



LITERATURE VIEW ON ACID ATTACK

Shreyashi Dubey

Research Scholar

Deen Dayal Upadhyay University, Gorakhpur

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

Report as well as the Justice Verma Committee Report¹ admits that the heinous crime of acid attacks have a specific gender dimension in India. Acid attackers generally target young girls with the intention of disfiguring the face of the victim. The most common types of acids used to attack victims are hydrochloric,² sulphuric³ and nitric acids. The main reasons behind commission of the brutal act of acid throwing are many, namely rejection of love or marriage proposals, refusal to pay dowry, rejection of sexual advances, property or family dispute or marital disputes like refusal to give divorce. Acid attacks results into severe physical, psychological and socio-economic consequences and makes the life of the victim worse than death. Acid attack is a complex and multi-dimensional problem that makes it very difficult for the survivors to return to normalcy. This paper is attempts to review the literatures on acid attack and identify the gaps in their coverage. The researcher in this paper has not only reviewed books and articles written on the subject; but the 226th Report of the Law Commission of India, Criminal Law (Amendment) Act 2013 etc. are also been studied.

¹This Report was submitted by Justice Verma Committee on Amendments to Criminal Law. This Committee was constituted by Government of India Notification No. SO (3003)E, dated December 23, 2012 with Justice J.S. Verma (retd.) as the Chairman and Justice Leila Seth (retd) and Gopal Subramaniam as members.

²Hydrochloric acid is used to make soy sauce, cosmetics, traditional medicine and amphetamine and to polish jewellery.

2.2 LITERATURE REVIEW

The violence of acid attack is not just a human rights or legal question; but is a medical emergency as well. **Rabindra Nath Karmakar** authored book *‘Forensic Medicine and Toxicology: Theory, oral and Practical’ (2006)* is a book written prior to the *Criminal Law (Amendment) Act 2013*. Along with the medical factors; this book beautifully narrates India’s legal stand on acid attack prior to 2013. The author narrates the medico legal importance of vitriol age in three groups. (a) Under the first heading the author mentions that permanent disfigurement of head and face constitutes a grievous hurt. (b) Secondly permanent loss of sight of either of the eyes also constitutes grievous hurt. (c) Under the third category permanent impairment of function of any member or joint also constitutes an offence of grievous hurt. Further this book also highlights the motives behind or the factors that contributes to the brutal violence of acid throwing as hatred, jealousy, rivalry, enmity, revenge, destructive use during riots etc. Being from the medical background, the author exhaustively categorizes the effects of vitriol age as (a) disfiguration of head and face/whole body. (b) Contractures, scar formation, restriction of the movement of joints, (c) destroying of garment, and (d) permanent loss of sight (e) evidence of splashing or spilling or pouring of acid /other things on the body (f) extensive involvement may even lead to death. The author also mentions about the treatment or first aid that should be provided to the victim immediately after the attack. The author mentions the need of washing of the burn parts with water and application of antiseptic ointments to prevent secondary infections. The need to take special care of eyes by washing with plain water and application of liquid paraffin is also duly mentioned in this book. While the medical perspectives of such attack are briefly but exhaustively discussed by the author; the legal portion of this book stands outdated in the light of the recent amendment.⁴

Everything that comes into being must have a cause. Acid attacks too can be categorized under certain common causes and factors. The reasons of a person behaving in a particular way differs from country to country, the surrounding environment and the overall environment a person is brought up into. The next literature thus focuses on a comparative study on the reasons and motives behind acid attack cases in four different countries. *‘It was Like Burning in Hell’ (2009)* is **Jane Welsh**, Department of Anthropology, University of North Carolina, Chapel Hill authored master’s thesis. This work is a comparative exploration of motives and causes of acid attack violence in countries like Bangladesh, Pakistan, India and Cambodia. Exploring the major factors that contribute to the violence of acid throwing, several high profile cases in Cambodia, Bangladesh and India are also been referred by the young author. This comparative work also highlights the role played by government as well as non-governmental organizations in supporting the victims and their families. However, the author further views that the initiatives of these organizations are insufficient to address the financial difficulties that victim

⁴Deb, A and Chowdhury P. Roy, “A Fate Worse than Death: A Critical Exploration of Acid. Attack Violence in India”, Law Mantra, Vol. 2, Issue 5, <http://journal.lawmantra.-co.in>

undergoes at the time of treatment. Families that aren't financially much stable are left with no other alternative, but to compromise with victim's treatment. The success story of NGOs advocating for social, medical and legal reforms is quiet impressive, but there still is a long way to go. The scope of this research work is quiet broad and hence in a few parts of it lack of availability or access to relevant and reliable literatures can be observed. While explaining the Indian scenario on acid attacks Haseena Hussain's case is referred by the author, but the landmark judgement of Laxmi's case finds no mention in the entire thesis. However, this work is a comprehensive and well written research that ends with a set of recommendations for potential interventions and further research on this domain.⁵

Another literature reviewed by the researcher is the 226th Report of the Law Commission of India on *'The Inclusion of Acid Attacks as Specific offences in the Indian Penal Code and a Law for Compensation for Victims of Crime' (2009)*. The 226th Report of the Law Commission of India not only looks into the technicalities of legal provisions, but at the same time effectively deals with the consequences and after care necessary for the rehabilitation of the victim. This Report is divided into six parts. The first part of this report introduces the cruel and deliberate act of acid attack with a brief overview on the consequences and reasons of such attack. Further this chapter also highlights the legal provisions applicable to such crimes. In its second chapter, the Report provides the statistical overview and detailed analysis of the consequences of such attack. The third chapter relates to cases on acid attack that have been registered under different sections of the *Indian Penal Code*. In the fourth chapter a comparative study on the laws of Bangladesh, Cambodia, Uganda, Jamaica, United Kingdom is made. The fifth chapter of this report on compensation for the victim highlights a few important cases on compensation to the victims of acid attacks. The last and the final part of this report, i.e. conclusion and recommendations propose the inclusion of new provisions on Indian criminal laws to consider acid attacks as a standalone crime.⁶

Nehaluddin Ahmad in the article *'Acid Attacks on Women: An Appraisal of the Indian Legal Response' (2011)* puts light on the evil practice of acid attack that is prevalent in many South Asian countries. The intentional throwing or pouring of acid with a motive of defacing or killing a person is used as a brutal way of taking revenge. Though this act can be and is in reality committed against persons irrespective of sex, age or other such classifications; it is mostly committed against women who are in the prime of their youth. With a short and beautiful starting describing the causes of such attack the author proceeds to the main arguments. Highlighting the physical as well as psychological consequences of such attack, the author also covers the insufficiency of the law to give justice to the victims and the possible steps that can be taken to strengthen the law to deal with such attacks. The author also points

⁵Mohapatra, Chinmaya Kumar and Nanda, Hiranmaya, "Acid Attack and Women in India: A Critical Analysis", Global Journal for Research Analysis, Vol. 4, Issue 7, July 2016.

out the gender aspect of the violence of acid attack. Before concluding this article with a set of suggestions; this work also lists down the major factors that in the author's opinion are contributing to the growth of acid attack cases.

The psychological consequences and trauma faced by victims in crimes like molestation, rape, acid throwing is grave. It is very difficult for the victims to depict the incident, lodge a complaint and fight for justice. Complications to this difficult situation are further added with police, family and society's wrong attitude and way of handling such victims. Lack of skill in dealing with sensitive issues like acid throwing often results in secondary victimization and aggravates the trauma of the sufferer. **Parvathi Menon** and **Sanjay Vashistha** authored '**Vitriol age and India- The Modern Weapon of Revenge**' (2013) is a well written piece of article that covers almost all aspects of the brutal violence of acid throwing as a weapon of revenge. Starting with the tragic incident of Laxmi's life the authors proceed to highlight a few relevant statistics on the issue. The common reasons of acid violence and the post attack evil consequences that the victims and their families undergo are also been exhaustively discussed in this work. Moving to the legal scenario with respect to acid attack, the authors highlights India's obligation under the 1993 *Declaration on the Elimination of Violence against Women*. This article comprehensively deals with India's legal stand on acid violence pre and post *Criminal Law (Amendment) Act of 2013*. Two of the most important issues raised by the authors in this article are 'role of police in the investigation of acid attacks' and 'judiciary's role in prosecuting the perpetrators of acid attack'. This article is concluded after a short mention of acid violence in other South Asian countries (Bangladesh, Pakistan and Cambodia in particular). Though this article is a successful attempt in giving a holistic approach on the brutal act of acid throwing, the major role played by Civil Society organizations is nowhere been appreciated by the authors. However, the inadequacy of compensation provided to the victims is not just highlighted, but is strongly criticized in this article.⁷

Another report reviewed by the researcher is the '**Report of the Committee on Amendments to Criminal Law**' (2013). Reviewing this literature is significant as the outcry of public after the Delhi gang rape case and the resulting outcome in the form of Justice Verma Committee Report are the only reasons behind declaring acid attacks as a standalone offence in India. The Verma Committee Report mentions acid attacks as the most heinous form of violence. Referring to the 226th Report of the Law Commission of India, Verma Committee admits that though acid attacks can be committed against any man or woman; it has a specific gender dimension in India. Some of the vital reasons of acid attack like rejection of sexual advances or marriage proposals, alleged adultery and domestic violence are also mentioned in the report.

⁷Menon Parvathi and Vashishtha Sanjay, (2013), *Vitriol age and India – The Modern Weapon of Revenge*, International Journal of Humanities and Social Science Invention, Volume 2 Issue 10, available at [http://www.ijhssi.org/papers/v2\(10\)/Version-2/A0210020109.pdf](http://www.ijhssi.org/papers/v2(10)/Version-2/A0210020109.pdf).