

Vitriolage & India - The Modern Weapon of Revenge

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ABSTRACT: *Vitriolage or Acid Attack have emerged as the contemporary form of violence which is generally targeted against women with the intention of deforming her face and body and even to kill her. Increasing number of acid attacks over the years have created an alarming situation which needs to be redressed. Rejection of love or marriage proposals, refusal to pay dowry, rejection of sexual advances are some of the motivation behind the commission of such heinous offence. This paper explains the various physical, psychological and socio- economic consequences which ensue upon the victims of the acid attack and make their life worse than death. Furthermore, the paper delineates the various legal provisions to combat the menace of acid attack and how the recent amendments have changed the Indian legal system with respect to vitriolage. Efforts have been made in this paper to highlight the deficiency in the role played by the judiciary and police while dealing with acid attacks. A study of laws of other countries in relation to vitriolage has also been made. Towards the end, the authors have tried to give certain suggestions that might prove helpful in curtailing the perils of such attack.*

KEYWORDS: *Acid Attack, Acid Survivors Foundation, Violence against women, Verma Committee Report, Vitriolage,*

I. INTRODUCTION

At the age of 15, a criminal wreaked havoc in Laxmi's life, when her arms, face and other body parts were disfigured in a brutal acid attack by a vengeful rejected lover, one Nahim Khan resident of the Capital of India [1]. However, this is merely one of such incidents, world has witnessed much more gruesome and brutal magnitude of acid attacks, though each having its significance on the life of the victim. Vitriolage or acid attack means an act of throwing acid on the body of a person (which in majority of cases have been women and young girls) with some bad intentions. In other words, it can be said that acid violence is a deliberate use of acid to attack human beings [2]. The Indian Penal Code, 1860 by virtue of Criminal Law (Amendment) Act, 2013 under the Explanation 1 of Section 326B has defined acid to include, any substance which has acidic or corrosive character of burning nature, capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability [3]. According to a proposed scheme drafted by National Commission for Women for relief and rehabilitation of victims of acid violence, the term acid attack means any act of throwing 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 [4]. At first contact, acid feels like water on the body, within seconds it causes a burning sensation that quickly becomes increasingly intense [5]. If not washed off immediately with water, acid can melt away the victim's skin and flesh going as far as dissolving bones. Acid burn victims are found crying in agony until the acid is washed away. It takes 5 seconds of contact to cause superficial burns and 30 seconds to result in full thickness burns [6].

While very little data is available on acid attacks in India some studies have reported an increasing trend in cases relating to acid attacks. According to a study, 174 cases of acid attacks were reported in India in 2000[7]. State of Karnataka alone reported 35 cases between 1999 and 2004 and this number shot up to 53 at the end of 2006[8]. While the statistics of the London-based Acid Survivors Trust International (ASTI) show such attacks worldwide come to about 1,500 a year [9]. As per ASFI (Acid Survivors Foundation India) there could be 700 to 800 recorded cases across India in the past 6 years [10]. In this regard it is pertinent to note, that in India there is a tendency of most of the Crimes against women going unreported with higher magnitude in rural areas. Due to this reason the abovementioned number may under-represents the true scope of acid violence in India as not all the attacks are reported in the Print Media and the Police. Furthermore, it is also observed that acid attacks are mostly conventional against a specific gender, i.e. women. Women and girls constitute majority of the victims of the vitriolage. Study of Indian news reports determined that 72% of cases reported from January 2002 to October 2010 included female victims [11]. In most of the South Asian countries, it has been witnessed, that the victims of acid violence has a gender aspect attached to it whereby men generally

throw acid on women as they cannot face the rejection by them and hence mutilate their face and body. In Bangladesh, one study analysed that 68% of victims from May 1999 to 2009 were women [12]. Generally victims of acid violence include young people under the age of 25. In India nearly in 34% of cases victims were between 18 and 29 years [13]. It also alarming to note that the crime scene for most of such attacks are public places, and considering the nature of weapon, this also pose an eminent threat to the by-standers. Acids have been thrown usually by the medium of moving motor cycles on public roads, as it provides the easiest medium of escape [14] and in markets in broad day light. This paper seeks to delineate the grave issue of Vitriolage, its consequences on victims, and the dire need for the evolution of society and rehabilitation of victims of such crime. This includes role of Police and law enforcement agencies, Judiciary and legislations. Furthermore, attempt will also be made to highlight measures which can be effectively adopted to curb the growing magnitude of acid the attacks.

II. REASONS FOR ACID ATTACKS

The most common and obvious reason for such attacks can be referred to as "lover rejection", in which the proposer of the marriage, love or sex is rejected by the victim. A study of Indian news reports, from January 2002 to October 2010 uncovered that victim's rejected love or marriage proposals motivated attacks in 35% of the 110 news stories, providing a motive for the attack.[15]. Additionally, a report written by a leading organisation in India working on acid violence, 'the Campaign and Struggle against Acid Attacks on Women (CSAAAW)', found that sexual harassment or assault in response to a woman or girl refusing such advances or demanding that the violence stop often precede such attacks.[16] This reflects the traditional orthodox mindset of masculine gender to regard women as "possession". Victims in India report that, immediately prior to their attacks, the attacker said that "if he could not possess her, then no one else could"[17]. This view could be said to be based on a patriarchal system of culture which is the heart and soul of the Indian society where the man takes all the decisions. When a woman refuses a man, it is seen as hampering his reputation and honour and he seeks to restore it by means of acid attacks. Men throw acid on women's faces as a mark of their masculinity and superiority, "to keep women in their place." [18]. By deforming a woman's face, man derives a sadistic pleasure and his male ego is satisfied.

Another prominent reason for such attacks may be related to dowry and other marital disputes. Dowry is the system of giving money to the husband and his family at the time of marriage by the bride's family. Even though receiving dowry has been classified as an offence and invites imprisonment if practiced; still it is a widely practiced custom in India. This custom proliferate the idea of women being economic encumbrance. It is considered as a duty on the part of bride's family to give dowry and inflicts social stigma if not complied with it. Generally, refusal to pay Dowry or additional money instigates the husband to resort to acid attack on his wife as a form of punishment to the wife's family. In India several women have claimed that their husbands have attacked them with acid due to this reason.[19] Land or property disputes may also be said to constitute one of the key reasons for the commission of this inhuman crime. The study of newspaper reports in India, exhibits that nearly 20% of the attacks occurred between unrelated people, due to business disputes, sales disputes, land disputes, or revenge between families [20]. In a case before the Supreme Court of India[21], the accused was the husband of the deceased, Sushila and wanted to kill her and their daughters, Bindu and Nalini to grab the property as he was the immediate beneficiary to her estate. He poured acid over her, in order to kill her. He was convicted under Section 302/ 34 of the Indian Penal Code, 1860. Furthermore, in cases of land disputes, a family member often attacks a woman or girl family member of an opponent's family as she is the most vulnerable to such attacks and will most likely become a burden on her family, subsequent to the attack. The case of Chennamma Deve Gowda, wife of former Indian Prime Minister H.D Deve Gowda has created sustained and widespread interest on the issue. On 21 February 2001, H.D Lokesh, nephew of the former Prime Minister of India, brutally attacked his aunt with acid in a temple over a family feud. Newspapers reported that it was an act of vengeance between the two families. One reached the top-most position in the country while the other family was facing grinding poverty with six children, including two physically challenged ones[22]. 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.

III. CONSEQUENCES OF ACID ATTACK

3.1. Physical Consequences. Unlike other wounds and injuries, acid burns are amongst the worst injuries that a human being can suffer, solely because of the nature and magnitude of the injuries are wide spread, and mostly require extensive medical treatment. Acid burns through skin and flesh, layer by layer, causing great pain and injury. It eats through the two layers of the skin, into the fat and muscle underneath, and sometimes down to the bone. It may dissolve the bone. The deepness of injury depends on the strength of the acid and the duration of

the contact with the skin - the burning continues until the acid is thoroughly washed off with water[23]. Further, if thrown on a person's face, acid rapidly eats into, eyes, ears, nose and mouth. The pain is excruciating, as an intense burning heat cuts through the victims flesh like a hot knife. Eyelids and lips may burn off completely. The nose may melt, closing the nostrils and ears shrivel up. Acid can quickly destroy the eye, blinding the victim. Skin and bone on the skull, forehead, cheeks, and chin may dissolve. The acid usually splashes or drips over the neck, chest, back, arms or legs, burning anywhere it touches[24]. One study found that on average, patient suffered burns to 14% of their body surface area, with areas most commonly affected including the face (87% of the victims), head and neck (67%), upper limbs (60%) and chest (54%). Around a third of victims (31%) suffered complete or partial blindness [25].

3.2. Psychological Consequences. Psychological consequences of acid violence are even direr as compared to physical consequences. This impacts not only the victim, but family, friends and society too. It creates fear amongst others and has a deep rooted impact on the minds of the masses. Psychological trauma is caused by the terror which the victims suffer during the attack, as they feel their skin burning away, and after the attack by the disfigurement and the disabilities that they have to live with for the rest of their lives. Victims suffer psychological symptoms such as, depression, insomnia, nightmares, fear of other acid attacks and/or fear about facing the outside world, headaches, weakness and tiredness, difficulty in concentrating and remembering things etc[26]. They further feel perpetually depressed, ashamed, worried and lonely as they are boycotted by the society, which is another sociological issue of the society. This will be subsequently discussed. It has adverse impacts on women's empowerment and mobility [27]. The victim's life gets derailed as every time she looks in the mirror she is reminded of her present insecurity as well as the hopelessness of the future. 3.3. Social and Economic Consequences. The orthodox and traditional Indian approach believes more in physical beauty rather than inner beauty. Not only this, but the society looks at the victim as an 'alien'. Thus the life of the victim is ghettoized. Victims who are not married are likely not to get married and those who suffer any disabilities like blindness, as the repercussion of attack, do not find any jobs, irrespective of their qualification. The so called "Personality" for the job is absent in such victims. The approach of the society is 360 degree opposite to what it ought to be. Instead of helping and rehabilitating such victims, we, including the author(s) of this very paper, look at them with sympathy, and cannot bear to look at their faces for long. However this approach needs to be changed and reformed. Their pain and suffering needs to be felt as they are one amongst us. So far as economic consequences are concerned, such victims face a high degree of discrimination in employment prospects and have to live a depended life full of economic hardships. Therefore, it can be said that victims of vitriolage go through hell in this ordeal and their life becomes worse than death after they become subject to such attacks. Their physical scars remind them persistently about the atrocities which have been committed against them and the feeling of loneliness and worthlessness never really leave them.

IV. LEGAL SCENARIO WITH RESPECT TO ACID ATTACK.

The United Nations General Assembly passed the Declaration on the Elimination of Violence against Women in 1993[28]. India has ratified this Declaration and is under an obligation to implement the same. Article 4 (f) of this declaration recommends member states to develop preventive approaches for violence against women by legal measures. This article would further suggest that the quantum of compensation being awarded to the victims of such gruesome and inhuman crime is negligible. There should be separate provisions for granting exemplary damages to the victims of such crime. Furthermore The CEDAW Committee has also recognised that states must act with due diligence to prevent violations of human rights[29]. Under Article 253 of the Indian Constitution the Parliament has the power to make laws to give effect to these international agreements. Therefore it can be said that India has an obligation to effectively curb the menace of vitriolage. Initially there was no specific provision to deal with the menace of vitriolage. The perpetrators of these offence were charged for causing hurt[30] or grievous hurt[31] 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 Indian Penal Code[32] 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 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. Furthermore, it was also pertinent to note that there was a lacuna in the existing law as there was no provision penalizing attempt to throw acid. In light of steep increment in such incidents, there was an urgent need to enact effective, efficacious and specific legislation on the issue of acid attacks.

A new direction was given to the movement against acid attack by the Criminal Law (Amendment) Act of 2013 based on the recommendations of Verma Committee Report which also enunciated the importance of bringing in provision to deal with gravity of this offence[33]. Section 326A and Section 326B was amalgamated in the existing Indian Penal Code and it came into effect from February 3, 2013. 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 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. Therefore, the new amendment is a welcoming step towards reining in this crime. For the purpose of rehabilitation victims may also be given compensation under Section 357A of the Code of Criminal Procedure, 1973 which provides for victim compensation scheme. Another refreshing step which has been brought about by the Amendment Act, 2013 has been integration of Section 357C to the Code of Criminal Procedure which came into effect on February 3, 2013. The Section states that 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, 326B, 326C, 326D or section 326E of the Indian Penal Code, and shall immediately inform the police of such incident.". This Section is testimony to the fact that the Government is trying to provide proper first aid and medical healthcare facilities to the victims of acid attack.

V. ROLE OF POLICE IN THE INVESTIGATION OF ACID ATTACKS.

Police department in a country should ideally be a safe harbour for the citizens of the country and should play a proactive and pivotal role to nab and curb criminals and crime. But in India this view exists only on paper and not in practical world. The police response to violence against women is grossly inadequate and inappropriate, even in the contemporary India, where women are emerging as leaders. The cult of masculinity prevalent in the department makes the police officers hold some stereotypes about violence against women. The stereotypes lead to certain standard patterns of police response. For example one of the most common response of police with respect to violence against women is that it is victim-precipitated. Women ask for rape/sexual violence by provocative mode of dress and behaviour or by going out after dark or going to shady and lonely places [34]. The police often aggravate the trauma of the victims. Generally, they are insensitive in their behaviour with the victim, despite various Supreme Court guidelines on the issue. Instead of addressing her pain and trauma, they aggravate the same and set examples and precedents in the society for not reporting such crimes. That is why most of the crimes against women are not reported. Acid victims also feel reluctant to report acid attacks to the police because they fear the harassment and the ridicule from the police officers. Officers may frame acid violence investigations in terms of a woman's sexual history and questions of

morality[35]. Corruption flows through the veins of the Police Department of India and is manifested at each and every level. Several acid attack victims reported that their attackers bribed the police officers with money in order to influence investigation. For example Jacqueline Asha claims her attacker gave the police a bribe; thereafter she faced threats from the officers to withdraw the case [36]. In order to deal with the insensitivity of police officers in cases of violence against women, Criminal (Amendment) Act, 2013 introduced proviso has been added to Section 154 which deals with recording of First Information Report. As per this provision, in cases of violence against women, statement of the victim shall be recorded by the women police officers. But problem here lies on the fact that there are very few women police officers in the Indian Police Department. In the year 2011, there were no women police officers at all in the state of Mizoram[37]. Furthermore merely employing female police officers will not solve the problem to its core. Women in the police department must get the training, support and confidence needed to put them on a par in every sense with their male counterparts[38]. Being the protectors of the citizens, moral training should also be emphasized during their training period. They should be given a true insight of their job and duty, to not only fight against crime, but to help the fellow citizens.

VI. ROLE OF JUDICIARY IN PROSECUTING THE PERPETRATORS OF ACID ATTACK.

Initially the perpetrators of acid attacks were not effectively prosecuted. They were generally charged under the offence of causing hurt which invited punishment of merely 3 years. Besides perpetrators of this crime were easily let out on bail. Compensation was hardly ever awarded to the victims of vitriolage and even if given was grossly inadequate. In *Ravinder Singh v State of Haryana*(1975)[39] acid was poured on a woman by her husband for refusing to give him divorce. The husband was involved in an extra-marital affair. Due to the attack, the victim suffered multiple acid burns on her face and other parts of her body, leading to her death. The accused was charged and convicted under Section 302 of the IPC. However, life imprisonment was not imposed even though the victim had died. In *State(Delhi Administration) v. Mewa Singh* (1969)[40] 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 is in itself a mockery of sorts and does not take into consideration the gravity of the crime and its after effects like trauma which affects the victim throughout her life. In *Syed Shafique Ahmed Vs. State of Maharashtra* (2002)[41] 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 disfigurement 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 charged under Section 326 and 324 of the IPC and was awarded Rs5000 as fine and 3 years imprisonment. This case again shows that the punishment that is often awarded does not take into account the deliberate and gruesome nature of the attack and rests on technicalities of injuries. In a case of *Awadhesh Roy Vs. State of Jharkhand*(2006), the victim was standing with her friend at a Bus Stop in Dhanbad. The Appellant came and poured acid over her head and face. The appellant had a photograph of the victim and was blackmailing her but she refused to accede to his demands. The victim suffered burn injuries over the left side of her eye, neck and chest and had to be hospitalized. A case was registered under Sections 324, 326, 307 IPC. The police investigated the case and finally submitted a chargesheet against the appellant under the aforesaid sections. The learned 2nd Additional Sessions Judge, Dhanbad held the appellant guilty under Section 324 IPC and convicted and sentenced him to undergo RI for three years. The appellant's conviction was upheld by the Hon'ble High Court. No compensation whatsoever was awarded to the victim. In this case the court seems to have been guided by the nature of injuries which in its opinion did not amount to grievous hurt. At one instance the judge even asked the acid attack victim to cover her face in the court[42]. This shows the callous and insensitive attitude of the judiciary who are supposed to be the guardian of Fundamental Rights, in the beginning, towards the victims of acid attack.

Now the role of judiciary in combating the threat of vitriolage has taken a completely round about turn. In one of the most famous cases[43] involving acid attack the accused threw acid on a girl, Hasina, for refusing his job offer. This deeply scarred her physical appearance, changed the colour and appearance of her face and left her blind. The accused was convicted under Section 307 of IPC and sentenced to imprisonment for life. A compensation of Rs. 2,00,000/- in addition to the Trial Court fine of Rs 3,00,000 was to be paid by the accused to Hasina's parents. This was a landmark case as it was the first time that a compensation which was quite a large sum was given to the victim to meet the medical expenses including that of plastic surgeries. Recently in 2013, the Additional Sessions Court pronounced life sentence on the accused in the heinous acid attack case that snuffed out the life of 23-year old Vinodhini.

The acid attack took place in November 2012 and the victim died in February 2013. Thirty-three-year-old Suresh Kumar alias Appu was sentenced to life under Section 302 (murder) or under Section 326 (causing grievous hurt by dangerous weapons). The accused would also undergo a concurrent sentence of two years rigorous imprisonment each under Section 324 (voluntarily causing hurt). In addition, the court slapped a fine of Rs.1 lakh, of which Rs.50,000 would be given as compensation to Vinodhini's family.[44] The relevance of this case lies in the fact that it was decided merely in 4 months which is a huge task for the Indian Courts as it takes years to dispose of the cases. The case of *Laxmi v Union of India & others* (2006)[45], is the testimony to the fact that Supreme Court has taken note of increasing trend in commission of vitriolage and the necessity to curb the same. The Court gave the following guidelines in the instant case-

- [1] Over the counter sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.
- [2] (ii) All sellers shall sell acid only after the buyer has shown: a) a photo ID issued by the Government which also has the address of the person: b) specifies the reason/purpose for procuring acid.
- [3] (iii) All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.
- [4] (iv) No acid shall be sold to any person who is below 18 years of age.
- [5] (v) In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to Rs. 50,000/-
- [6] (vi) The concerned SDM may impose fine up to Rs. 50,000/- on any person who commits breach of any of the above directions.
- [7] (vii) the acid attack victims shall be paid compensation of at least Rs. 3 lakhs by the concerned State Government/Union Territory as the after care and rehabilitation cost. Of this amount, a sum of Rs 1 lakh shall be paid to such victim within 15 days of occurrence of such incident (or being brought to the notice of the State Government/Union Territory) to facilitate immediate medical attention and expenses in this regard. The balance sum of Rs. 2 lakhs shall be paid as expeditiously as may be possible and positively within two months thereafter.

The role of judges in ensuring that the perpetrators of this crime are effectively penalized and brought to justice and effectively redressing the plight of the victims of such attack and to hamper others from resorting to the same is undeniable. Indian Judiciary has come a long way while dealing with acid attack cases. But some problems still persist. One of the problems that affect the prosecution of the acid attack cases is the lack of judges in the Country. An estimate puts the judge to person ratio in India at 12.5 judges per one million people[46]. The problem with such low ratio of judges is that it takes inordinate delay to dispose of the cases and 'justice delayed is justice denied'. It takes years for courts to dispose of the cases thereby totally exhausting the purpose of the prosecution. Gender insensitivity at lower levels of judiciary also poses a major challenge while dealing with the acid attack cases.

VII. ACID VIOLENCE IN OTHER SOUTH ASIAN COUNTRIES.

Acid attacks have been witnessed in various parts of the world. These attacks have been witnessed in various countries such as U.K, U.S, Sri Lanka, Malaysia, Italy, China but it has been found to be more rampant in Bangladesh, Cambodia, Pakistan, Uganda and in India. Bangladesh records the highest number of acid attack cases. This paper would now seek to analyse the legal position of acid violence in Bangladesh, Cambodia, Uganda and Pakistan.

7.1 Bangladesh. According to Acid Survivor Foundation Bangladesh, there have been 3115 reported acid attack victims in the country since 1999[47]. In the year 2013 itself, so far 50 incidents of acid violence have occurred in Bangladesh.[48]. The experience in Bangladesh was that, acid violence cases took up to 10 years to be prosecuted in courts, and as many as 1 in 10 did not go for trial[49]. However Bangladesh has enacted specific legislation to combat acid violence. In 2002, Bangladesh enacted two comprehensive laws – the Acid Crime Control Act (ACCA) and the Acid Control Act (ACA).The ACCA heightens penalties and creates special court procedures for acid attack cases. Key provisions of the ACCA were already in effect prior to its adoption. Few provisions which are pertinent to be highlighted include:-

7.1.1. Penalties. The ACA allows courts to impose the death penalty for acid attacks. The level of punishment is tied to the parts of the body effected. If the victim dies or loses sight or hearing, or if the victim's face, breasts, or sexual organs are damaged, the attacker faces the death penalty or life imprisonment, as well as a fine up to TK. 50,000 (\$700 USD)[50].

7.1.2. Attempted Attacks. Throwing acid or attempting to throw acid without causing either physical or mental suffering is also punishable, and a sentence of 3 and 7 years and a fine upto a TK. 50,000 can be imposed[51].

7.1.3. Investigation Procedures. Police must investigate acid attacks within 30 days, but can be given up to 60 days extension. If the investigation has not been completed within the designated timeframe, courts may request that the police department designate another investigating officer to complete the investigation within the prescribed time period and may also take measures against investigating officer[52].

7.1.4. Acid Regulation. The Act punishes the unlicensed production, import, transport, storage, sale, and use of acid by a prison term of 3 to 10 years and fine of up to Tk.50,000(\$700 USD)[53].

However, implementation of these stringent provisions is another challenge faced by the Bangladeshi Government. For example in Bogra, of the estimated 2500 to 2800 acid users, only 31 have licenses, while it appears that very few of these people obtain such licenses. In addition to the implementation challenged under the ACA, criminal provisions of the ACCA are not adequately implemented to bring perpetrators of acid violence to justice.

7.2. Pakistan. According to New York Times reporter Nicholas D. Kristof, acid attacks are at an all time high in Pakistan and increasing every year. The Pakistani attacks he describes are typically the work of husbands against their wives who have "dishonored them". Statistics compiled by the Human Rights commission of Pakistan show that 46 acid attacks occurred in Pakistan during 2004 and decreased with only 33 acid assaults reported for 2007[54]. According to a New York Times article in 2012 there has been 150 acid attacks in Pakistan, up from 65 in 2010. However, other estimates by the Human Rights watch and the HRCPC cite the number of acid attack victims to be as high as 400 to 750 per year[55]. In Pakistan, the Parliament in 2011 made amendments to existing laws that criminalized such attacks, stipulating a minimum sentence of 14 years in prison, a maximum sentences of life imprisonment and fines up to 1 million Pakistani rupees (\$10,200). After the suicide of an acid attack victim in Pakistan last year, pressure was put on the government to introduce even stronger laws. A bill titled "Acid throwing and burn crime bill 2012" was introduced in the Parliament in Pakistan. The case of Naila Farhat is landmark decision dealing with acid attacks in Pakistan. This case received enormous publicity. In this case the perpetrator was sentenced to 12 years imprisonment and was ordered to pay 1.2 million Rupees in damages. This decision was an exception in the landscape of acid attacks in Pakistan; in most cases the measures taken, if any, are not proportionate to the sufferings inflicted by the attacks[56].

7.3. Cambodia. According to data gathered by the Cambodian Acid Survivors Charity (CASC) on people treated in hospital for acid burns, there have been 271 acid violence victims between 1985 and June 2010 in Cambodia. The Cambodian statistics may also under represent the true of magnitude of the problem since many victims never seek treatment for their burns[57]. A newspaper report states that from October 1999 to December 2006 there have been 111 acid attacks with a total of 181 victims[58]. In 2012, CASC recorded 7 acid attacks and 17 in 2011. The Royal Government of Cambodia began taking positive steps to combat this horrific phenomenon. since 2010, a Special Committee was working on a new law, and it was passed on 4 November 2011, and came into force on December, 2011. Under the new acid law stringent penalties of imprisonment or life imprisonment for acid offences that disable a victim for life have been incorporated. In case the attack causes death, life imprisonment is imposed on the perpetrator. Acid law provides that unless a person or legal entity has a licence or letter issued by the concerned ministry or responsible authority of the RGC, they shall not be allowed to import, transport, distribute, buy, sell, store or use acid[59]. The acid law in Article 14 includes penalties of fines and confiscation for those operating without a licence. The Acid Law includes an obligation on the part of the responsible or the relevant authority to immediately bring the victim to the closest medical health centre, state owned hospitals or other state owned health institution, which must provide support and treatment to the victim free of charge[60]. But the problem in Cambodia also lies in the implementation of the existing laws. Another trend which has been seen in Cambodia is that this law has rarely been used in the courts. In early 2013, the Pnom Penh Municipal Court for the first time sentenced a perpetrator of acid violence under the new law[61]. Therefore, it is pertinent to observe that, although the South Asian Countries are making laws, but they bear no fruits without any effective implementation machinery. For an effective law, all the organs of the state needs to work effectively and efficiently, otherwise the pain and sufferings of the victims will continue.

VIII. CONCLUSION

Although commencement of law reforms in the acid attack legislation is a positive sign, yet there is a long way to go, as to effectively implement these provisions. Though it is admitted that once a new legislation is enacted, it takes time to settle and is subsequently evolved by the dynamism of judiciary, but some of the short

comings, faced *prima facie* needs to be addressed. The current acid attack provisions and judicial approach on the quantum of damages is very restricted in view of the nature and the gravity of the offence. The first aid and the medical treatment, including cosmetic surgeries etc. are very expensive. Although compensation cannot rehabilitate the victims of such a brutal crime, yet it can atleast enable her to seek the best treatment possible. As previously discussed, the Supreme Court held that a sum of INR.3,00,000 has to be given to such victims, yet the amount is highly inadequate, considering the hectic process of treatment and expensive medication. Furthermore, the police and judiciary should be more gender sensitive, with adequate training and lessons about gender sensitization along with new and innovative investigation techniques / collection of evidence. Video trial should further be made mandatory in the acid attack legislation, making it easier for the victim to participate in the same. The nature of acid attack cases are such that it collectively outrages the sentiments and emotions of the society at large, and should thus be treated as the most heinous crime of the society. Another important aspect, which requires immediate consideration are the formulation of new rehabilitation schemes. Better job opportunities, training etc. should be imparted to the victims of such crimes, enabling them to atleast meet their day to day livelihood needs. Although attempts have been made by the Government to rehabilitate and provide compensation to such victims, yet they are not adequate considering the gravity of the offence.

Not only must States enact targeted legislation and policies to address acid violence, but they must also ensure effective implementation of those laws and policies. In *Yildirim v. Austria*(2005)[62] and *Goekce v. Austria*(2005)[63], the CEDAW committee concluded that although Austria had established a comprehensive framework to address domestic violence, the State failed to satisfy its due diligence obligation of protection. In order to effectively implement laws, state must: (1) conduct appropriate investigations, (2) protect victims from threats that could undermine those investigations, and (3) prosecute and punish perpetrators of acid attacks. Furthermore, more NGO's and international organization should boot up against acid attacks, hosting awareness campaigns etc[64]. Corporations can play an important role in combating acid violence. Evidence shows that acid attack occur at increased rates in areas where acid is widely used for industrial or other business purposes. Corporations that produce, distribute, or otherwise use acid should ensure that their activities do not have negative human right impact. By adopting policies such as safe handling and labeling of acid, companies can also contribute to reduce number of acid attack[65]. In cases of acid attack, a new provisions should be incorporated in the Indian Evidence Act as Section 114B which should raise a presumption that if a person has thrown acid on another person, it has been done with the intention of causing, or with the knowledge that such an act is likely to cause such hurt or injury[66]. A value-based education is the need of the hour, enactment of new laws, creating institutions and lip service to provide reservation will not take care of the evil. It is time to seriously ponder over these questions.

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