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## ACID ATTACK VICTIMS OF INDIA: JUSTICE DELAYED OR DENIED?

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An acid attack is the worst form of violence against woman and is a combination of rape, abduction and torture on account of dowry put together. The reasons for acid attacks are mostly as a result of a rejection of marriage proposal or sexual advances in addition to various other trivial reasons. It is the worst form of Human Rights abuse under Article 326. It was for the first time in 2013, when the laws got amended and acid attack cases started getting registered under the criminal law. Out of a total number of cases, 35% are male victims so the issue needs to be studied from a gender perspective, while in East Pacific out of a total number of cases, 40% are male victims. The Law Commission of India in its 226<sup>th</sup> report has elaborated about the law in other countries about acid attacks. NALSA (Legal Services to Victims of Acid Attacks) scheme, 2016 provides free services to the victims for obtaining their entitlements.

**Keywords:** acid attack, violence against women, laws on acid attacks, human rights abuse, Indian Penal Code, victim compensation, NALSA, post-traumatic stress

In India, sex ratio has always been a source of worry, particularly in the states of Uttar Pradesh, Bihar, Rajasthan, Delhi, Punjab and Haryana. These are mostly in the northern parts of the country. Most of these states have a lower literacy rate as well, according to the Census of India, 2011. In terms of most number of acid attack victims, one clearly observes, these are the same states that emerge as the most prominent ones. These are the typical symptoms of a patriarchal society where women have a minimum role in the decision-making bodies of the society or even within the family. India has no doubt made international headlines for horrific rape case in the recent years and the stage is set when it will be known for acid attacks too.

An acid attack is the worst form of violence against woman and is a combination of rape, abduction and torture on account of dowry put together. An acid attack not only leaves the victim crippled for live, but the treatment is a prolonged one, involving huge expenses and sufferings. The victim is left with deep social, economic and psychological consequences. The reasons for acid attacks are mostly as a result of a rejection of marriage proposal or sexual advances in addition to various other trivial reasons. Acid attack is acid throwing. The act of throwing acid or a similarly corrosive substance onto the body of another “with the intention to disfigure, maim, torture or kill” (Wikipedia). The culprits throw such corrosive liquids on the victims faces burning and damaging the skin tissue, exposing and even dissolving the bones. On some occasions, a minor victim has even been forced to swallow acid burning the internal organs leading to death. It is the worst form of Human Rights abuse under Article 326.

It was for the first time in 2013, when the laws got amended and acid attack cases started getting registered under the criminal law. In one of the rarest of the rare cases, a Mumbai sessions court sentenced the convict Ankur Panwar to death sentence in Preeti Rathi acid attack case. Rathi, who belonged to Delhi, died of multiple organ failure after hotel management graduate Panwar threw acid on her in May 2013. The culprit was finally convicted under Sections 302 (murder) and 326 B (Voluntarily throwing acid) of the IPC (Indian Penal Code), although the conviction rates are rather low (Indian Penal Code, 326 A). It was in Feb 2013, that such incidents started to get recognition under section 326A and 326B.

The acid victims at times become disabled and are unable to work, due to severe deformities. It is difficult for them to survive and at times their own family and society abandons them leading to emotional breakdown of the victim. Out of a total number of cases, 35% are male victims so the issue needs to be studied from a gender perspective. While in East Pacific out of a total number of cases, 40% are male victims. Acid attacks are the most spiteful form of violence it tends to be exclusively gender specific in nature. However, it is clear that the acid attacks have been on the rise. In India the total number of cases as per the latest record is 309 while in the case of Bangladesh there is a declining

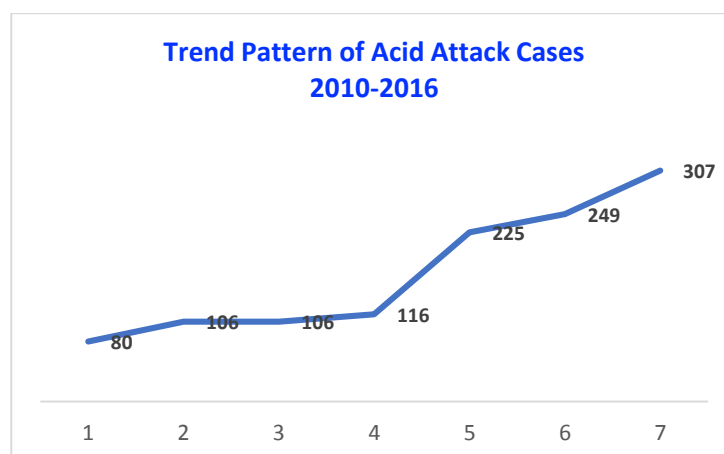
trend. According to one report (ASTi, 2018), UK has one of the highest rates of acid attacks per capita in the world. While acid attacks are reported in many parts of the world, the incidents of acid attack in India have been constantly on the rise. Different sources state different figures of acid attacks in India.

Table No 1  
Some Estimate of Acid Attacks on Women

	Sources of Information			
	National Record (NCRB)	Crime Bureau	Acid Survivors Foundation India(ASFI)	Activists
2011		83	NA	
2012		85	106	
2013		66	122	
2014		NA	309	
2015		222	NA	500
2016		206		

There are about 1000 victims needing support and can be under the disability act. The journey from a victim to survivor is a transition which is a long journey and not a liberating one. One needs to study what kind of terminology is being framed in the laws. Acid attack can be as fatal as something else. It should include the face internal and external body parts. The Victim compensation act is called ‘Manodhairya’ in Maharashtra started in 2013 (Women and Child Department, 2020). Under a special act 2700 USD were provided to the victims, but this scheme is being changed to about 13500 USD. However, along with the change, the wordings of the act are also changing which excludes most of the acid victims from the scheme. If an FIR gets lodged the state machinery should automatically start moving. The process involves not only long drawn treatment but expensive as well besides the pain involved. The law states that face is burnt so that does not include the other parts of the body. Word is important. Some of the victims keep themselves covered so that others who see her within the family and outside do not feel horrified. So, beauty needs to be redefined in the mindset. Domesticity needs to be studied. Scheme needs to address the victim more than the culprit. The culprit can run away but the victim needs to be rehabilitated and mainstreamed. Victim priority and witness protection are the highest priority. Although prevention is the most important aspect but there is no law to prevent this. Once the crime is committed the process goes on and on. Even a rapist needs to be counselled along with the rape victim. Education needs to incorporate the issues right from junior school. Sensitization must begin from the school level.

It was only from 2014 onwards that data started to be documented in a systematic way. Despite stricter laws and punishments, the trend pattern shows a steady rise in the number of acid attack cases in India.



Source: (ASFI)

It has found that between 2014 and 2018, there have been 1,483 victims of acid attacks in the country (India Today, 2020). This is according to data released by National Crime Records Bureau (NCRB, 2018). Disfigured, taunted and shamed for no fault of theirs, victims of acid attacks have many a fight on their hands

- trauma, a cold-hearted society and sluggish judicial system to name a few. Today the theme is being recognized as a serious act of violence against the women. In 2016, India recorded 300 attacks but many go unreported, so the actual number could exceed more than 1,000, (Dhar, 2917). The Cinema industry of Bollywood has started to shift its focus on such crimes and make movies for audience to understand the reality of the situation.

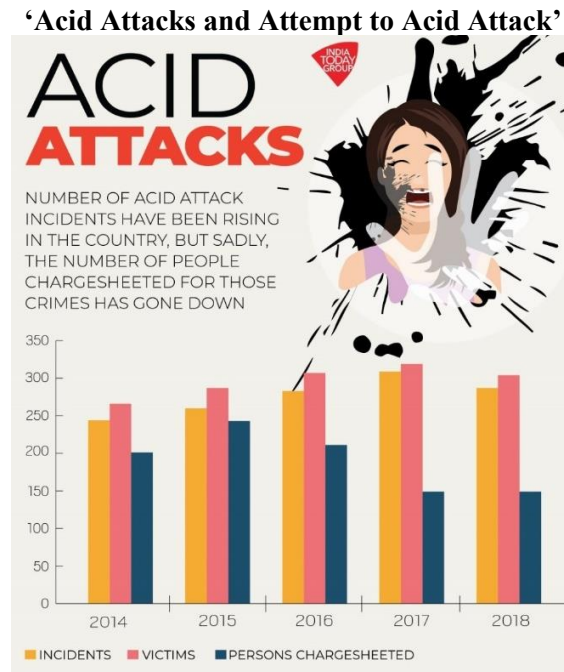


Figure No 1  
Data Source : NCRB

The above figure shows the deplorable conditions of a few who have been charge sheeted so far. The minimum punishment has been recommended for 10 years under the amendment of the Articles 326A and 326B. Article 160A states it is an offence if police refuse to register the case after information is provided to them. Unfortunately, no such complaint has come so far although Article 197, clearly states that no sanction is required to proceed against the police. Amendment of Article 357 states that the compensation, is necessary to be paid which may vary from 4000 to 13500 USD, depending upon the gravity of the case. The Law Commission of India in its 226th report has elaborated about the law in other countries about acid attacks. NALSA (Legal Services to Victims of Acid Attacks) scheme, 2016 provides free services to the victims for obtaining their entitlements.

There are several stakeholders involved who can make a difference to this maddening action in the society. Prevention is the most important aspect. Spreading awareness in schools, colleges and the higher education will be able to catch the young mindsets. Once the crime is committed the process goes on and on and is unending. The social activists believe that both the victim and the culprit need to be counselled. Education needs to incorporate the issues right from junior school. In addition, the role of institutions plays a significant role. A continuous on-going training needs to be imparted to various stakeholders such as the police, medico officials, media, judiciary and the CSOs and NGOs. The states position is even more precarious. They hardly have funds which can be diverted to these victims as medical relief and operations. The journey from a victim to survivor is a transition which is a long journey and not a liberating one. Hence it needs a support system that is prompt and efficient. It is important to address the needs of the victim urgently rather than run after a half-hearted judicial system to book the culprit. The Scheme needs to address the victim more than the culprit. If an FIR is lodged the state machinery should automatically start moving. However usually this is not the case. The culprit does manage to run away given the weak judicial system, but the victim needs to be rehabilitated and mainstreamed at the earliest. Victim priority and witness protection ought to be the highest priority.

Presently a Bill (No XXVI of 2017) on ‘the prevention of acid attacks and rehabilitation of acid attack victims’ (Rozliinahussain, 2018) has been introduced in August 2017, for discussion. The Bill provides for prevention of acid attacks by regulation of sale, supply and use of acid or other measures and rehabilitation of women victims of acid attacks and other matters connected. At present, it is estimated that there are 400-500 acid attacks happening every year in India, 85% of victims are women. Besides physical scars, the survivors of acid attack also suffer from mental and psychological consequences such as depression, insomnia and anxiety. Victims also suffer from excruciating pain due to their injuries. The pain interferes with their daily lives. A major psychological consequence faced by the acid attack survivors is post-traumatic stress (PTSD) that impairs their daily activities. Trauma survivors report increased sense of meaning in life after the trauma, as well as strengthened religious or spiritual beliefs, change in interpersonal relationships expressed as strong relationships with friends, families and peers. Trauma survivors in general indicated that some factors help to better cope up with trauma, including stronger sense of coherence, optimism and different coping strategies. It’s a pity that so little is known to the world.

The following are some of the policy recommendations:

- Awareness be spread from junior school onwards to children through teaching and creating awareness about the repercussions of acid attacks.
- Special Courts for Acid attack victims be created which can deal the cases with speed and efficiency
- There should be reservation for such victims in education and jobs
- The state services ought to be provided with consolidated funds for assisting these victims at the state level
- Examples of countries where acid attack is on a declining trend may be studied and examined
- The Bill which is already being discussed in 2017 needs to be adopted and become a law. The kind of terminology used in the laws should take care so that the acid attack should include the face internal and external body parts and not only the face.

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### Жертвы кислотного нападения в Индии: правосудие отложено или отказано?

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Кислотная атака является наихудшей формой насилия в отношении женщины и представляет собой сочетание изнасилования, похищения и пыток из-за приданого. Причины кислотных атак в основном связаны с отказом от предложения руки и сердца или сексуальными домогательствами в дополнение к различным другим тривиальным причинам. Это наихудшая форма нарушения прав человека в соответствии со статьей 326. Впервые

это произошло в 2013 году, когда в законы были внесены поправки и случаи кислотного нападения стали регистрироваться в рамках уголовного законодательства. Из общего числа случаев 35% составляют жертвы-мужчины, поэтому этот вопрос необходимо изучать с гендерной точки зрения, в то время как в восточной части Тихого океана из общего числа случаев 40% составляют жертвы-мужчины. Юридическая комиссия Индии в своем 226-м докладе подробно остановилась на законе других стран о нападениях с применением кислоты. Проект NALSA (Legal Services to Victims of Acid Attacks), 2016 предоставляет бесплатные услуги жертвам для получения их прав.

**Ключевые слова:** кислотная атака, насилие в отношении женщин, законы о кислотных атаках, нарушение прав человека, Индийский Уголовный кодекс, компенсация жертвам, NALSA, посттравматический стресс.

### Үндістанда қышқыл шабуыл құрбандары: сот кейінге қалдырылды немесе бас тартылды?

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Қышқылдық шабуыл әйелдерге қатысты зорлық-зомбылықтың ең нашар түрі болып табылады және бірге алынғанға байланысты зорлау, ұрлау және азаптау үйлесімі болып табылады. Қышқыл шабуылдардың себептері негізінен түрлі басқа тривиальды себептерге қосымша қол мен жүрек ұсынысынан бас тарту немесе сексуалдық домогательствами байланысты. Бұл 326-бапқа сәйкес адам құқықтарын бұзудың ең нашар нысаны. Алғаш рет бұл 2013 жылы болды, заңдарға түзетулер енгізілді және қышқылдық шабуыл жағдайлары қылмыстық заңнама шеңберінде тіркеле бастады. Оқиғалардың жалпы санының 35%-ын құрбандар-ерлер құрайды, сондықтан бұл мәселені гендерлік тұрғыдан зерттеу қажет, ал Тынық мұхитының шығыс бөлігінде жағдайлардың жалпы санының 40%-ын құрбандар-ерлер құрайды. Үндістанның заң комиссиясы өзінің 226-шы баяндамасында басқа елдердің қышқылмен шабуыл жасау туралы Заңына егжей-тегжейлі тоқталды. NALSA (Legal Services to Victims of Acid Attacks) scheme, 2016 олардың құқықтарын алу үшін құрбандарға тегін қызмет көрсетеді.

**Түйін сөздер:** қышқыл шабуыл, әйелдерге қатысты зорлық-зомбылық, қышқыл шабуылдар туралы Заңдар, адам құқықтарының бұзылуы, Үнді Қылмыстық кодексі, құрбандарға өтемақы, NALSA, жарақаттан кейінгі стресс.

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**5 - бөлім**  
**ПЕДАГОГИКА ЖӘНЕ**  
**ПСИХОЛОГИЯ**

**Раздел 5**  
**ПЕДАГОГИКА И**  
**ПСИХОЛОГИЯ**

**Section 5**  
**PEDAGOGY**  
**AND PSYCHOLOGY**