

## A Theoretical Overview on Acid Victims and Government Regulations in India

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**Abstract:** From past two decades, India witnessing a rise in acid attack especially on women. Acid violence involves intentional acts of violence in which perpetrators throw, spray, or pour acid onto victims' faces and bodies. Acid violence constitutes gender-based violence, a form of discrimination under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The status of women in India has been subject to many great changes over the past few millennia. With a decline in their status from the ancient to medieval times, to the promotion of equal rights by many reformers, their history has been eventful. In modern India, women have held high offices including that of the President, Prime Minister, Speaker of the Lok Sabha, Leader of the Opposition, Union Ministers, Chief Ministers and Governors. However, women in India continue to face numerous problems such as sexual assault, gender inequality and dowry. **Keywords:** Gender Based Violence, sexual assault, dowry.

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### I. Introduction

According to the National Commission of India acid attack is "any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfigurement to any part of the body of such person". A study revealed that 78% of the reported acid attack case is for refusal to marriage or a rejection of romance. "Acid attack on young women" is some of the headlines that are appearing in the daily newspaper. Acid attack on women is increasing day by day. The easy availability of inexpensive acid makes the perpetrators to use it as an ideal weapon against the women. The most common types of acid utilized in these assaults include sulphuric, nitric, and hydrochloric acid. Attack through acid rarely kills but it causes severe physical, psychological and social scarring. With the passing of 'The Criminal Law (Amendment) Act, 2013, and the guidelines by the Supreme Court of India, the regulations have become stricter. But the survey of 2014 showed 1300% increase in the total number of acid attack cases reported. Our legal and medical systems have also proved very weak while dealing with such cases. This paper deals with the horrendous effects that acid attacks have on the victims-physically, psychologically, socially and economically. It even examines the contemporary laws governing acid attacks.

In a study conducted by UNICEF reveals, "Acid attack is a serious problem all over the world, even children are become victim of acid attack in many cases. In an Acid attack, acid is thrown at the face or body of the victim with deliberate intent to burn and disfigure. Most of the victims are girls, many below the age of 18, who have rejected sexual advances or marriage proposals. Acid attack or vitriol age is defined as the act of throwing acid onto the body of a person "with the intention of injuring or disfiguring [them] out of jealousy or revenge". The most common types of acid utilized in these assaults include sulphuric, nitric, and hydrochloric acid. Attack through acid rarely kills but it causes severe physical, psychological and social scarring. The victims of acid violence are overwhelmingly women and children, and attackers often target the head and face in order to maim, disfigure and blind a person for life and push her in everlasting life of pain and apathy.

### II. Literature Review

Acid has been used in metallurgy since prehistoric times and for etching since the middle Ages and antiquity. The rhetorical and theatrical term "La Vitriol use" was coined in France after a "wave of vitriol age" occurred according to the popular press, where in 1879, 16 cases of acid attacks were widely reported as crimes of passion, perpetrated predominantly by women against other women. Much was made of the idea that women, no matter how few, had employed violence as means to an end. On October 17, 1915 acid was fatally thrown on Prince Leopold Clement of Saxe-Coburg and Gotha, heir to the House of Koháry, by his distraught mistress, Camilla Rybicka, who then killed herself. Sensationalizing such incidents made for lucrative newspaper

sales. The use of acid as a weapon began to rise in many developing nations, specifically those in South Asia. The first recorded acid attacks in South Asia occurred in Bangladesh in 1967, India in 1982, and Cambodia in 1993. Since then, research has witnessed an increase in the amount and severity of acid attacks in the region. However, this can be traced to significant underreporting in the 1980s and 1990s, along with a general lack of research for this phenomenon during that period. Research shows acid attacks increasing in many developing nations, with the exception of Bangladesh which has observed a decrease in incidence in the past few years.

Acid violence constitutes gender-based violence, a form of discrimination under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). When we will see the below graph the percentage of victims are high when compare to cases registered. Even after attack also victim is under pressure to give register a complaint against the accused.

### **III. Objectives of Study: the objectives of the study are as follows**

- 3.1. To study about acid victims and their lives perceptions after the attack.
- 3.2. To find out the causes of acid attacks on women.
- 3.3. To study about the problems of Acid Victimization.
- 3.4. To study various Government initiatives started in India

#### **Scope of the study**

The scope of this paper is mostly limited to causes of acid attacks and the legal matters only. However, the scope of this paper excludes the international framework, role of civil societies and ways to address the evil effects of the violence.

#### **Limitations of the Study**

In the present study there are some limitations as following:

- 3.5. The study was conducted in Bangalore and Bidar only and focused to the limited population of urban area.
- 3.6. The reason of selecting Bangalore and Bidar for data collection was that researcher herself familiar to these two regions. Although choosing that Bangalore and Bidar region was a subjective decision but due to limitation of time and resources researcher had to rely on subjective judgment.
- 3.7. Researcher has not enough resources and time to increase the area of research.

### **IV. Research Methodology**

**6.1. Sources of Data:** The study is exploratory in nature and is based on both primary and secondary data. Secondary data was collected from various journals, articles, working papers, NGO reports etc. Primary data was enumerated from a field survey in the study region.

**6.2. Area of Sampling:** The study was conducted in the district of Bidar and Bangalore Urban through a field survey to get an insight of challenges faced by acid victims.

**6.3. Sample Size:** 15 samples from the area of study have been considered to conduct the present study.

**6.4. Method for data collection:** A structured interview schedule was prepared and used for collecting data from the acid victims.

**6.5. Statistical tools:** cross tabulation is used for the analysis of the data.

## **7. Data Analysis and Findings**

**Table 1:** showing Acid Attack Statistics from 1999 to 2018 in India

year	Number of incidents	Number of Survivors
1999	165	168
2000	240	240
2001	351	352
2002	494	496
2003	417	420
2004	326	333
2005	222	277
2006	183	224
2007	162	199
2008	142	184
2009	129	159
2010	122	160
2011	91	118
2012	71	98
2013	70	86

2014	59	74
2015	59	74
2016	44	50
2017	39	48
2018	18	22
<b>Total</b>	<b>3404</b>	<b>3782</b>

According to data from the National Crime Records Bureau, Acid attacks increased 222 in 2015 from 203 in 2014. But when compared to 2018 the number of incidents is reduced from 39 to 18.

**Table 2:** showing Statistics of Acid attacks and acid attempts in India

Year	Acid Attacks	Acid Attempts
2010	65	57
2011	98	40
2012	101	22
2013	80	11
2014	203	52
2015	222	46

According to data from the National Crime Records Bureau, a division of the home ministry. ‘Attempts to acid attack’ declined 11% (from 52 to 46), data show. National Crime Records Bureau started classifying acid attacks as a separate crime only in 2014.

**Table 3:** Showing Acid Attack Data For 2010, 2011 And 2012.

States	Acid Attack Data For 2010, 2011 And 2012			
	Cases	Victims	Persons Arrested	Persons Charge Sheeted
UP	30	39	43	43
DELHI	31	31	26	26
PUNJAB	21	24	32	25
HARYANA	18	22	50	50
BIHAR	16	23	30	30
<b>ALL INDIA</b>	<b>225</b>	<b>264</b>	<b>318</b>	<b>305</b>

The number of stalking cases has gone up 33% over the same period (4,699 to 6,266). Stalking often leads to some form of harassment, assault or violence and acid attacks in most cases, according to this report by the Acid survivors Foundation India, a Kolkata-based organization helping acid attack victims. The ministry of child and development released Rs 200 crore in 2016 to all states/union territories as compensation to victims of violence/acid attacks.

**Table 4:** Showing 4 States With Highest Acid Attacks

States With Highest Acid Attacks	
States	Cases
UTTAR PRADESH	55
WEST BENGAL	39
DELHI	21

According to data from the National Crime Records Bureau, Uttar Pradesh reported the highest number of acid attacks (55), followed by West Bengal (39), and Delhi (21) in 2017.

- 7.2.1. National crime records Bureau Reports indicate that out of them, 80% are women and 40% to 70% are below 18 years of age and Acid attacks is a form of violence, especially targeting women. Every year around 1,500 people are attacked in this way across the world.
- 7.2.2. According to Acid survivor foundation website, separate statistics on acid violence cases in India only began in 2013 because India’s criminal Law did not recognize it as a separate offense.
- 7.2.3. After an amendment in the Indian Penal Code in February 2013, incidents of acid attack are now being recorded as a separate offense.
- 7.2.4. Since changes to the penal code, the reporting or classification of acid violence seems to have gained momentum and the official record for 2014 puts the number of incidents of acid violence all over India at 225 and the number for 2015 has been even higher at 249. This validates the earlier estimation of 100 to 500 cases every year.

### **7.3. Reasons for motivation of perpetrators**

**7.3.1. Personal conflicts in intimate relations and sexual rejection:** Acid attacks often occur as revenge against a woman in parts of south Asia who rejects a proposal of marriage or a sexual advance. Such attacks are common in societies where there is a high level of gender inequality and women occupy a subordinate position in relation to men. Acid attacks also often result from conflicts related to dowry.

**7.3.2. Conflicts over land and property:** Conflicts regarding inheritance and other property issues are also at times cause acid attacks. People are often assaulted due to land disputes.

**7.3.3. Gang violence and rivalry:** Acid attacks related to conflicts between criminal gangs occur in many places, ranging from the United Kingdom to Indonesia. The intention of the attacker is often to humiliate rather than to kill the victim. In the UK such attacks are believed to be underreported, and as a result many of them do not show up in official statistics.

**7.3.4. Socially, politically and religiously motivated:** Attacks against individuals due to their social or political activities, or due to their religious beliefs also occur. These attacks may be targeted against a specific individual, due to their activities, or may be perpetrated against random persons merely because they are part of a social group or community. In Pakistan, female students have had acid thrown in their faces as a punishment for attending school. Acid attacks due to religious conflicts have been reported in Tanzania. In Europe, Konstantina Kouneva, currently a member of the European Parliament, had acid thrown on her in 2008, in what was described as "the most severe assault on a trade unionist in Greece for 50 years."

**7.4. Health effects of Acid Burn Patients:** Acid attack perpetrators do not usually intend to kill their victims, but to cause long-lasting physical damage and emotional trauma but may still result in death. Acid is a corrosive liquid that has the potential to seep deep into the skin and damage muscles, blood vessels, and bones. Burns experts and plastic surgeons point out that the injured part should be bathed in cool running water for at least 15 minutes so that the acid is diluted and washed away. Incidentally, not many Government hospitals are aware of this. Acid attacks cause immediate damage, disfigurement, pain, and long-lasting medical complications for victims. Acid can melt away a victim's skin and flesh, going as far as dissolving bones. The burned skin dies, turning black and leathery, and severe scarring results. After the attacks, victims are at risk of breathing failure due to the inhalation of acid vapours which cause either a poisonous reaction or swelling in the lungs. Acid burn victims may suffer from infections, which can also cause death if not treated properly.

**7.5.1. Prevention:** Regulation of acid sales, A positive correlation has been observed between acid attacks and ease of acid purchase.<sup>34</sup> Sulfuric, nitric, and hydrochloric acid are most commonly used and they are cheap and readily available in many cases. For example, often acid throwers can purchase a liter of concentrated sulfuric acid at motorbike mechanic shops for about 40 cents. Nitric acid costs around \$1.50 per liter and is available for purchase at gold or jewelry shops, as polishers generally use it to purify gold and metals. Hydrochloric acid is also used for polishing jewelry, as well as for making soy sauce, cosmetics, and traditional medicine/amphetamine drugs. Because of such ease of access, many organizations call for a stricter regulation on the acid economy. Specific actions include required licenses for all acid traders, a ban on concentrated acid in certain areas, and enhanced system of monitoring for acid sales, such as the need to document all transactions involving acid. However, some scholars have warned that such stringent regulation may result in black market trading of acid, which law enforcements must keep in mind.

**7.5.2. Indian government acts against acid attacks:** After years of urging by the Supreme Court, the central government said this week that it will begin treating acid as a poison and implement century-old mechanisms to limit sales of the potentially deadly chemical which spurned lovers and angry families all too frequently splash on the faces of young women to permanently and horrifically disfigure them. Under the draft rules, acid sellers must obtain from buyer's proof of their identity, residential address, telephone number and the purpose for the purchase. Moreover, only highly diluted acids will be licensed for retail sales. Every year, the lives of hundreds of young Indian women are destroyed by jealous lovers or bigoted parents, their faces melted into gruesome masks, according to Dr. Subhas Chakraborty, executive director of the Acid Survivors Foundation of India. While the attacks rarely kill, the disfigurement is nearly always severe particularly because few Indian hospitals are equipped to deal with acid burns. And many sufferers are blinded or incapacitated by the attacks, according to the UK-based Acid Survivors Trust International. "People are rushed to government hospitals, but the burn units are very few. They get admitted and they get the treatment as far as possible," Chakraborty told GlobalPost. "But people attack the face, and it injures the eyes, the mouth, and it takes specialized treatment that is very seldom available." Victims are left with severe physical, psychological and social scars, and in order to rebuild their lives they need years of medical treatment, social support, and legal advocacy. Even then, recovery

is a misnomer for learning to endure. But until earlier this year, India had no specific legal provisions to address the crime. And until Tuesday's government edict is implemented across the country's 31 states and territories, highly concentrated acid will remain as easy to buy as a packet of laundry detergent or a pint of milk despite the fact that Bangladesh and even Pakistan demonstrated years ago how easily progress can be made. Bangladesh, for instance, recorded more than a thousand acid attacks a year prior to 2002, when it introduced the death penalty for perpetrators and restricted the sale of acids used in various industrial processes, Chakraborty said. Thanks to those measures and a committed civil society effort to combat the problem, in just 10 years the number of attacks dropped to 85 this year. Pakistan, too, enacted a strong law to curb acid attacks in 2010, though as Global Post reported, it has been less successful. So why has India been so tardy in taking action, and why is it finally moving now? The slowness in following Bangladesh's example illustrates how deeply entrenched ideas about restricting and circumscribing women's sexual lives and other freedoms remain here. But the recent actions show just as clearly the sea change in attitudes at least among civil society and the vocal middle class that has occurred since the gruesome Delhi gang rape of December 16, 2012. It was that horrible crime that prompted the revision of the penal code that, among many other measures to address violence against women, finally made acid attacks a distinct offense which will make it far easier for activists to track incidents and raise awareness. And it was the continued media attention to crimes against women that has followed the incident which finally forced the government to crack down on acid sales. Under the revised criminal laws passed earlier this year, the perpetrators of acid attacks will be sentenced to a minimum of 10 years in prison, and the sentence can be extended to a life term in cases where the judge considers it merited. Attempted acid attacks are punishable with a prison term of five to seven years.

- 7.5.3. Executive Actions :** The efforts by the government, including the various state women's commissions and the Ministry of Women and Child Development, to curb acid attacks on women has not been fruitful so far.
- 7.5.4.** The National Commission for Women had in 2009 proposed a Scheme for Relief and Rehabilitation of Offences (by Acids) on Women and Children, which emphasized disbursing Rs. 50,000 for a victim's treatment immediately after an acid attack. Depending on the nature of injuries and the treatment required, this could go up to Rs. 25 lakhs.
- 7.5.5.** Besides, the family or legal heir would be entitled to a compensation of Rs. 2 lakhs. But none of these provisions have been implemented.
- 7.5.6.** The JS Verma Committee had recommended adding new sections in the IPC to make voluntary throwing or attempting to throw acid a serious crime with enhanced punishment.
- 7.5.7.** In case of a person voluntarily causes grievous hurt through use of acid, he will be punished with rigorous 10-year imprisonment, which may extend to life.
- 7.5.8.** He will also be liable to pay compensation to the victim, adequate to meet at least the medical expenses incurred by the victim.
- 7.5.9.** In case of voluntarily throwing or attempting to throw acid, the accused will face rigorous imprisonment for a term of 5-7 years, besides paying compensation to the victim.
- 7.6. Judicial Actions :** In July 2013, the Supreme Court directed states and union territories to frame rules to regulate sale of acids and other corrosive substances within three months and make acid attack a non-bailable offence. After the SC direction, the government has also agreed to classify acids under the Poisons Act, 1919. The SC also ruled that
- 7.6.1.** Acid should only be sold to those over 18 years and on production of a government-issued photo ID with residential address.
- 7.6.2.** The seller must note down the reason for buying and the quantity, with the punishment for non-compliance being a fine of up to Rs. 50,000.
- 7.6.3.** Institutions which need acid for work, etc, have also to follow certain guidelines while purchasing storing it and name persons accountable. 9448131606
- 7.6.4.** State governments who have not done so already must draw up a victim compensation scheme, the amount being not less than Rs 3 lakh out of which 1 lakh is to be paid within 15 days of the attack.
- 7.7. Legislative Actions:** Prevention of Offences (by Acids) Bill 2008 The National Commission for Women (NCW) had come up with a draft of the Prevention of Offences (by Acids) Act (Bill), 2008. This bill proposed that a national acid attack victims' assistance board be set up to recommend strategies for regulating and controlling the production, hoarding, import, sale and distribution of acids. This bill however, lost in oblivion somehow.
- 7.8. Criminal Law Amendment Act 2013:** The Indian Penal Code didn't define "Acid Attacks" therefore it is difficult for the prosecution to put up a strong case against the culprit. Police officers initially charged the accused under Section 307 (attempt to murder) of the IPC, and after the women's deaths, with murder under Section 302. The Criminal Law (Amendment) 2013 has inserted Sections 326(A) and 326(B) in the

Indian Penal Code (IPC) to deal with acid attacks. Section 326(A) states that whoever causes permanent or partial damage shall be punished with minimum 10 years in jail to a life term and a fine up to Rs. 10 Lakh to be given to victim. Eventually, these provisions are gender neutral so protect the male also.

### **V. Suggestions**

Legislation addressing acid attacks should include the following elements:

- 8.1.** The police should properly investigate the acid attacks without being gender bias. Our police should be trained to handle such cases with sensitivity.
- 8.2.** The victim should be provided immediate and accurate medical help from government.
- 8.3.** Compensation should be given to the victim as soon as possible so that she could proceed with her treatment properly.
- 8.4.** The Production, transportation, storage, distribution and sale of acid should be controlled effectively.
- 8.5.** The hearing should be made in fast track courts for speedy justice to the victim.
- 8.6.** Acid attack should fall into the category of a non-bail able crime.
- 8.7.** The criminal should not be charged according to the severity of the injury.
- 8.8.** The criminal should get a minimum imprisonment of ten years with appropriate compensation to the victim.
- 8.9.** Provisions should be made for employment and rehabilitation of the victims.
- 8.10.** There are many strict laws against acid attacks in India but the misfortune of our country is that most of them remain only in paper. The already existing law against these attacks needs to be implemented properly. In addition to this we need some changes in the law that can prove effective in curbing acid attacks and help the victim lead her life with dignity.
- 8.11.** Legislation should define an acid attack as any assault perpetrated through the use of acid. Since acid attacks may be motivated by one of several different reasons, legislation should focus on the acts that constitute the crime, rather than the motive and should penalize anyone who commits an acid attack, specifically including family members among those who may be penalized.
- 8.12.** Legislation should penalize those who aid and abet this harmful practice, and should include family members among those who may be penalized and should make acid attacks a “transferable intent” crime, providing the same penalties regardless of whether the person injured was the intended victim;
- 8.13.** Legislation should provide for penalties of prison time, fines, and education and should prohibit the acceptance of informal financial settlement or marriage as settlement of claims.
- 8.14.** Legislation should provide that sentencing guidelines reflect the gravity of the offense and should provide for enhanced penalties if a victim dies as a result of an acid attack. The perpetrator should be prosecuted under the murder statutes of the penal code. The specific law on the acid attack should provide a term of imprisonment and fine which is no less severe than what is provided under the murder statutes of the general penal code with the exception of capital punishment.
- 8.15.** Legislation should provide that no mediation provisions are a part of legislation on acid attacks.
- 8.16.** Legislation should regulate the export, import, use, sale, and waste management of acids
- 8.17.** Legislation should require sellers of acids to acquire licenses.
- 8.18.** Legislation should criminalize the unlicensed sale of acids.
- 8.19.** Legislation should require sellers of acids to create and maintain a record of each sale and the identity of each purchaser.
- 8.20.** Legislation should require sellers of acid to take all necessary measures to ensure that their supplies of acid are not stolen and immediately report any stolen acid.
- 8.21.** Legislation should impose a duty upon medical providers to report all cases of bodily harm caused by acid to law enforcement.
- 8.22.** Legislation should mandate that police officers investigate any case reported by a medical provider where bodily harm was caused by acid.
- 8.23.** Legislation should establish and fund public awareness campaigns and training for all sectors about this harmful practice and its consequences.
- 8.24.** Legislation and other practices that perpetuate this harmful practice, such as honour crimes, should be amended or abolished.
- 8.25.** Legislation should allow victims to pursue civil remedies against their attackers. Monetary damages should include the cost of reconstructive surgery.
- 8.26.** Legislation should provide for restitution or reparations separate from any criminal case and provide mechanisms of collection that the victim may easily use to collect the order for restitution from the perpetrator.
- 8.27.** Legislation should also provide that a court may amend or issue an order for restitution at a later time if the true extent of the survivor’s loss was not known at the time of the hearing on the restitution request or

at the time of disposition of the case and should provide legal, financial, medical, and other types of rehabilitation services for victims.

- 8.28. Legislation should provide legal support before and during the criminal trial of an acid attack and be extended to victims and witnesses who are threatened by perpetrators or associated parties.
- 8.29. Legislation should provide protective measures to prevent harassment, intimidation, or coercion of a victim or witness to drop charges against a perpetrator or associated party.
- 8.30. Legislation should provide for expert medical testimony in preparation of and during a criminal trial free of charge. Such expert medical testimony should be allowed in lieu of victim testimony but should not be a pre-requisite to pursuing a legal case against a perpetrator.

## **VI. Conclusion**

An acid attack has long-lasting consequences on the life of the victim who faces perpetual torture, permanent damage and other problems for the rest of her life. Their living life becomes like a gutter; they become too traumatized and embarrassed to walk out of their house and carry out simple tasks let alone get married, have children, get a job, go to school, etc. Even if they are willing to pursue a normal life, there is no guarantee that society itself will treat them as normal human beings given their appearance and disabilities after an attack. They may not be able to work, or be able to find a job, and thus perpetually struggle to survive. Therefore, to curb attacks on women harsh punishment should be given to person so that they feel the same as the victim feels. The Crime of an Acid attack is not on a small range, day by day the crime of acid attack is increasing so instead of making such useless law the government should take appropriate action which actual will help the victim.

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