
- Monitor different forms of gender-based violence – It is possible that even if there is a reduction in the number of acid attack cases, it may manifest into various other types of gender-based violence. This is something that the government has to take into account before framing laws and policies related to acid violence.²²
- Traditional and cultural techniques of treatment must be encouraged – There are many existing indigenous and traditional ways and practices that can be used to treat acid attack victims. These methods also play an important role in the healing process of acid attack victims. For instance, in Cambodia, a traditional method such as intradermal rubbing of herbs on the wounded region and cupping that involves placing heated jars on the injured skin improves blood circulation. Pinching the injured region and treating the person with Chinese herbal medicine is also a form of treatment that can be used as an effective method of treatment of acid attack victims.
- Vocational Training Activities – There needs to be training and counselling of acid attack survivors. Further, they must be given employment opportunities as their ostracized from society post the attack. The government along with NGO's needs to develop employment and income generation programs where the acid attack victim's

²⁰ *Id.*

²¹ *Id.* at 18

²² *Id.* at 18

local and cultural background, physical and psychological makeup must be acknowledged.²³

- Formulation of data collection systems – There must be a nationwide database that must be established that gives a record of the incidents of acid attack violence taking place all over the country. There must be regular updates regarding such incidents given through media, women’s shelters, hospitals, and NGOs.²⁴
- Assisting families of acid attack survivors – Legal advice and psychological support in the form of counselling must be even provided to family members of acid attack victims by way of campaigns and group meetings.²⁵

The Three-Fold Approach

- A three-fold model can be followed to lessen the number of acid attack cases in India. It must be structured in such a manner that it focuses on socio-economic aspects and promotes the participation of stakeholders. There must be proper utilization of formal and informal tools where prosecution takes place on omissions, vulnerable groups are given shelter, and victims are reinstated into society.²⁶

First Stage

1. The first stage of the three-fold model must include *ex-ante precautionary measures* targeting communities, social movements, and local media. These measures entail public health measures that deal with information dissemination on acid violence, first aid regulations, and instituting Anganwadis at local levels.²⁷
2. Bottom-up changes need to be bought to prevent acid attacks and other forms of gender-based violence directed towards poverty alleviation, reducing unemployment, better accessibility towards health care, decreasing substance-based abuse and improving mental health care, proper distribution of food supplies, and other benefits that create an environment filled with gender-based violence. The Union government must regulate the accessibility of acid more effectively.²⁸

²³ *Id.* at 18

²⁴ *Id.* at 18

²⁵ *Id.* at 18

²⁶ Francis Kuriakose, Neha Mallick, Deepa Kylasam Iyer, *Acid Violence in South Asia: A Structural Analysis towards Transformative Justice*, Indian Journal of Woman and Social Change, 65-80 (2017)

²⁷ *Id.*

²⁸ *Id.* at 25

3. Media and Youth based activism must be encouraged to disseminate information through awareness campaigns and programs.²⁹

Second Stage

1. This is that stage that determines the treatment to be meted to acid attack victims by the *introduction of post-attack regulations*. Acid attack victims require first aid where post the attack, the acid needs to be washed off with water.³⁰
2. A Victim Assistance Board as recommended by the National Commission of Women has to be formulated immediately so that there is a mechanism for legal aid and compensation.³¹
3. Further, there should be the sensitization mechanisms in place that deal with sensitization of personnel involved in acid attack reporting and investigation. There must be safeguards protecting victims as well as witnesses of acid-based violence.³²
4. Measures regarding giving psychological treatment to victims and ensuring their reintegration into society are a must. Acid attack victims' social and economic capital has to be improved by providing them education and the necessary skills to be employed in society.³³
5. Local community meetings with victims regarding stress management must be organized regularly.³⁴

Third Stage

1. This stage involves combating gender-based violence through *an integrated approach involving stakeholders* such as the market, state, society, family, and community.³⁵
2. Policies must be adopted keeping in mind the gender inequalities and including all stakeholders. There must be reforms that aim at educating the masses, disseminating information, and sensitization all personnel working towards the goal of criminal justice. The number of social movements must be increased.³⁶

²⁹ *Id.* at 25

³⁰ *Id.* at 25

³¹ *Id.* at 25

³² *Id.* at 25

³³ *Id.* at 25

³⁴ *Id.* at 25

³⁵ *Id.* at 25

³⁶ *Id.* at 25

3. Design-specific interventions must be introduced based on gender-disaggregated data on acid-based violence.³⁷

Hence, the above-based solutions can help improve existing laws and policies in place in dealing with acid-based violence. Furthermore, the above-based three-pronged approach and other solutions will help in curbing acid-based violence to a large extent and make the implementation of laws much more efficient.

There still needs to develop for more stringent laws in place that provides awareness, adequate compensation, physical and psychological medical treatment, proper first aid, traditional healing, and employment generation activities to acid violence-based victims. There must be a coordinated effort put in by all stakeholders such as the government, media, hospitals, society, community as well as family to curtail acid-based violence.

³⁷ *Id.* at 25