

LEGAL LOCK JOURNAL

2583-0384

VOLUME 2 || ISSUE 2

2023

This Article is brought to you for “free” and “open access” by the Legal Lock Journal. It has been accepted for inclusion in the Journal after due review.

To submit your Manuscript for Publication at Legal Lock Journal, kindly email your Manuscript at legallockjournal@gmail.com.

ACID ATTACK: A BURNING ISSUE IN INDIA

Rhea Manoj Karnad¹

Introduction

Acid throwing also called an acid attack, is a form of violent assault defined as the act of throwing acid or any corrosive substance onto the body of another “with the intention to disfigure, maim, torture, or kill”. Perpetrators in this act throw acid at the face of their victim, which results in burning of the face, damaging of the skin tissue and sometimes even exposing and dissolving the bones.¹ The consequences of such attacks are indescribable to say the least. Acid attacks may cause blindness, permanent scarring of the face and body. This type of violence also causes social, economic and psychological hardships to the survivor. The acids used in such attacks are Hydrochloric Acid and Sulphuric Acid which are easily available and are highly corrosive.

According to the *India Today Data Intelligence Unit (DIU)* between the years 2014 and 2018 1,483 cases of acid attacks had occurred in India. This data was collected with the help of the records released by *National Crime Records Bureau*. *Uttar Pradesh, West Bengal and Delhi* have been ranking as the top states in the list of 10 worst states in terms of acid attacks between the years 2014 to 2018.

The purpose of acid attacks is to maliciously disfigure and distort the appearance, to injure and torture another human for his/her entire life. The attackers usually target the upper half of the body with the aim of not killing the victim but to leave a permanent impact on the victim and for the victim to endure psychological, physical and economic problems throughout their life.

Acid attacks are not only common in India, but also in countries like Pakistan, Malaysia, Gambia, Jamaica and Egypt.

Chapter I- Why do Acid Attacks occur in India? An analytical study with case examples.

The various reasons as to why acid attacks occur have been mentioned below
(Goswami & Handa, 2020):

¹ The author is a student at Kriti P. Mehta School of Law, SVKM's NMIMS, Mumbai.

1) Cheap and Convenient Availability of Acids-

One of the main causes of acid attacks being rampant in India is various acids being easily available at pharmacies, open-air markets and automobile repair shops. Some acids are also used as toilet cleaning agents and thus are conveniently obtainable. Acids are also quite cheap and are affordable for the common man.

Case Example- According to a *Zee News* article in 2020 there was an acid attack on three minor sisters in the Gonda district of Uttar Pradesh despite the Supreme Court ban on the sale of acid in 2013. A bottle of acid was still being sold in markets for the price of Rs 20-

25. The sisters named Khushbu (17), Komal (7) and Muskaan (5) had been attacked with acid when they were sleeping on the roof of their house.

According to the Supreme Court guidelines, only select stores were to be permitted to sell acid that too after thorough checking the ID of buyers and sellers. Both had to have a license. It was mandatory for all stores selling acid to keep record of all purchases and the reason for them purchasing the acid. Acids are commonly available in states like Uttar Pradesh, Bihar, West Bengal and Telangana (*Srivastava, 2020*).

- 2) Domestic Violence and Dowry-** Women are exploited by their husbands and in-laws in many Indian households. Vulnerable and innocent women are tormented by family members for various reasons like bringing of less dowry, inability to bear a male child, refusal to obey orders, family disagreements and property disputes. If these demands are not fulfilled by the woman, acid is poured on her by her husband or by any family member to teach her a lesson.

Case Example- An article published by The Times of India in February 2022, talks about a case of 29-year-old Amandeep Kaur who was attacked with acid by her husband Hardial Chad of Jassiyana area of Ludhiana, Punjab. She claimed that she was being tormented by her husband for dowry just after their marriage. Amandeep quoted that "From the day of marriage, things were not good. My husband never took interest in me and would always avoid me. Meanwhile, Hardial's family also started harassing me for dowry. Hardial's mother started taunting me for more gold. She would show me the gifts she had received from

the in-laws of first son and would taunt me that my parents have insulted her by giving poor gifts” (India, 2022).

- 3) **Jealousy**- Competitive jealousy is also a reason for women to be attacked with acid. A person does not like to see another person become successful and excel in life. This envy and insecurity drive a person to attack. Jealousy could be of many types like career related jealousy, physical beauty related jealousy and academic jealousy.

Career Related Jealousy Case Example- *Ankur Panwar* a resident of Delhi was arrested by police for flinging acid at his neighbour *Preeti Rathi* in 2013. She unfortunately passed away a month after the attack due to severe burns. *Panwar* revealed during his interrogation that he had thrown acid at *Preeti* because his father often compared him with her. *Ankur* was unemployed at that time whereas *Preeti* had got a job as a nurse. *Himanshu Roy* the joint commissioner of police said “**Out of jealousy and anger, Ankur decided to disfigure her. It was unfortunate that he attacked her in this brutal manner, which caused her death**” (Ali, 2014).

Physical Beauty Related Case Example- According to a news article titled- ‘*She threw acid at me because she was jealous. I was more beautiful*’ by the *Indian Express* a 25 - year- old bar dancer called *Anu Mukherjee* was attacked with acid by the brother of a jealous and insecure co-worker. This attack left *Anu* blind and her face was disfigured. A court in Delhi sentenced the accused to a measly five years of strict imprisonment (Sinha & Any, 2011).

Revenge by “Rejected so-called lovers”- This is one of the most common reasons for the occurrence of acid attacks. When a man's proposal or advances are rejected by a woman of their interest, the man unable to take rejection is enraged. To teach the woman a lesson, acid is splashed on her. For the man the act of throwing the acid takes just a few minutes but what he fails to realize and understand is that his heinous act of vengeance can completely ruin the woman's life.

Case Example- In an April 2022 news article by *The Indian Express* an acid attack that had taken place in the city of Bengaluru was discussed. A woman was

on her way to work when she was attacked by the perpetrator. While she was climbing the stairs to her workplace, the perpetrator named *Nagesh* splashed acid on her from behind. When the woman fell on the ground screaming for help, he continued to pour acid on her. *Nagesh* was the tenant at the victim's uncle's house for a few years and had been stalking her. When the woman rejected his proposal, he was furious and poured acid on the innocent woman, as an act of revenge. Her family stated that the woman had recently attempted her banking exams and was confident that she had done well. This barbaric act by the sick-minded man has not only distorted an innocent and brilliant woman's face but also her dreams and aspirations (*Express News Service, 2022*).

- 4) **Protecting the honour of the family**- Often to safeguard the honour of a family people commit acid attacks. This is done to forbid the women to retaliate and speak up against the norms of the family. As India has a conservative culture and concepts like divorce or separation are not widely accepted in society, these become a reason for the occurrence of acid attacks. If a woman wishes to file for divorce or separation and does not abide by the husband's orders, she is attacked with acid by him to shield the honour of the family and to teach her a lesson.

Case Example- A 36-year-old woman called *Chandrika Ben Parmar* was attacked with acid by her 42-year-old husband *Bharat* in the Odhav area of Ahmedabad. When Chandrika refused to return to home post the couple's separation, the husband splashed acid on her (*Express News Service, 2022a*).

Chapter II: Disfigured Laws, Low Conviction and Compensation

In a case study, a very unfortunate situation about an acid attack survivor named Mamta was talked about. Mamta, a beautician in Delhi, has been living with blindness in her left eye and acid burn scars on her face for the past 12 years. She had only been married for a handful of months when her envious husband hurled acid in her face because she was not giving in to his unquenchable thirst for dowry. When her attack occurred in 2010, there were no laws in place to penalize acid attacks. Although Mamta was able to file a case against her husband for attempted murder and domestic violence, he was quickly granted bail and has been missing since.

It was only after the 2006 PIL of the 16-year-old Laxmi Agarwal, an acid attack survivor herself that the Supreme Court issued an order prohibiting the sale of

acid in shops without regulation. The Criminal Law (Amendment) Act of 2013 added Sections 326A and 326B to the IPC, thus constructing special provisions for acid attack victims. In these sections, offenders of acid attacks face a minimum sentence of ten years in prison, which can be increased to life behind bars, as well as a fine. Under Section 326B, intending to throw acid on an individual is punishable by imprisonment for 5-7 years, regardless of the nature of the victim's injuries. The law also provides for the incarceration of up to a year for healthcare facilities, both public and private, that refuse to treat acid attack survivors. It also states that police officers who deny filing FIRs can be charged with dereliction of duty and face up to ten years in prison. But these laws, look good only on paper. In reality, acid attack laws are quite weak and the rate of conviction of cases is also low. Despite the numerous laws, IPC amendments, and CrPC additions dealing with acid attack offenders and survivors, the horrific crime continues to persist, and survivors find it difficult to fight the lengthy and tedious battle for justice. In a case study conducted by Outlook India, Advocate Charu Wali Khanna of the National Commission of Women mentioned that acid attack laws like all laws concerned with gender-based violence, suffer from a lack of implementation and the onus to obtain justice. In 2015, the Ministry of Home Affairs issued an advisory directing all states to expedite the prosecution process in acid attack cases to ensure speedy justice. Again, the rate of conviction is low. By 2021, out of the 89 percent acid attack cases filed with the police only 20 percent were convicted. Mamta, who has been fighting for justice in courts for years, claims that the mindset of the police and law enforcers, including lawyers and judges, continue to stay patriarchal, and that survivors are often recommended to marry their attackers or seek amicable solutions so that the man's "life is not ruined" (Bose, 2022).

In accordance with Sec. 357A of Cr. P.C. (Victim Compensation Scheme) all acid attack survivors are eligible not only for compensation of up to Rs. 3 lakhs, but also the fine paid by the perpetrator. Survivors are also eligible for free medical care in both private and public medical facilities. Activists working with acid attack survivors claim that authorities rarely follow these CrPC recommendations. Yogita Bhayana, a Women's rights activist who works with the People Against Rape in India Foundation (PARI) has been working on a writ

petition with a team of lawyers on the victim compensation scheme, which also includes acid attacks. The petition contends that the amount distributed to acid attack survivors is extremely low, and that the entire process of getting compensation is laborious and challenging for victims' families to follow, especially if they come from economically weaker communities (*Bose, 2022*).

Chapter III- NGOs: A Comfort

As mentioned in the earlier chapter, the compensation provided to the survivors of acid attacks is not adequate for their treatment. Due to the lack of implementation of the rehabilitation schemes, survivors often do not receive any kind of compensation or rehabilitation from the government. This is when Non- governmental Organisations come into the picture. Many NGOs across India work towards providing psychological, financial, legal and occupational assistance to acid attack survivors. A few of these NGOs have been listed below-

- **The Acid Survivors Foundation and Women Welfare Foundation (ASWWF) (Chennai)** - This foundation has helped many acid attack survivors in getting medical treatment compensation from the government. *Siragu* is an initiative launched by the ASWWF assists victims get employment. *When an acid attack survivor called Rani did not get any assistance from the Government for nearly 20 years, she sought the help of the ASWWF, which provided her with employment opportunities.* Rani now makes jute bags, laptop bags, folders, and trains other women too. She also has aspirations of opening a food stall and has sought assistance from the foundation for the same. A campaign called ***“Silence will not protect women”*** was also started by this foundation recently. The chairman of ASWWF, H.P Kanoria quotes that “We provide them (acid attack survivors) with necessary skills for employment and offer them financial assistance to start a small business.” Around 70 cases of acid attacks had been reported between 2011 and 2019 in Odisha. The Odisha chapter of the ASSWF has provided support to 10 of the 70 victims and out of the 10, 4 survivors have been rehabilitated. The NGO also plans to set up a psycho-social rehabilitation centre for the betterment of acid attack victims (*Reporter, 2022*).

- **Sarbat Da Bhala Humanity Club NGO (Amritsar)**- In an article published by Hindustan Times, it was said that an NGO in the city of Amritsar had taken full financial responsibility for the medical treatment of two acid attack survivors and two burn victims. The president of the NGO: *Navtej Singh Gaggi* stated the NGO had decided to bear all expenses of the surgeries of four victims that would cost approximately four lakh Rupees. One of the victims called Prabhjot Kaur, a student of 9th grade was attacked while returning home from school. The state government had announced to bear the expenses of her surgery, but she had not received any aid from them. The girls received financial assistance from the *Sarbat Da Bhala Humanity Club* and with their help the girls' surgeries were done for free (*Correspondent, 2016*).
- **Brave Souls Foundation (New Delhi)**- This NGO was started by a woman called *Shaheen Malik*. An acid attack survivor herself, she is also a part-time student counsellor. The NGO works in 10 states all across India, has its headquarters in Delhi and had also launched a centre in Kolkata in March 2022. In an interview with The Times of India, Shaheen mentioned that many acid attacks victims who had lost their eye sight were not provided with enough compensation and it was extremely difficult for them to purchase medicines and ointments for their burns. An acid attack survivor is usually given a compensation of Rupees 3 lakh to Rupees 5 lakh. Regarding this Shaheen stated that this compensation was not sufficient as survivors needed to go through almost 20 surgeries. Shaheen while talking the NGO quoted that ***“We take care of their court cases, medical counselling, psychological therapy and treatment with the help of private sponsors, donors and fundraisers. We also help survivors get jobs.”*** The foundation had also assisted survivors in appealing to high court to enhance their compensation. As of 2022, the NGO had managed to receive approximately Rupees 10 lakh as compensation for almost 30 survivors in Delhi. The Brave Souls Foundation has requested the courts government to grant better compensations to the survivors. The NGO strives to support and help as many acid attack survivors as possible (*Konar, 2022*).
- **Saahas Foundation (Mumbai)**- The Saahas Foundation was started by Daulat Bi Khan (an acid attack survivor) in 2016, with the goal of supporting and empowering acid attack survivors. In the year 2020, a supermarket was inaugurated with the assistance of

the Saahas Foundation in Bandra, Mumbai with the goal of providing job opportunities to acid attack survivors. According to Daulat Bi Khan, during the Covid-19 pandemic, funds for the supermarket were obtained through fundraisers. The NGO had taken this initiative to help the survivors become self-sufficient (*Fernandes, 2020*).

- **Chhanv Foundation (Noida)**- The Chhanv Foundation has provided legal, medical and educational assistance to more than 100 acid attack survivors. It was founded with the intention of empowering acid attack survivors and meeting all of their needs, allowing them to live happy and tranquil lives. Anshu Rajput, an acid attack survivor was only 15 years old when she was attacked by a sexual predator. The Chhanv Foundation assisted Anshu by not only funding multiple surgeries for her, but also provided her with employment at Sheroes Hangout, a café that is managed and run by acid attack survivors in Agra (*India Today, 2022*).

Conclusion

In India, a woman holds an extremely precarious and poor status. Throughout her life she is subjected to innumerable acts of violence, one such heinous and horrific act is acid attack.

The perpetrators of acid attacks ruin the lives of innocent women many of whom are intelligent and aspiring young girls. Although there are legal provisions to punish the attackers, the execution is slow and inefficient. It is extremely unfortunate how lightly our entire justice system takes acid attack cases.

Although various government rehabilitation schemes have been put in place to support and assist acid attack survivors, they provide extremely low compensation and most of the time, survivors end up not getting any aid from these schemes. Lack of judicial infrastructure, malpractices followed within the system, lack of knowledge and assistance regarding procuring the benefits of these rehabilitation schemes are a few reasons why many acid attack victims do not receive any help from government schemes. The Government must focus on such important issues and work on providing sufficient financial help, employment and rehabilitation for survivors.

Non-government Organisation (NGOs) in India have been working on providing legal, economic and psychological assistance to many survivors. They step in to help, when the Government fails to provide any aid to these helpless girls. NGOs must be acknowledged and appreciated by all Indians for the work that they put in in supporting acid attack survivors.

In conclusion, it is the responsibility of society as a whole to support and uplift survivors of acid attacks, instead of shunning them. They deserve to be treated with compassion and respect, and given the opportunity to live their lives to the fullest.

"He changed my face, not my heart. He threw acid on my face, not my dreams."

- Laxmi Agarwal, acid attack survivor.

