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COMPARATIVE ANALYSIS : ACID ATTACK LAWS IN INDIA AND INTERNATIONAL STANDARDS

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ABSTRACT:

Acid attacks are considered as one of the social evils of today's time, and it is now at an alarming stage, leaving victims with life-altering physical, psychological, and social scars. This article delves into and tries to underline the nature of acid attacks and it's the various paradigms of consequences suffered by the victim and her family. Further in this article, it is highlighted that it is the strength of legal frameworks that plays a crucial role in preventing and punishing such crimes.

In this article, a comprehensive analysis of India's legislative measures against acid attacks are provided, followed by comparing the legal landscape with international legal standards. Moreover, the article attempts to provide the shortcomings and loopholes in the Indian legal stratum

Additionally, the article explores lessons from countries with stricter acid regulations and victim support mechanisms, offering insights into how India can strengthen its laws. It concludes with recommendations for legal reforms, policy enhancements, and enforcement measures to ensure justice for victims while working towards a safer, more accountable society.

KEYWORDS :

Acid Attack, Indian legislative measures, Nirbhaya Scheme, Compensation, International Standards, Police System and Victimology.

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INTRODUCTION : UNDERSTANDING ACID ATTACKS

There is a wide spread violence against women around the world, based on considerations of their sex alone. Acid attack is one such manifestation of violence against women which is becoming a growing phenomenon in India. Though acid attack is a crime which can be committed against any man or woman, it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. The reason behind this is that, the attacker cannot bear his rejection, loss of honour and shame, insecurity, jealousy, aggression and frustration; his so-called male ego comes in between all this, and as a result he takes revenge by destroying the body, specially the face of the women who dared to refuse him. It leaves the victim charred, blinded, and mutilated, it melts human flesh and even bones, causing excruciating pain and terror and scarred for the rest of their lives. A woman burnt by acid is like a living corpse. Those who commit such vengeful acts seek to sentence the victims to a plight worse than death.

Acid attack,³ more formally known as vitriol age, is an act of intimate terrorism that involves the premeditated throwing of sulfuric, nitric, or hydrochloric acid onto another with the main intention of disfigurement. These acids are mainly used as they are cheaply and readily available. Rampant sale of acid, without taking or asking for any proper documents during the time of sale, is seen to be the main reason of this crime being spread like a fire. This sadistic, cruel and heinous crime is on rise now-a-days and innocent girls and women are becoming victims of acid attack. Acids have been thrown usually by the medium of moving motor cycles or on public roads, as it provides the easiest medium of escape even in broad day light. Therefore, acid throwing is an aggressive crime growing rapidly by which the person doing the crime seeks to inflict severe mental and physical trauma on the innocent victim. Women in different parts of India have been facing acid attacks from men for several reasons, as a result lives of many women have been destroyed.

Thus, it can be said that men resort to acid attacks as a means to intimidate women and to impose their authority on her. Such kind of attacks nurtures his male ego and makes him feel that he is living up to the image of man created by the patriarchal society.

³ ‘National Commission for Women, Government of India, Scheme for Relief and Rehabilitation of Offences (By Acids) on Women and Children, §3(b), (Issued on January 29,2009)’

Nature of Acid Attacks :

The research conducted by UNICEF reveals, “*Acid attack is a serious problem all over the world, even children are becoming victims 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*”.⁴ 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*”.

Mostly it is observed that acid attacks are not done to kill the person, but just to disfigure him. This is more heinous than actually committing murder. The mentality underlines the idea that the victim should not be hurt once, but for a lifetime of suffering and attack to a dignified life. The attack is not only on the body, but is also on the identity of the victim. What can be more brutal than that ?

Impact on Victims :

The consequences of acid attacks are long-lasting and often permanent, affecting multiple aspects of a victim’s life. They can be :-

Physical Consequences

How much a acid can hurt depends on the strength of the acid and the time for which it was in contact with the skin. Mostly, it damages two layers of skin, i.e. the fat and the muscle. Sometimes it also reaches to the bone, and dissolves it. If thrown on face, it completely destroys the eyelids, lips and further dissolves soft areas of face like ears, nostrils and chin etc. The very first difficulty is observed in breathing all of a sudden. It is because of the inhalation of acid pours. It swells up the neck or causes poisonous reaction in the lungs. On healing, there are formed thick scars which pulls skin resulting in disfigurements. The victim requires continuous surveillance and necessary operations for a duration of 2-3 years.

Social and Economic Consequences

⁴ ‘UNICEF India, How Sumitra Emerged Hero for Adolescents and Women, (April 22, 2024) <https://www.unicef.org/india/stories/how-sumitra-emerged-hero-adolescents-and-women>’

Social exclusion and discrimination is awarded to the victim along-with the trauma she got due to the attack. A lifetime of embarrassment, lack of confidence, fear, anxiety, humiliations from peer groups, and dependency on others against her will is something that the society offers to a survivor. The right to live with dignity is hampered, less chances of getting married, and negligible chances of getting employed. It is very hard to live a taunt-free life in the society and with the stigma attached to the offence of acid attack.

Psychological Consequences

Victims of attacks do not only undergo severe physical trauma but also undergo traumatic changes in the way they feel and think. Psychological trauma is caused by both the terror victims suffer during the attack, as they feel their skin burning away, and after the attack by the disfigurement or disabilities that they have to live with for the rest of their lives. Victims suffer psychological symptoms such as depression, insomnia, nightmares, fear about another attack and/or fear about facing the outside world, headaches, weakness and tiredness, difficulty in concentrating and remembering things, etc. They feel perpetually depressed, ashamed, worried, and lonely. Victims suffer severe psychological symptoms for years, if not forever, because they are reminded every day of their physical scars. The feeling of lack of hope and worth may never leave them.⁵

⁵ 'UNICEF India, *Invisible No More*, (March 2025) [Invisible No More | UNICEF India](#)'

LEGISLATIVE MEASURES IN INDIA

After the unfortunate Nirbhaya case, a significant committee led by Justice Verma was established to implement reform in the legal system related to offences against women. The Justice Verma Committee's findings highlighted the urgent need to define and penalize acid attack as a distinct crime. The report explained that section 326 of the *Bhartiya Nyaya Sanhita, 2023*, penalized the crime of 'voluntarily causing grievous hurt with dangerous weapons', and was insufficient to punish acid attackers given the severity of the crime of acid attack which is more than merely causing grievous hurt and is frequently gender-oriented. The *Law Commission of India's 226th Report* recommended that "acid attacks" be classified as a specific offense under the *Bhartiya Nyaya Sanhita, 2023*, and victims ought to receive compensation. The *2013 Justice Verma Committee Report* took this suggestion into consideration. This Amendment made acid attack and their attempted acts a separate offence by insertion section 326A and section 326B respectively under *Bhartiya Nyaya Sanhita, 2023*. Section 326A also provides for compensation for the victim to avail medical assistance. Though the is also provided by Victim Compensation Scheme under *Bhartiya Nagrik Suraksha Sanhita, 2023* but this is also an additional compensation which is to be given to the victim by the offender besides the compensation allotted by the State.

The following statutes address acid attack offence, and lists legal provisions to punish offenders while ensuring relief and support for victims:

- (i) The Constitution of India, 1950
- (ii) The *Bhartiya Nyaya Sanhita, 2023*
- (iii) The *Bhartiya Nagrik Suraksha Sanhita, 2023*
- (iv) The Rights of Persons with Disabilities Act, 2016

Constitution of India, 1950

Article 21 of the Indian Constitution ensures that every individual has the right to life and personal liberty, which has been interpreted to encompass the right to live with dignity, particularly for victims of acid attacks. Additionally, Article 41 mandates that the state must operate within its economic capabilities while adequately safeguarding citizen's rights related to employment, education, and social welfare in instances of unemployment, old age, illness, or disability, as well as addressing other essential needs.⁶

⁶ 'Kerala State Legal Services Authority (KeLSA), *LESSONS IN LAW : A GUIDE TO LEGAL LITERACY*, (December 2009) [publications.pdf](#)'

Bhartiya Nyaya Sanhita, 2023

The **2013's Amendment Act to Criminal Law**, introduced key changes to restrain and curb acid attacks, including amendments to **Sec. 100** of the BNS, 2023. This amendment grants the right to private defense, allowing a person to cause the death of an attacker who throws, or administers acid on a victim.

Section 124(1) penalizes anyone who voluntarily, causes severe harm when acid is thrown, administered, or used in any other way, causes grievous hurt. The act must be intentional and result in:

*“Temporary or forever damage or deformity to any body part,
Burns, maiming, disfigurement, or disability, or
Any form of grievous hurt to the victim.”*

According to the charging provision, the person accused of acid attack liable for imprisonment for a term of ten years, extendable to lifetime imprisonment. Under this provision, the compensation to the victim is also made mandatory. The victim must directly receive the fine, which must be sufficient to pay for their medical bills. Unlike other fines, this amount is not deposited with the government but is specifically allocated for the victim's medical care and ministrations.

Section 124(2) criminalizes attempt of acid attack. The essential elements of this offense include:

*“Throwing acid at a person, or
Attempting to or administering acid with an intention to:
Cause permanent or temporary deformity, maiming, disfigurement, burns, disability,
damage or grievous hurt.”*

An attempted acid attack is punishable by five years of imprisonment, extended upto 7 years, as well as fine.

This stipulation includes two key explanations:

The term **“acid”** covers ‘any substance which have acidic, corrosive, or burning nature, and is capable of causing scars, disfigurement, or temporary or permanent disability.’

‘Permanent or partial damage or deformity does not have to be irreversible’—i.e. The accused will still be held accountable as guilty even if the harm done to the victim's body can be cured.

Section 200 under the *Bhartiya Nyaya Sanhita, 2023* ensures that no private or public hospital shall deny treatment of acid attack victims. If a hospital fails to comply with Section 397 of *Bhartiya Nagrik Suraksha Sanhita, 2023*, it faces penalties, including: 1 year imprisonment or fine or both.

This provision holds hospitals accountable and ensures that victims receive immediate medical care.

Bhartiya Nagrik Suraksha Sanhita, 2023

Provisions to guarantee compensation for the acid attacks' victims are included in the *Bhartiya Nagrik Suraksha Sanhita, 2023*. While Sections 396 and 397 specify certain rights and compensation plans for survivors of acid attacks, Section 395 gives courts the authority to force the accused to compensate victims.

Section 396 – Victim Compensation Scheme

The 2008 Amendment introduced the “*Victim Compensation Scheme*” under Section 396.⁷ This provision places a duty on state governments to establish the compensation scheme for crime victims, their dependents, and those needing rehabilitation due to loss or injury from a crime.

This Scheme would be effective in the following condition:

- I. if the accused is discharged or acquitted
- II. if the accused has no paying capacity
- III. if accused is not identified or traced

This Scheme shall be made by the State Government with the coordination of Central Government. The object of this Scheme is to provide funds for compensation. The funds collected for this scheme by the government shall be given to the Victim of the crime. The victims under this scheme includes the secondary victims i.e., the family members, legal heirs or the dependents of the victim.⁸ In *Ankush Shivaji Gaikwad v. State of Maharashtra* it

⁷ ‘*The Bhartiya Nagrik Suraksha Sanhita, 2023, § 396 (1)*’

⁸ *Ibid.*

has been observed that: “*The object and purpose of the provision is to enable the Court to direct the State to pay compensation to the victim where the compensation under Section 357 was not adequate or where the case ended in acquittal or discharge and the victim was required to be rehabilitated.*”

The District or State Legal Services Authority determines the amount of compensation based on the court's recommendation.⁹ If the court finds that the amount awarded under Section 357 is insufficient or if the accused is acquitted or discharged, it can recommend additional compensation.¹⁰

In order to get compensation, victims, or their dependents may petition directly to the State or District Legal Services Authority if: The perpetrator cannot be located or recognized, or because the accused is not present, there is no trial. The authority has two months from the time an application is submitted to finish its investigation.

"Immediate Medical Assistance" is provided under Section 396, Sub-section 6. For victims of acid attacks, this clause is essential since it guarantees that they get medical attention right away.

Free medical or first-aid care, immediate financial assistance, and other directives based on a police officer's certificate (not less than that of an officer in-charge of the police station), or a magistrate's order may be issued by the State or District Legal Services Authority. Any penalties imposed on the accused for an acid attack is additional to the compensation offered under this plan.

Section 397 of the *Bhartiya Nagrik Suraksha Sanhita, 2023*, which was established by the *Criminal Law (Amendment) Act, 2013*, grants victims of acid attacks the right to get free medical care. Access to treatment is a top issue since delaying medical attention might make the victim's condition worse. The government's primary aim in the criminal justice system should be to ensure the victim's survival and recovery.

Initially, Section 397 covered offenses under *Bhartiya Nyaya Sanhita, 2023*. This implies both public and private hospitals have the right to provide free medical care to victims of

⁹ ‘*The Bhartiya Nagrik Suraksha Sanhita, 2023, § 396(2)*’

¹⁰ ‘*The Bhartiya Nagrik Suraksha Sanhita, 2023, § 396(3)* : *If at the conclusion of the trial, the Court is satisfied that the compensation given is not adequate for rehabilitation of the victim, or where the accused is acquitted or discharged, it may recommend for compensation*’

these crimes. Furthermore, doctors and hospitals are legally obligated to report such incidents to the authorities. According to Section 200 of *Bhartiya Nyaya Sanhita, 2023*, failing to offer treatment is a crime that carries **imprisonment of up to one year** for the responsible hospital authority.¹¹

To ensure proper implementation, it is **essential to train doctors and medical staff** on handling such cases. The government must establish **clear guidelines** to facilitate the smooth execution of these legal provisions.

Medical treatment should not be limited to **medications and physical aid**—it must also address the victim's **psychological recovery**. All individuals who interact with the victim during treatment—**doctors, paramedical staff, police personnel, and even family members**—should be trained to provide **compassionate and trauma-informed care**. Acid attack survivors endure **severe physical pain and emotional distress**, so psychological counseling should be an integral part of their rehabilitation process.

PERSONS WITH DISABILITY ACT, 2016

The **Rights of Persons with Disabilities Act, 2016** adopts a **sociological approach** to disability rather than a purely medical one. It **recognizes acid attack survivors** as persons with a specified disability, allowing them to obtain a **disability certificate**. Survivors with **benchmark disabilities**—those with **40% or more disfigurement**—are **entitled to reservations** in government jobs and additional benefits under **Chapters VI and VII** of the Act. These benefits include **free education for their children**. The **private sector** is also required to **provide reasonable accommodations** and implement an **equality policy** to support persons with disabilities. However, the **effectiveness of these provisions for acid attack survivors** remains to be seen, as implementation is still a challenge.

OTHER SCHEMES FOR THE VICTIMS OF ACID ATTACK NALSA SCHEME¹²

The *Preamble of the Legal Services Authorities Act, 1987* underscores the responsibility of **legal services authorities** to support **weaker sections of society**. It mandates them to ensure that **no citizen is denied justice** due to economic or other disabilities. One of the key objectives of the **Legal Services Scheme** is to **strengthen legal aid and**

¹¹ 'The *Bhartiya Nyaya Sanhita Sanhita, 2023*, § 200'

¹² 'Jharkhand State Legal Services Authority (JHALSA), NALSA (*LEGAL SERVICES TO VICTIMS OF ACID ATTACKS*) SCHEME, 2016, [pamphlet acid attacks scheme.pdf](#)'

representation at national, state, district, and taluka levels for acid attack victims. The scheme also helps survivors access **medical facilities and rehabilitative services**, ultimately aiming for their **proper reintegration into society with dignity**.

To raise knowledge of the Victim Compensation Scheme as well as other legislation and government initiatives, Legal Services Authorities hold awareness campaigns. Programs for training and sensitization are also offered to paralegal volunteers, judicial officers, and criminal attorneys. A database of current Central or State schemes, rules, regulations, policy directives, and publications aimed at raising awareness will be maintained by the Legal Services Authorities for this purpose. Additionally, they will have a database of the hospital's specialist burn victim care services. This scheme's Plan of Action operates in two ways: through legal services clinics and through legal representation.

LEGAL REPRESENTATION

Regardless of whether the assault was fatal or not, legal aid will be provided to victims of acid attacks on a priority basis so that their heirs can benefit from the '*Victim Compensation Scheme*'. They also ensure that victims of acid attacks receive interim compensation as quickly as feasible and that the judicial process is not delayed. When testifying, recording statements, etc., victims of acid attacks must have access to legal counsel and support personnel, including an interpreter, a family member, a social worker, etc. Each *District Legal Services Authority* and *Taluka* must nominate a minimum of one panel lawyer as a *Legal Services Officer* for the purposes of this Scheme.

LEGAL SERVICE CLINICS

State Legal Services Authorities will establish "*Legal Services Clinics*" in hospitals with specialized burn treatment facilities so that victims of acid attacks can receive medical care. to ensure victims and their families are protected. Access to appropriate medical treatment and help obtaining the required healthcare services, paralegal volunteers and panel attorneys assigned to these clinics must be in constant communication with them. Inclusion of victims in the disability list, allowing them to benefit from government schemes for persons with disabilities.

Issuance of an acid attack certificate, which victims can use for ongoing treatment and reconstructive surgeries.

Legal Services Authorities' primary goal is to guarantee that victims are treated fairly and with dignity throughout the legal process, and that they obtain prompt, sufficient compensation, including temporary relief. To ensure that legal rights are strictly enforced, Legal Services Clinics must also take action against hospitals that deny treatment to victims of acid attacks for illegitimate reasons.

NIRBHAYA FUND SCHEME

In public spaces, on the streets, and on public transportation, women and girls are often the victims of assault and abuse, which restricts and deters their freedom of movement. Such aggression has a detrimental effect on their health and well-being in addition to restricting their access to necessary assistance. The government created the Nirbhaya Fund, a special non-lapsable corpus fund, to improve the safety and security of women in the wake of December 2012 tragedy. The '*Ministry of Women and Child Development (MWCD)*' is the nodal institution in charge of authorizing spending, while the '*Department of Economic Affairs, Ministry of Finance*', is in charge of administering this fund.

One of the main responsibilities of the MWCD is to evaluate, assess, and oversee programs approved by the Nirbhaya Fund. The MWCD plays a key role in: '*Appraising, reviewing, and monitoring schemes sanctioned under the Nirbhaya Fund. Approving proposals submitted by states and recommending fund allocation to the Department of Economic Affairs.*'¹³

Ensuring that funds allocated to states are used effectively for women's safety programs. An Empowered Committee (EC), chaired by the Secretary of MWCD, evaluates and approves proposals under this fund. The primary focus is on real-time intervention for women's safety, such as: CCTV installation for real-time monitoring and quick response and use of technology to improve security measures alongwith strengthening emergency response mechanisms rather than just recording incidents for evidence.¹⁴

Recognizing the need for structured interventions to support women in distress, the Ministry of Women and Child Development has implemented several schemes under the Nirbhaya

¹³ '*Ministry of Women and child Development, Government of India, Citizens Charter, Entry D : NIRBHAYA FUND, [Citizen's Charter / WCD](#)*'

¹⁴ '*Ministry of Women and Child Development, Government of India, FRAMEWORK FOR NIRBHAYA FUND [1710057146_JWb7U9RlXi.pdf](#)*'

Fund. These schemes aim to provide a comprehensive safety mechanism, ensuring that women feel secure and empowered in public spaces.

‘One Stop Centre aims to support women affected by violence by providing a comprehensive range of integrated services under one roof. These services include police assistance, medical aid, legal and psycho-social counseling, and temporary shelter. Each center must be located within a 2 km radius of a hospital or medical facility, either in a newly constructed building following an approved design or in a pre-existing structure. Under this scheme, One Stop Centres (OSCs) are being established in every district across the country to ensure timely and effective assistance for survivors of violence.’¹⁵

Universalisation of Women Helpline enshrines that States and Union Territories (UTs) will utilize their already available women helplines by a dedicated national number. The Department of Telecommunications, Government of India, has allocated short code 181 for this purpose, which is already being used as a Women’s Helpline in states like Delhi, Chandigarh, and Chhattisgarh. This helpline is designed to be compatible with all telecommunication networks, including prepaid and postpaid mobile services, landlines, GSM, CDMA, 3G, and 4G. Additionally, all state, district, and city-level helplines, whether public or private, will be integrated with this national women’s helpline to provide seamless support and assistance.

Mahila Police Volunteer Scheme is a central sector initiative designed to act as a bridge between the police and local communities, ensuring better outreach and support for women in distress. This scheme aims to strengthen police response to offences antagonistic towards women, encourage greater detailing and accounting of offences such as domestic abuse, dowry harassment, child marriage, and public harassment and enhance police engagement on gender-related issues within communities.¹⁶

Additionally, the scheme supports the implementation of 33% reservation to women in police departments across all Union Territories (UTs) and promotes its adoption by States, fostering greater representation of women in law enforcement.¹⁷

¹⁵ ‘Press Release, Press Information Bureau, Ministry of Women and Child Development, Nirbhaya Scheme (August 6, 2021)’

¹⁶ *Id.*

¹⁷ *Supra* note 17.

Central Victim Compensation Scheme In 2016, a Standing Committee of the Parliament challenged the MWCD regarding the steady execution of programs funded by the Nirbhaya fund. The Centre for Development and Human Rights reported that it is the steady coordination among various ministries for approving the proposal that hindered the implementation of these schemes. Data from the Ministry of Home Affairs showed that various projects under different ministries failed to utilize even half of the allocated funds. The Nirbhaya Fund's under-utilization attracted the notice of the Supreme Court, which ordered states to disclose the amount received and how it was disbursed to sexual assault victims. The Central Victim Compensation Fund (CVCF) was funded under the framework for Nirbhaya Fund to support states and union territories in their victim compensation schemes. Following the Laxmi judgment, in *Parivartan Kendra v. Union of India*¹⁸, which concerned acid attacks against two Dalit sisters, the injury was so severe that one of their medical expenses had already crossed Rs. 5 lakhs at the time. The Supreme Court ruled that the minimum compensation of Rs. 3 lakhs could be exceeded, considering factors like medical expenses, social stigma, and job prospects. In another case, *Nipun Saxena v. Union of India*¹⁹, the Court held that states and union territories shall implement a uniform scheme drafted by NALSA, prioritizing the dignity of victims of gendered violence. The Karnataka Victim Compensation Scheme mandates a minimum compensation of Rs. 3 lakhs, with a maximum of Rs. 8 lakhs.

¹⁸ 'Parivartan Kendra v. Union of India, (2016) 3 SCC 571 (Ind.)'

¹⁹ 'Nipun Saxena v. Union of India, (2019) 2 SCC 703 (Ind.)'

INTERNATIONAL STANDARDS FOR ACID ATTACK LAWS

The UNGA took a significant step in 1993 by enacting the '*Declaration on the Elimination of Violence against Women*'. In India, the Parliament done its ratification , and now we are obligated to implement its provisions. Article 4(f): A Call to Action specifically states that member countries should come with preventive and punitive provisions to combat brutality against women through legalized pronouncements.²⁰ This highlights the need for more substantial compensation for victims of crimes of grievous nature, such as acid attacks. The current compensation's quantum is woefully inadequate, and there's a pressing need for separate provisions to grant exemplary damages to these victims. Additionally, the CEDAW Committee emphasizes that countries s must exercise considerable diligence for prevention human rights violations. India's Constitutional Obligation under Article 253 allows the Parliament to enact legislations that give effect to international agreements, thereby underscoring India's responsibility to effectively regulate and monitor the social ill of the acid attacks.

The entitlement to compensation of victims of offence was once a cornerstone of the criminal justice system, but it faded into obscurity as the focus shifted to the rights of the accused. However, the pendulum has swung back, and victims' rights are now being recognized anew. The conversation around compensating victims of crime began in 1957, led by a very famous social reformer and the then '*British Magistrate Margery Fry*' in England.

In 1960s, the '*victimology*' movement in Canada and several states within the US began providing compensation for victims. The '*UN Declaration on Basic Principles of Justice for Victims and Abuse of Power*' was adopted without opposition by the General Assembly in 1985 which recognised four primary and core rights of victims as follows :

- i. Right to assess justice and fair treatment
- ii. Right to Restoration
- iii. Right to recompense
- iv. Assistance

²⁰ '*United Nations, Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (February 2, 1994)*'

SHORTCOMINGS IN INDIAN LEGAL FRAMEWORK

Initially there was no specific provision to deal with the menace of vitriol age. The perpetrators of these offence were charged for causing hurt²¹ or grievous hurt using dangerous weapons or means. Causing grievous hurt invites the maximum punishment of life imprisonment and the charge of hurt invites the maximum punishment of three years. But these provisions were insufficient to deal with the perils of acid attack. There are three main reasons behind the same - i) the definition of grievous hurt as given under the Bhartiya Nyaya Sanhita, 2023 is not inclusive of certain circumstances of acid attack as the definition clearly specifies and defines the nature of injuries which constitute the offence of grievous hurt. Grievous hurt²² has been defined as emasculation of the victim's reproductive and sexual organs, permanent privation of the sight of either eye, permanent privation of the hearing of either ear, privation of any member or joint, the destruction or permanent impairing of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or a tooth, and any hurt that endangers life or which causes the sufferer to be during the space of 20 days in severe bodily pain, or unable to follow [her or his] ordinary pursuits.

Therefore, if the perpetrator of acid attack causes only skin damage to the victim with no substantial damage to the other organs, it would not come within the pigeon hole of grievous hurt. Moreover, if no irreversible damage is caused to the victim it would not come within the purview of grievous hurt. ii) the definition of grievous hurt does not subsume the contempt, sympathy and stigma that the victims of acid violence face and nor does it take into consideration the loss of earning capacity of the victim. iii) if the accused was not charged under grievous hurt, he was penalised under the offence of causing hurt.

But causing hurt only invites a meagre punishment of three years which is very inconsequential as compared to the heinous consequences which the victim of acid attack has to face. Whether to charge the perpetrator of acid attack with grievous hurt or with hurt was a very debatable issue and left a void for enactment of new laws to tackle with this grave situation. Additionally, it was important to observe that the current legislation lacked a provision that would have penalized attempts to throw acid. The dramatic increase in acid assaults necessitated the urgent passage of comprehensive, efficient, and effective laws.

²¹ 'The Bhartiya Nyaya Sanhita Sanhita, 2023, § 118(1)'

²² 'The Bhartiya Nyaya Sanhita Sanhita, 2023, § 118(2)'

The *Criminal Law (Amendment) Act of 2013* gave the campaign against acid attacks a new direction and made it clear how important it is to implement measures to address the seriousness of this crime. Section 124(1) makes it illegal to intentionally cause serious harm by employing acid, etc.

It states – “*Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:*

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim: Provided further that any fine imposed under this section shall be given to the victim.”

Moreover, Sec. 124(2) also punishes the attempt of throwing acid. It provides for the punishment of a term not less than 5 years but which can further be extended to 7 years, in addition with fine. EXP 1 says ‘acid’ includes any substance of acidic, corrosive or burning character. EXP 2 states ‘*permanent or partial damage*’ is not required to be irreversible)

Hence, the Amendment of 2013 is a pivotal step towards development of reformatory laws. The provisions are also there for compensating the victims in order to furnish their rehabilitation i.e. the victim compensation scheme under section 396 of the *Bhartiya Suraksha Sanhita, 2023*. Another vital step taken was by introducing section 397 of the *Bhartiya Suraksha Sanhita, 2023* which enshrines that all public or private hospitals, no matter by what authority they run, shall immediately provide medical assistance to the victim of any offence under *Bhartiya Nyaya Sanhita, 2023*, and that too free of cost. Hospitals are also required to inform such an incident to the police.

Delegated Responsibility : Police and Judiciary

Police, the law-enforcing agency plays a crucial role to check and deter criminals and crime. But as a primary observation, it is just a formality in India. Nowadays, Police is seen to be ignorant towards the steps they are supposed to take. In most of the cases, such ignorance is observed in the offences against women. The most common problem seen is shifting the cause of the crime on the victim’s actions themselves.²³ Allegations are posed on the victims through derogatory conduct such as asking them whether they were wearing any revealing

²³ ‘Parvathi Menon & Sanjay Vashishtha, *Vitriolage and India - The Modern Weapon of Revenge, International Journal of Humanities and Social Science Invention*, 04 (2013)’

dress, or whether they were out late in the night, that deepens the rifts more and more. There is no overseeing mechanism to check the inconsiderate behaviour of police towards the victims already in trauma, although there are strict guidelines given by the Hon'ble Supreme Court on this problem. This behaviour by police results in victims feeling reluctant to inform the fatal instances because of the further harassment they may face. The investigations made by the police are also made on implications of the victims' sexual history and doubts on their moral behaviour.²⁴ There are certain cases in which the victims complain about the bribery given to the police officers by the offenders to affect their action. To curb this, the criminal Amendment of 2013 was brought which provided for the mandatory recording of the First Information Report. It requires the filing to be done by the women police officer. There is still a need to provide moral training to the police officers, and also to increase women officers in the Department.

Before the passing of the Criminal Amendment Act, 2013, the persons accused of acid attack were not heavily punished, rather they were booked under hurt which invited a minimum punishment of 3 years, moreover they were also released on bail easily. Adequate compensation was also not paid to the victims. In *Ravinder Singh v. State of Haryana*,²⁵ acid was poured on a woman by her husband for refusing to give her divorce. The husband was involved in extra-marital affair. Due to this attack the victim suffered multiple acid burns on her entire body, which later led to her death. The accused was charged under Section 307 of the IPC. However, life imprisonment was not imposed even though the victim died. In *Syed Shafique Ahmed v. State of Maharashtra*,²⁶ a personal enmity with his wife was the reason behind a gruesome acid attack by the husband on his wife as well as another person. This resulted in the wife's right eye losing its eyesight and the other person's face becoming completely deformed. The culprit was given a punishment of Rs. 5,000 and 3 years of imprisonment after being prosecuted under Sections 326 and 324 of the IPC. This case demonstrates once again how the commonly imposed penalty is based only on the technicality of injuries and ignores the intentional and graphic character of the attack. This demonstrates the judiciary's insensitivity and callousness. However, things have changed, and following the Laxmi Agarwal case, in which a PIL was submitted to the Supreme Court, the Court also established several crucial rules, which are outlined below:

- It is very forbidden to sell acid to someone else unless the vendor keeps a register with the buyer's name on it.
- No acid should be sold to anybody younger than eighteen. When buying the acid, the

²⁴ 'Campaign and Struggle against Acid attack on Women (CSAAAW), *Burnt not defeated*, Vol 3 (2007)'

²⁵ '*Ravinder Singh v. State of Haryana*, (1975) 3 SCC 742 (Ind.)'

²⁶ '*Syed Shafiq Ahmed v. State of Maharashtra*, (2002) 8 Cri LJ 1403 (Ind.)'

customer needs present the appropriate ID card.

- The vendor is required to notify the appropriate Sub-Divisional Magistrate of all acid stock within 15 days. The Sub-Divisional Magistrate will confiscate the items and sentence the offending party with Rs. 50,000 if it is not declared.
- The responsible State or Central Government should reimburse the acid sufferer for the expense of rehabilitation and aftercare, which should be at least 3 lakhs. Of this total, Rs. 1 lakh must be delivered to the sufferer within 15 days of the incident to enable prompt medical assistance, and the remaining Rs. 2 lakh must be disbursed as soon as feasible within two months.
- All acid stock must be reported to the appropriate Sub-Divisional Magistrate by the vendor within 15 days. Should it go unannounced, the Sub-Divisional Magistrate would confiscate the goods and sentence the violator with Rs. 50,000.

Judges have a huge influence as well. He should ensure that the lawsuits are resolved quickly and that the victims receive the appropriate compensation. Although the Indian court has made significant progress in combating acid assaults, the issue still exists.

People's attitudes will only shift with time. Thus, based on the explanation above, it can be said that even if there are many regulations pertaining to acid assault, they are useless without any efficient means of application. All governmental organs must function effectively together for a legislation to be successful; otherwise, the victims' anguish and suffering would never end.

SUGGESTIVE MEASURES

- a) Government should monitor the accessibility of corrosive substances like acids.
- b) Prohibition on the sale of acid without licence, other than for scientific and commercial purposes.
- c) The approach of restorative justice should be observed by the legal framework.

Justice delayed is justice denied. The traditional pace of the Indian judicial system can never fulfil the true interests of Acid Attack victims. The executive bodies like police and investigatory bodies should also observe keen and stringent approaches to such cases. There is a notable insufficiency of awareness in the people. The government should also regulate the awareness campaigns for raising awareness regarding first aid implications as soon as possible to reduce the severity of burns brought to the bodywork of the victim.

Though the causes behind this crime may range from denial to marry to mere attack on male ego, the sole foundation lies in the upbringing of people. Teachings of non-violence, equality, respect and equal opportunities should be culminated in the people through teachings or by other means. It is not only a pre-attack approach but should be practiced even after someone has suffered that. To treat the victim humanely and not to discriminate them should be our moral responsibility. Special welfare schemes and policies to support and rehabilitate the victims should be introduced from time to time.

CONCLUSION

Acid attacks are now reaching at its alarming stage. It has been observed as a gender-specific form of violence which is very brutal in nature. It doesn't destroys the victim per se, but is also leaving behind the victim, his/her family and the whole society with sociological and psychological trauma. Though it is an international concern, it has a rising pace in India specifically. In such a scenario, legal framework of a country to prevent and punish acid attack laws stands on a pedestal of high importance. The laws not only be helpful in preventing or punishing the crime, but also facilitate the welfare of the victim. Though there are various provisions stated by the legislature, it is still a long way to go to reach its true potential. Judiciary's dynamism and certain other incidental issues also hamper the realization of the objective behind the laws. The subjectivity attached to the damages that are to be awarded to the victims also makes it a clingy process. More specifically, if compared to the international standards. Indian legal system should be introduced with unique legislation to punish this type of crime, which appears not so instinctual, but is firmly pre-mediated and points to a considerable quantum of malice in the head of the offender.

To truly understand the lacuna in the implementation of the laws, their effectiveness should be observed. Acid Attack not just comes with a quick splash of substance on a person, it has a number of unforeseen effects attached to it. It affects the marriage, or chances of marriage; it restricts the victim to confidently opt for a job; in addition to other sociological issues like taunts from peers, social exclusion and dependency. So an acid attack is not merely an offence, it is something that poses severe violations to the victim's right to dignified life, within Article 21, Constitution of India, as it its after-effects. Anxiety, low self-esteem. Despair, PTSD are among other ill-effects of the same.

In other nations, several attempts have been made to uproot this social evil. In Bangladesh, the Government has formulated '*The Acid Survivors Foundation*', in 1999, as body to frame

and suggest various policies to cur this heinous practice. It also provides assistance and surveillance to vitriolage survivors. In 2002, the *Acid Crime Prevention Act* was sanctioned by the Bangladesh Government, to held acid attack a punishable offence. Under this, it is also required to maintain a national registry of acid attack survivors and to furnish compensation along-with rehabilitation to the survivors. Similar attempt has been made in South Africa as well. The Acid Attack Victim Support Network regulates the incidence of acid attacks in the territory. In 2013, the Government in South Africa passed '*The Prevention and Combating of Trafficking in Persons Act*' to introduce stricter penalties to punish the perpetrators. In the UK, the Government enacted '*The Acid Attack Offences (Guidelines for Sentencing) Act*' in 2017. Along with that, the Acid Attack Campaign also proved to be an instrumental attempt to raise consciousness regarding acid attacks.

The Government of India should also observe such international standards. The above small changes as to the accountability would be instrumental in facilitating the lives of the brave survivors, and their interests will not go unnoticed. Additionally, strict regulations on the accessibility of corrosive substances can also reduce the cases of acid attacks. Last but not the least, it is our moral duty to detach the stigma of acid attack from our minds to let the brave beings live their life with dignity, and to treat them equally.