



# ACID ATTACK ON WOMEN IN INDIA: A PRACTICE INTERLOCKING VIOLENCE WITH DISCRIMINATION

Kartika Bakshi<sup>1</sup>, Nitan Sharma<sup>2</sup>

<sup>1,2</sup>Research Scholar, Department of Law, University of Jammu, Jammu-180006

<sup>1</sup>Kartika252@gmail.com, <sup>2</sup>nitansharmaadv@gmail.com

**Abstract** - Acid attacks have been rampant in India for the past few years. This act of gender terrorism has left many women with scars, both physical and psychological. In some cases the victims have paid with their lives. The reason behind these attacks is the rejection of proposals and refusal to marry in most cases. Being easily available and inexpensive, acid has become the weapon of choice for the perpetrators of this heinous crime. Law has proven itself to be inadequate in this regard and failed to curb this menace. However, recently the judiciary has shown a positive trend by evolving the concept of compensatory jurisprudence in acid attack cases. Compensating the acid attack victim enables her to get the best medical treatment and proper rehabilitation. This paper seeks to study the impact of acid attacks on the victims physically, psychologically and socially. It also examines the current legal position with respect to acid attacks along with the evolution of compensatory jurisprudence by the judiciary. It offers some suggestions so as to deal with this problem in an effective manner.

**Key Words:** Acid Attack, Violence, Discrimination, Gender Terrorism, Criminal Law (Amendment) Act, 2013.

## INTRODUCTION

In the past few years, there have been several instances of acid attacks, mostly on women. In one such case, a teenage girl, Haseena, true to her name, as Haseena in Urdu language signifies “beautiful”, became one such victim. In her story reported in The Hindustan Times dated July 23, 2013, she lamented that she had never imagined that she would hear at 18 year of age what women in their sixties or seventies use to hear; “She used to be beautiful”. She narrated that her life changed on April 20, 1999. It was the day she was disfigured with a plastic jug full of sulphuric acid. A satanic man prevailed over God to rework my face- and fate. I lost everything that day, including my eyes. He did take away my sight to save me the trauma of looking into a mirror.<sup>1</sup>

Nonetheless another victim of this ghastly crime Gulista who was attacked on the night of 21 March, 2017 in Ghaziabad at her residence by her lover died in Delhi hospital after battling burns for 45 days.<sup>2</sup>

Acid attacks occurs throughout the world including the United States. However, Bangladesh, Cambodia, Pakistan and India have some of the highest recorded incidence of acid violence. The rising number of acid attack cases, from 83 in 2011 to 349 in 2015 in India clearly reveals the severity of this form of assault.<sup>3</sup> However, the Acid Survivors Trust International, a London-based charity, tentatively estimates that some 1,000 attacks occur every year in India.<sup>4</sup> There are numerous other cases which remained unheeded, unnoticed and unreported and put into dark nooks of ignorance. Although the crime of acid attack can be committed against any person, but as per the past record, it has a specific gender dimension in India. It is a gender based violence committed on women with the intent to disfigure her. Acid Attacks are not random or natural phenomenon, but a social phenomenon deeply rooted in a gender system that is highly patriarchal and establishes control over women, which in turn justifies the use of violence against women.<sup>5</sup> In India, acid attacks are even worse than rape as the victims, who are usually female, are subjected to humiliation on a daily basis. Most of them are

1. Dr. Justice Sangita Dhingra Sehgal and Hasan Khurshid, *Woman Know Thyself- Law Relating to Women in India* 158 ( Universal Law Publishing, Delhi, 2016).
2. Ghaziabad acid attack victim Gulista dies in Delhi Hospital after battling burns for 45 days, Hindustan Times, May 7, 2017.
3. India Needs to Seriously Address its Acid Attack Problem- The Wire, August 6, 2016.
4. Acid Attacks Still a Burning Issue in India, *available at:* <http://www.ipsnews.net/2015/04/acid-attacks-still-a-burning-issue-in-india> (last visited on July 15, 2017).
5. Kerry Mcbroom and Salina Wilson (ed.), *Burning Injustice 9* ( Human Rights Law Network, New Delhi, 2014).



shunned and ostracised. Violence can be more easily carried out against women because of their lower social, economic and legal status.

Acid violence is almost always “tied to gender inequality and discrimination”, notes a 2011 report, *Combating acid violence in Bangladesh, India, and Cambodia* by Avon Global Center for Women and Justice at Cornell Law School. “Perpetrators often intend to destroy what society considers to be one of the most valuable traits of a woman—her beauty,” states the report. An earlier 2009 Law Commission report notes that acid attacks have “a specific gender dimension in India”. Even the Verma Committee appointed in early 2013 recognized the “gender specificity and discriminatory nature” of the offence.<sup>6</sup>

### **MEANING AND DEFINITION OF AN ACID ATTACK**

Acid Attack, Acid Throwing, Vitriol Attack or Vitriolage are synonymous and often used interchangeably to denote the severe act of violent assault on the human person.

The United Nations Entity for Gender Equality and the Empowerment of Women defines “Acid Attack” as any act or omission, caused by corrosive substance/acid to be thrown or administered in any form on the victim with the intention that such person is likely to cause to the other person permanent or partial damage / injury or deformity or disfigurement to any part of the body or organ or cause death of such victim.<sup>7</sup>

Bellamy explains acid attack violence as being culturally, politically, legally, economically-sanctioned and often homicidal violence directed at girls, women and men, and perpetrated by both women and men who kill or seriously injure family and community members with impunity.<sup>8</sup>

Acid attack, more formally known as vitriolage, is an act of intimate terrorism that involves the premeditated throwing of sulphuric, nitric, or hydrochloric acid onto another with the main intention of disfigurement.<sup>9</sup>

A draft bill- Prevention of Offences (by Acids) Act 2008 proposed by the National Commission for Women in India defines Acid Attack as any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfiguration to any part of the body of such person.<sup>10</sup>

Acid attack is a premeditated crime as the perpetrator of the crime carries out the attack by first obtaining the acid, carrying it on him and then stalking the victim before executing the act.<sup>11</sup> Another feature of these attacks is that they are carried out both in public and private spaces. Hydrochloric, Sulphuric acid, Hydrofluoric acid and Phosphoric acid are the most common types of corrosive liquid used during an acid attack. However, there have been cases where people have thrown corrosive household chemicals as well. The biggest reason for choosing such chemicals is their easy availability and low cost in the market.

### **REASONS OF ACID ATTACK**

Acid violence perpetuates gender violence and discrimination and creates fear among the women in society. Most of the reported acid attack cases have been committed on woman, particularly young woman for spurning suitors, for rejecting proposals of marriage or for denying dowry, etc. The failed suitor, then out of desperation

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6. Rebuilding a life after an acid attack, *available at* : <http://www.livemint.com/Politics/Rebuilding-a-life-after-an-acid-attack.html> (last visited on July 15, 2017).

7. Acid Attacks, UN WOMEN, *available at*: <http://www.endvawnow.org/en/articles/607-acid-attacks.html> (last visited on July 16, 2017).

8. International Health- Acid Survivors Foundation India, *available at*: <http://www.asfi.in/images/carolina%20papers.pdf> (last visited on July 16, 2017).

9. Jane Welsh, It was like burning in hell: A comparative Exploration of Acid Attack Violence, Center for Global Initiatives (2009).

10. Prevention of Offences (by Acids) Act, 2008- NCW, *available at*: [ncw.nic.in/pdf/files/offences\\_by\\_acids.pdf](http://ncw.nic.in/pdf/files/offences_by_acids.pdf) (last visited on July 16, 2017).

11. *Supra* note 1.



seeks to destroy the body of the woman, he longed to possess. In certain few other cases, the cause of attack is robbery or land dispute, etc.<sup>12</sup> Study of Indian News Reports, from January 2002 to October 2012 uncovered that victim's rejection for love and marriage proposals motivated attacks in 35 % of the 110 new stories, providing a motive for the attack.<sup>13</sup> News papers reports have also revealed that on the basis of different religious customs such as laughing loudly, not wearing hijjab, moving colleges in jeans, men use this acid attack. Illustrative cases of acid attack include Sonali Mukherjee's case of 2003 for protesting sexual harassment, and Muhammad Razaq's case in Jammu and Kashmir in 2014 for an attack on his wife for not bringing enough dowry.<sup>14</sup>

Not only single women, but also married women fall prey to such heinous act by their husbands or any other members of the family. A woman, who leaves behind her parental house to reside with her husband for a happy marital life, when she becomes a victim of such a crime, the perpetrator being her husband himself, there cannot be anything to compensate the loss suffered by such a woman. Men also impose such kind of cruel acts out of frustration, the reasons being mainly, "deteriorating economic conditions, high unemployment rates among male bread-winners, the increasing number of landless households, and the lack of agricultural work for male labourers."<sup>15</sup>

This shows the society's outlook on the women. Women are still regarded as "possession", and a man is supposed to take up all decisions in the family. And when a woman refuses a man, it is seen as destroying his reputation, prestige and honour, and he restores it by burning her face with acids. Men throw acid on women as a mark of their masculinity and superiority. By deforming her face, man derives a sadistic pleasure and his male ego gets satisfied.<sup>16</sup>

### CONSEQUENCES OF ACID ATTACK

Acid causes extreme, instantaneous injuries, and an "unparalleled degree of pain". Acid thrown on the face has a particularly devastating effect since it causes irreversible damage to the parts of the body most commonly used for social interaction, communication and sensory reception. The upper arms, neck and chest are also frequently injured because of their proximity to the face. Besides physical implications the psychological impact of such attacks are even more severe, the survivors find difficulty to live with an altered appearance that provokes negative reactions from the public. Acid attack victims themselves feel embarrassed and worthless to come out of their house due to drastic changes in their appearances. The survivor path to reintegration into the society becomes difficult. Similarly getting married, finding a job, or going to school present huge challenges, and many survivors become dependent on others for money, food and care for the rest of their lives. Dealing with the social and economic consequences of acid violence can be the most frustrating and devastating aspect of the recovery process.<sup>17</sup>

But in spite of helping and holding a sympathetic attitude towards the victims of this ghastly crime, the approach of the society is totally different from what it actually should be. To be precise acid violence causes a complex and interconnected web of consequences viz., physiological, psychological, societal and economical and thus requires holistic and integrated approach towards the survivors of this heinous crime.

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12. Law Commission of India (226<sup>th</sup> Report): The Inclusion of Acid Attacks as Specific offences in the Indian Penal Code and a Law for Compensation for Victims of Crime (July, 2009).

13. Sujoy Dhar, India's acid attack victim, *The Global Times* (August 20, 2013), *available at*: <http://www.globaltimes.cn/DesktopModules/DnnForge%20%20NewsArticles/Print.aspx?> (last visited on July 17, 2017).

14. Acid Attack Case, *available at*: <http://timesofindia.indiatimes.com/topic/acid-attack-case> (last visited on July 17, 2017).

15. Afroza Anwar, "Acid Violence and Medical Care in Bangladesh: Women's Activism as Carework", 17 *Gender and Society* 308 (2003).

16. Parvathi Menon, Sanjay Vashishtha, "Vitriolage and India- The Modern Weapon of Revenge" 2 *International Journal of Humanities and Social Science Invention* 2 (2013).

17. *Supra* note 5 at 15-16.

**LEGAL PERSPECTIVE OF ACID ATTACK IN INDIA**

Acid attacks can be described as one of the grossest violations of human rights of women in India Society today. Women have the right under International Human Rights law, specifically under the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and Convention on the Elimination of All Forms of Discrimination against Women<sup>18</sup> to be free from such violent attacks. The above Conventions recognizes the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings. In order to complement and strengthen the noble values underlined in these principal human rights instruments, the United Nations General Assembly passed the Declaration on the Elimination of Violence against Women in 1993.<sup>19</sup> Article 4 (f) of this declaration recommends member states to develop preventive approaches for violence against women by legal measures. It further suggests that the state should work to ensure that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.<sup>20</sup> Most importantly, India has ratified all these conventions and is thus under an obligation to implement the same.

No doubt the founding fathers of our constitution felt such eventualities long before and therefore promised Justice- Social, economic and political, Equality of Status and opportunity and to promote among the all fraternity assuring the dignity of the individual and the unity of the nation to all citizens- men and women alike<sup>21</sup>. Besides, it also enables the state to adopt measures of affirmative discrimination in favour of women.<sup>22</sup> The liberal interpretation of Article 21 due to the activist attitude of the judiciary has expanded the scope of 'right to life' to new horizons by reading many more rights into it as integral and essential part thereof. Thus, women also have fundamental right to human (read feminine) dignity<sup>23</sup>, to privacy<sup>24</sup>, to healthy environment<sup>25</sup>, to primary education<sup>26</sup>, to free legal aid<sup>27</sup>, to speedy trial<sup>28</sup> as adjuncts to right to life. Apart from fundamental rights, some specific provisions to ensure the rights of women have also been incorporated in Directive Principles of State Policy.<sup>29</sup>

In spite of such constitutional safeguards, gender discrimination and violence continue to occur because there is a perceptible gap between theory and practice. Even the provisions stipulated in various criminal laws of the country are still not enough to tackle the perils of acid attacks. It is however important to mention here that the major focus on this ghastly crime draws the attention of the legislature in 2013 by way of Criminal Amendment

18. Convention on the Elimination of All Forms of Discrimination against Women, adopted Dec. 18, 1979, G.A. Res. 34/180, U.N. Doc. A/34/46 (1979).

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

20. *Id.*, Article 4 (g)

21. The Constitution of India, 1950, Preamble.

22. *Id.*, Article 15 (3).

23. Francis Coralie v. Union Territory of Delhi, AIR 1981 SC 746.

24. People's Union for Civil Liberties v. Union of India, AIR 1997 SC 568.

25. Indian Council for Environ-Legal Action v. Union of India, (1996) 3 SCC 212; See also, State of Maharashtra v. Madhukar Narain, AIR 1991 SC 205.

26. J.P. Unnikrishnan v. State of Andhra Pradesh, AIR 1973 SC 2178.

27. Kadra Pahadia v. State of Bihar, AIR 1981 SC 939

28. *Ibid.*

29. *Supra* note 21, Article 38 directs the State to secure a social order for the promotion of welfare of the people. In clause (1), there is mention of social justice which obviously includes gender justice and in Clause (2), there is a direction to endeavour to eliminate inequalities in status, facilities and opportunities.



Act, 2013 on the recommendations of Justice Verma Committee.<sup>30</sup>

### **PRE -2013 POSITION**

Initially there was no specific provision to deal with the menace of vitriolage. The perpetrators of these offences were charged for causing hurt<sup>31</sup> or grievous hurt<sup>32</sup> 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 perils of attack attacks due to the following reasons:

- a. The definition of grievous hurt as given under the Indian Penal Code<sup>33</sup> 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 hurt 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 purview of grievous hurt.

- b. The definition of grievous hurt does not subsume the contempt, sympathy and stigma that the victims of acid violence face nor does it take into consideration the loss of earning capacity of the victim.
- c. 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.

### **POST- 2013 SCENARIO**

In the light of the above shortcomings within existing legal framework to deal with such attacks, a new direction was given to the movement against acid attack by the Criminal Law (Amendment) Act, 2013 which inter alia inserted; Section 326A- 326 B, Section 100, Section 166A-166B in the Indian Penal Code and Section 357 B - 357C in the Criminal Procedure Code.

Section 326A penalises voluntarily causing grievous hurt by use of 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*

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30. Justice Verma Committee was constituted by GOI Notification No. SO (3003)E, dated December 23, 2012 to look into possible amendments of the Criminal Law to provide for quicker trial and enhanced punishment for criminals committing sexual assault of extreme nature against women. The Committee was headed by Justice J.S. Verma as the Chairman and Justice (Smt.) Leila Seth and Gopal Subramaniam as the Member. It submitted its report on January 23, 2013.

31. Indian Penal Code, 1860, Section 324.

32. *Id.*, Section 326.

33. *Id.*, Section 320.



*the victim;*

*Provided further that any fine imposed under this section shall be paid to the victim.*

Furthermore, Section 326B also penalises the attempt to throw acid. It states:

*“Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.*

*Explanation 1.- For the purposes of section 326A and this section, “acid” includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.*

*Explanation 2.- For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.*

Similarly, Section 100 I.P.C.<sup>34</sup> under the heading ‘General exceptions’ has been amended to incorporate acid throwing or attempt to throw an acid as an additional ground when right of private defence may extend to causing death. It reads:

*“An act of throwing and administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.”<sup>35</sup>*

In the like manner the amendment has also taken into account the duty of public servants under such circumstances and punishment for non-treatment of victims by any person being in charge of the hospital, public or private, whether run by the central government, the state government, local bodies or any other person.<sup>36</sup>

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34. *Id.*, Section 100: When the right of private defence of body extends to causing death - The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntarily causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely;

Firstly, such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

Secondly, such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

Thirdly, an assault with the intention of committing rape;

Fourthly, an assault with the intention of gratifying unnatural lust;

Fifthly, an assault with the intention of kidnapping and abduction;

Sixthly, an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;

*Seventhly, an act of throwing and administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.*

35. Inserted by Criminal Law (Amendment) Act, 2013.

36. Section 166A and Section 166B of Indian Penal Code inserted by way of Criminal Law (Amendment) Act, 2013.

Section 166A: Public Servant disobeying direction under law- Whoever, being a public servant,

(a) knowingly disobeying any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or

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The Amendment also introduced provision in the Criminal Procedure Code regarding compensation to the victims of acid attacks in addition to the fine imposed under section 326A and mandatorily providing treatment to victims of acid attacks in both public and private hospitals.<sup>37</sup>

The provisions reads as follows:

Sec. 357B Criminal Procedure Code - Compensation to be in addition to fine under Section 326A or Section 376D of Indian Penal Code:

*The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code.*

Sec. 357C Criminal Procedure Code- Treatment of Victims:

*All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code, and shall immediately inform the police of such incident.*

The introduction of these provisions shows the concern of the lawmakers towards the growing incidence of acid attacks in India. But unfortunately inspite of all these provisions, there has been an apparent flunk on ground to contain such attacks. Merely declaring acid attack a separate and punishable offence would not suffice the purpose considering the fact that the unregulated sale of acids, inadequate compensation and rehabilitation of victims are intrinsically related to this modern act of gender terrorism. This sorry state of affairs has led the Indian Judiciary to intervene time and again to redress this human right issue.

### **JUDICIAL APPROACH TOWARDS VICTIMS OF ACID ATTACKS**

Initially the perpetrators of the attack were not punished effectively. In *State(Delhi Administration) v. Mewa Singh*<sup>38</sup> the accused threw acid on the victims face. The liquid splashed on her face produced some redness (erythema) on the skin over a part of her face involving her upper eye-lids. There was no corrosion, of the skin or other deformity. The accused was convicted for causing hurt under Section 323 of the IPC and a meagre fine of Rs. 300 along with 15 days imprisonment was awarded. This sort of punishment for acid attack fails to take into consideration the mental trauma that a victim goes through and undermines the gravity of the offence.

In *Syed Shafique Ahmed v. State of Maharashtra*<sup>39</sup> 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 caused disfiguration of the face of both the wife as well as that of the other person and loss of vision of right eye of wife. The accused was

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(b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or

(c) fails to record any information given to him under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973 (2 of 1974), in relation to cognizable offence punishable under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509,

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.

Section 166B: Punishment for non-treatment of victim- Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 357C of the Code of Criminal Procedure, 1973, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

37. Section 357B and 357C of Criminal Procedure Code, 1973 inserted by way of Criminal Law (Amendment) Act, 2013.

38. 5 (1969) DLT 506.

39. 2002 CriLJ 1403.



charged under Section 326 and 324 of the IPC and was awarded Rs5000 as fine and 3 years imprisonment. This case again relied on the mere technicalities of injuries and failed to take into account the inhumane and deliberate nature of the attack.

However, a more stringent and positive stand has been taken by the judiciary in recent cases. Observing that acid attack is worse than rape, a special women's court awarded capital punishment to lone convict Ankur Lal Panwar for throwing acid on nurse Preeti Rathi in 2013 which caused her death, for spurning his advances and out of envy over her career growth.<sup>40</sup>

The landmark case which brought about a change in the field of this gruesome violence was the case of *Laxmi's*<sup>41</sup>. In this case the Hon'ble Supreme Court of India issued guidelines as preventive measures and relief to the victims of the acid attack, and also passed an order urging the need for framing rules regulating retail sale of acids in the society, and also directed the state authorities to provide a uniform compensation of Rs.3 lakh as expeditiously as possible. The accused were awarded rigorous imprisonment of 7 and 10 years respectively.<sup>42</sup>

While delivering judgement in *Parivartan Kendra v. Union of India and others*<sup>43</sup>, Court has enhanced the compensation given to the victim from 3 lakh (as mandated in *Laxmi*) to 10 lakh. Court has also directed all the State Governments and Union Territories to consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.

A bench consisting of Justices M.Y. Eqbal and C. Nagappan passed this order while hearing a writ petition filed by NGO Parivartan Kendra, seeking compensation for two sisters from Bihar who were victims of acid attack in 2012. NGO further sought to highlight the plight of the acid attack victims and the inadequacy of the compensation payable to the victims as per the order in *Laxmi*.

After discussing the enormous cost involved in the treatment of acid attack victims, Court observed<sup>44</sup>:

*It is pertinent to mention here that the mandate given by this Court in Laxmi's Case nowhere restricts the Court from giving more compensation to the victim of acid attack, especially when the victim has suffered serious injuries on her body which is required to be taken into consideration by this court. In peculiar facts, this court can grant even more compensation to the victim than 3,00,000/-.*

The Court also observed that failure of the state to control and regulate the distribution and supply of acid is the reason behind the rampant acid attacks. It stated that stringent action should be taken against those who supply acid without licence and the authorities concerned should be made responsible for failing to keep a check on the distribution of acid. It was also observed by the court that higher compensation will not only help the victim in rehabilitation but will also compel the state to implement the guidelines properly.

## CONCLUSION

Acid attack is one of the most heinous crime a human being can commit. While analysing this critical act of violence a common question arises: Where do acts of such gruesome violence against women originate- are they individual aberrations in the minds of men or a symptom of a much wider socio-political malaise? Whether we take it as an individual abnormality or socio-political-cultural conundrum, the individual always lies at the heart of this acute sin. The problem of violence on women is not primarily a social problem, but a moral and philosophical one. Like any other problem this also has its solutions. This gruesome act borne out of

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40. Preeti Rathi Acid Attack Case: Court gives death to man saying acid attack worse than rape, available at: <http://www.newindianexpress.com/nation/2016/sep/08/Preeti-Rathi-acid-attack-case-Accused-Ankur-Panwar-sentenced-to-death-1517283--1.html> (last visited on July 25, 2017)

41. *Laxmi v. Union of India*, (2014) 4 SCC 427.

42. *Ibid.*

43. (2016) 3 SCC 571.

44. *Ibid.*





vengeance deserves to be punished in the most stringent manner. The steps taken by the judiciary such as increasing the amount of compensation to be given to the victim and awarding death penalty to the perpetrator are laudable. However the state governments need to play a more active role in the implementation of the guidelines regarding supply and distribution of acid and the rehabilitation of the victims. Better job opportunities, training should be given to the victims so that *they* can earn their livelihood. A value-based education is the need of the hour. The police, doctors and judiciary need to be gender sensitized. The masses need to be sensitized regarding this issue so that the victims are not shunned or shamed. Acid attack leaves some indelible scars on the mind of the victim. Proper counselling should be made available to her so that she doesn't consider her face her prison and finds the strength to carry on with her life.