

## Acid Attacks Against Women in India on the Rise: Case Study

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### Abstract

*Hundreds of acid attack cases take place every year in India. These incidents largely arise out of the rejection of unwanted male attention. Disgruntled fathers, disenchanted lovers, jealous colleagues or those seeking revenge against a family, make women their target. Acid, as ubiquitous as toilet-cleaning liquids, are readily available at corner stores. Acid has emerged as the most preferred weapon of violence against women. While it destroys the skin in a matter of seconds, no amount of corrective medical surgery can bring the skin back to normal. Each surgery costs around Dh8,000 (Rs. 150,000 to Rs. 200,000). Attackers will usually throw acid on the face, resulting in scarring, deformity and permanent injuries, like blindness for example. The treatment is a prolonged one and the victims go through several surgeries, each more painful than the one before. Scarred for life, they are ridiculed and feared and often held responsible for the attack not just by society, but also by their own families. India tops the charts when it comes to acid attacks. A country where the sale of acid over the counter was banned in 2013, we have too many cases and most where women are attacked as part of domestic violence or for dowries. In the light of Chhapaak, the Deepika Padukone film on the life of acid attack survivor Laxmi, we look at the current statistics and data on women and acid attack accidents. Even though these cases are supposed to be in fast-track courts, the path to justice continues to be long and exhaustive leaving survivors with no choice but many times to relinquish it midway. When these survivors go out to start their life afresh with a disfigured body and face, they get criticism and society alienates from, leaving their soul deeply scarred.*

**Keywords:** Acid attacks, India, women, Attack victim, Jealous, Laws, Girls

### **Introduction**

Acid attacks in India, have a gendered aspect to them: analyses of news reports revealed at least 72% of reported attacks included at least one female victim. However, unlike India's incidence rate of chemical assault has been increasing in the past decade, with a high 27 reported cases in 2010. Altogether, from January 2002 to October 2010, 153 cases of acid assault were reported in Indian print media while 174 judicial cases were reported for the year of 2000. The motivation behind acid attacks in India mirrors those in Bangladesh: a study of Indian news reports from January 2002 to October 2010 uncovered that victims' rejected sex or marriage proposals motivated attacks in 35% of the 110 news stories providing a motive for the attack. Notable cases of acid attacks are Sonali Mukherjee's case of 2003 and Laxmi Agarwal in 2005. Police in India are also known to use acid on individuals, particularly on their eyes, causing blindness to the victims. A well known such case is the Bhagalpur blindings, where police blinded 31 individuals under trial (or convicted criminals, according to some versions) by pouring acid into their eyes. The incident was widely discussed, debated and acutely criticized by several human rights organizations. The Bhagalpur blinding case had made criminal jurisprudence history by becoming the first in which the Indian Supreme Court ordered compensation for violation of basic human rights.

### **Legal Effect of Acid Attack**

In India, often incidences of acid attacks grab the headlines of Indian media. Unfortunately in India, there was no separate legislation to deal with acid attacks before the passing of The Criminal Law (Amendment) Act. 2013. The offence was registered under Sections 320, 322, 325, 326 and 307 of the Indian Penal Code (I.P.C).

**SECTION 320 - GRIEVOUS HURT** - The following kinds of hurt only are designated as "grievous":-

Firstly- Emasculation

Secondly - Permanent privation of the sight of either eye.

Thirdly - Permanent privation of the hearing of either ear,

Fourthly - Privation of any member or joint.

Fifthly - Destruction or permanent impairing of the powers of any member or joint.

Sixthly - Permanent disfiguration of head or face.

Seventhly - Fracture or dislocation of a bone or tooth Eighthly - Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

**SECTION 322 - VOLUNTARILY CAUSING GRIEVOUS HURT** - Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said to "voluntarily to cause grievous hurt. Explanation. - A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing he to be likely to cause grievous hurt of one kind; he actually causes grievous hurt of another kind.

**SECTION 325 - PUNISHMENT FOR VOLUNTARILY CAUSING GRIEVOUS HURT**

Whoever, except in the case provided for by section 335 (Voluntarily causing grievous hurt on provocation), voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**SECTION 307 - ATTEMPT TO MURDER** - Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned. Attempts by life convicts - When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

On 2nd April 2013 the Indian Penal Code was amended with the passing of 'The Criminal Law (Amendment) Act, 2013. The amendment resulted in insertion of Sections 326A and 326B specifically for dealing with acid violence.

**SECTION 326 A** 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.

**SECTION 326 B** 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.

**Compensation for ACID Attack**

**SECTION 357 B** has been newly inserted in CrPC which reads as :

"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."

### **Free Medical Treatment**

**SECTION 357 C** has been newly inserted whereby all hospitals, public or private are required to provide first aid or medical treatment free of cost. The section reads as:

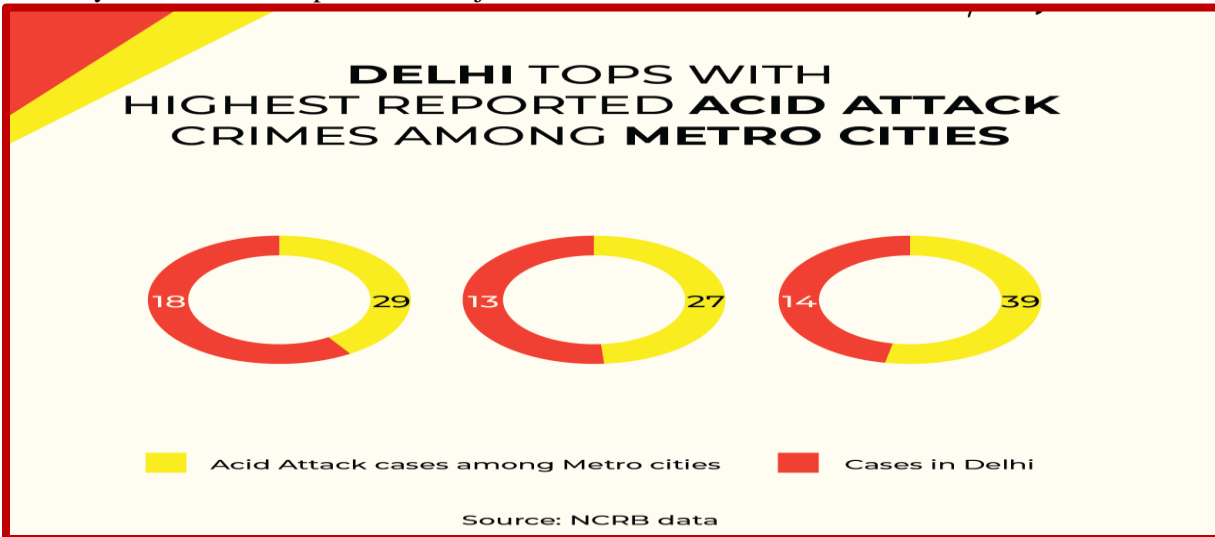
“All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section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

Apart from the above legislations, The Supreme Court of India has given state authorities three months to implement new rules to control over-the-counter sales of acids, which have been used to disfigure, maim and even kill people, particularly women, for decades.

The latest crime data for 2018 from the National Crime Bureau (NCRB) shows acid attack cases are constantly getting transferred or sitting in police files year after year. This is shown by the data; in Indian courts 523 cases were slated for trial in 2018 which are up from 407 in 2016 and 442 in 2017. So while total number of ‘registered’ cases in a particular year are on a slight decline, the fact that very few cases are disposed of in a year is symptomatic of how slow the justice system is. If nearly 90 per cent cases a year are transferred for trial in the following year, how can survivors hope for swift closure?

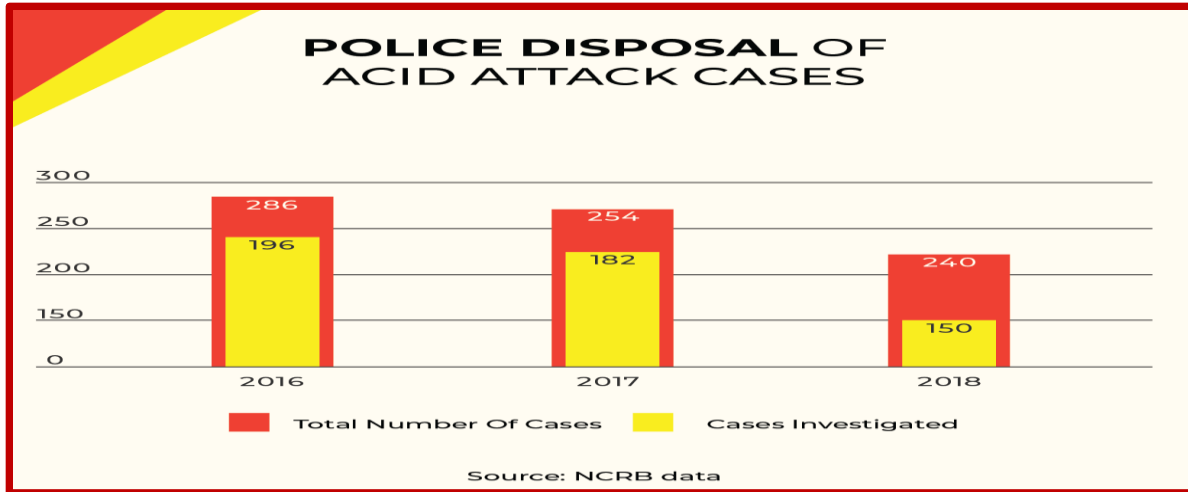
**“There are so many more cases of acid attack that happen but never get filed especially in our hinterlands because in so many of these cases settlement happens outside the judiciary. Several other external factors like caste, class, power also come into play when registering such cases,”** says Ashish Shukla of Chaany Foundation.

The percentage of cases of acid attacks that the courts disposed, of all the cases that went for trial, was 6.6 percent (27 cases out of 407) in the year 2016. It is only in 2017 that the percentage went up to 9.9 percent (44 cases out of 442). But, in 2018, it again came down to 6.11 percent cases (32 cases out of 523) reflecting that the system is unable to provide swift justice in the matter.

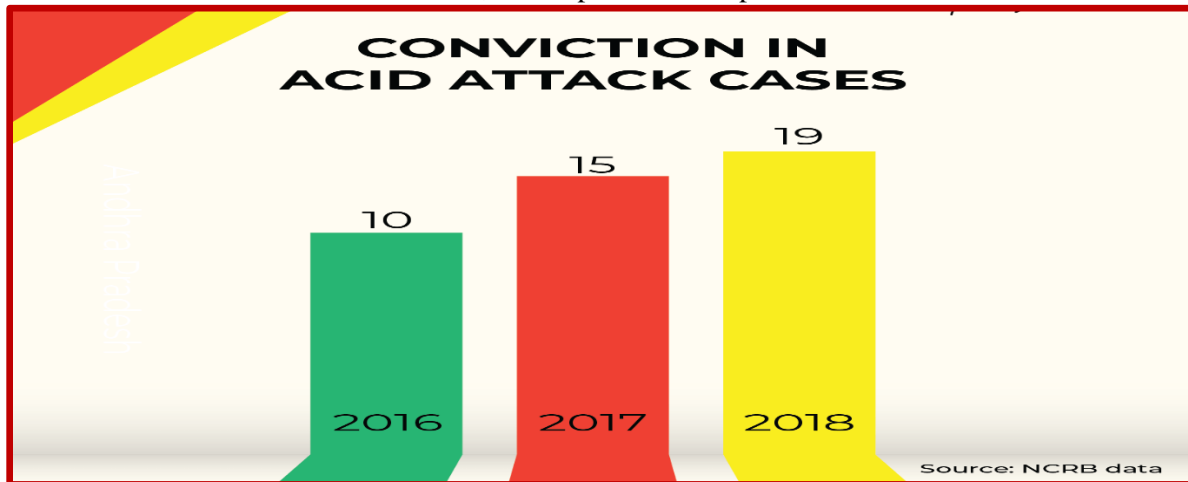


India Acid Attack Survivors Datastat-05

Total number of cases of acid attacks that police investigated dropped consistently between 2016 and 2018. It disposed of 196 cases in 2016, 182 in 2017 and 150 in 2018.



While the conviction rate in cases of acid attack and attempt to acid attack has increased in the last three years, the growth rate is almost negligible. In 2016, 2.45 percent cases (10 cases out of 407 cases) resulted in a conviction, as compared to 3.39 percent cases

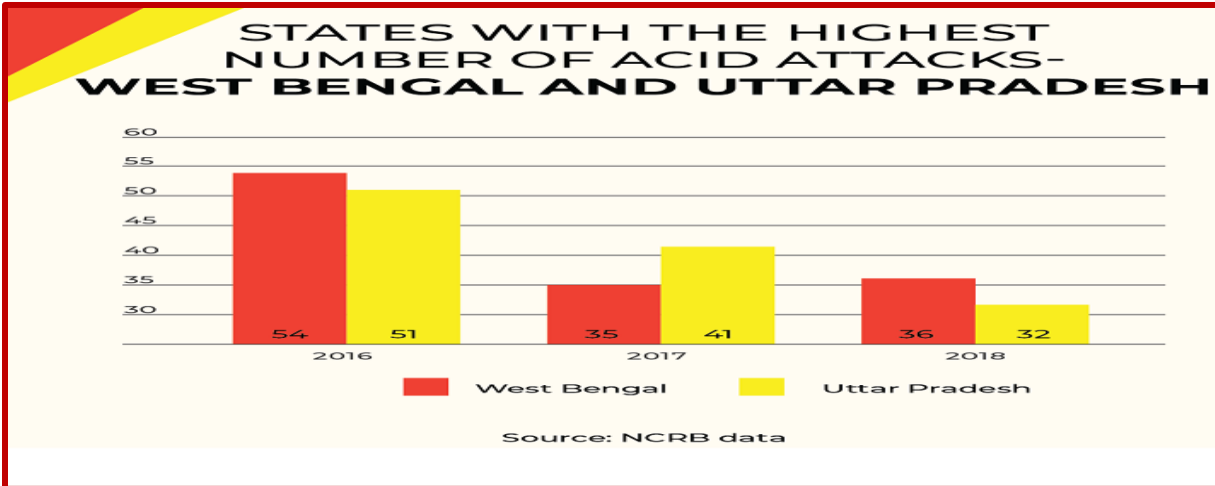


(15 cases out of 442) in 2017 and 3.36 percent cases (19 cases out of 523) in 2018.

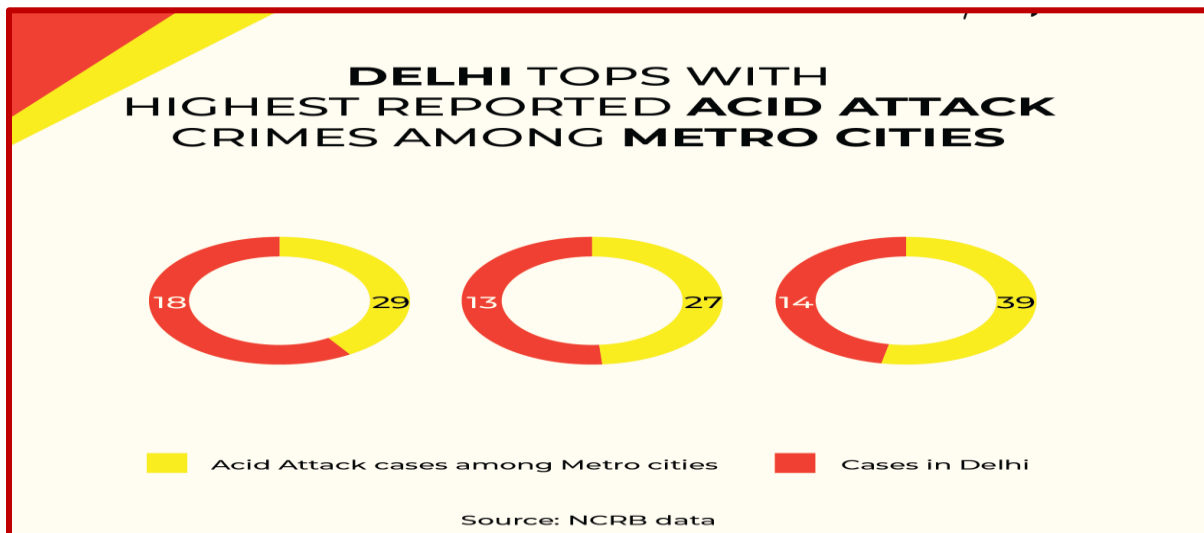
#### India Acid Attack Survivors Datastat-04

This slow rate of investigation and conviction means that the number of cases that remain unsolved keeps adding up with the police and courts. So, police had 240 cases to investigate, of which 72 cases were pending from previous years. The numbers flared by a great margin when it comes to legal proceedings since the crime was acknowledged with the judiciary. So while there were only 168 cases registered in 2018, the total number of cases that were slated for trial in the same year was 523 cases including cases pending from previous years.

Uttar Pradesh and West Bengal have topped the list of states, reporting the most number of acid attack and attempt to acid attack cases between 2016 and 2018 as per the NCRB data.



Among the 19 metropolitan cities recognized by the NCRB including Mumbai, Bengaluru, Kolkata, Ahmedabad, Chennai, Delhi etc, Delhi accounts for the highest number of cases filed. In 2016, when the total number of cases reported in the metropolitan cities was 29, Delhi alone recorded 18 cases. Subsequently, in 2017, 13 out of a total of 27 cases reported were from Delhi while in 2018, it registered 14 out of the 39 cases reported from metropolitan cities.



### The Exhaustive Process of Getting Justice

Survivor Ritu Saini was barely 17 when one day on her way to volleyball practice in Rohtak, Haryana, her cousin hired two men to throw acid on her on May 26, 2012. The cousin, Ram Niwas Saini was 39 then and 22 years older to Ritu and was in love with her. “He once told me that if I wasn’t his maternal uncle’s daughter, he would have eloped with me but I didn’t know back then what to make of it,” recounts Ritu in her conversation with **SheThePeople**. She suffered 45 percent burns on her body and 90 percent on her face – her left eye continues to be disfigured after the acid attack. In the last eight years, Ritu has undergone 15 surgeries. She doesn’t even know how many more surgeries she has to go through, including the surgery to treat her left eye

## **India: Acid Attacks on some womans**

### **Anshu**

I was 16 when I suffered an acid attack in 2014. The farmland owner, for whom my father worked, was interested in my mother. She spurned his advances. And when my father came to know of it, he left the job. The employer, a 45-year-old man, then decided to take revenge on the family by throwing acid on my paternal grandfather, who fortunately suffered only a few burns. Since we did not see the attacker clearly, the family let it go.



Anshu wanted to be a doctor, but now does the rounds at hospitals for treatment and reconstructive surgeries after becoming a victim of acid attack. Image Credit: Supplied

### **The surgeries left me depressed and I wanted to commit suicide.**

- Anshu, acid attack victim

But a couple of days later, while I was helping my mother prepare dinner, my father's former employer came rushing towards us and threw acid on me. With my face, neck, hands and legs badly affected, I was taken to the hospital, where I struggled for nine months.

An FIR was lodged against him. But he had the guts to approach us by offering money to take back the case. Meanwhile, the surgeries left me depressed and dejected. I wanted to commit suicide. But seeing how my family had stood by me, I could not give them the pain of losing their daughter. I wish a brutal death for my attacker. But, despite the district court sentencing him to seven years of imprisonment, he was set free by the high court in 2016. Since then I've been offered a job at Sheroes Hangout cafe in Agra, Uttar Pradesh.

## **Bimla**



Since I never had enmity with anyone, I feel it was a case of mistaken identity and I was destined to suffer.'  
Image Credit: Supplied

Until today I do not know why and who made me suffer so much when my life was going smoothly. In 2011, I was working with Yakult, the company that supplies a fermented milk drink. One evening while going home from the office, two boys on a motorbike threw acid on me and whizzed past the cycle rickshaw I was travelling in. About one kilometre away from home near the Delhi Cantonment area, I stood wailing on the road, but no one came to help me. Barely able to see, I requested auto-rickshaw drivers to take me to a hospital, but no one would come near me.

**Since I never had any enemies, I feel it was a case of mistaken identity and I was destined to suffer**  
Bimla, acid attack victim Just then, an army officer, who was walking nearby with his family, stopped his vehicle and took me to the hospital, where I was admitted. When my husband and in-laws heard the news, they rushed to the hospital. With the right side of my face affected badly, I lost hearing power in one ear and one of my eyes is damaged. But I am fortunate enough that my husband and in-laws have stood by me and given me the strength to cope with life. Since I never had enemies, I feel it was a case of mistaken identity and I was destined to suffer. Recently, with the help of Chaanv Foundation, I managed to complete a beautician's course and will soon be working at a beauty salon.

## Farha



After multiple operations, Farha has 20 per cent vision in her right eye, while her left eye is totally gone. Image Credit: Supplied

In 2004, at the age of 17, I was married off to a man, who we realised later, was of dubious character. He often abused and physically tortured me. He also didn't trust me. But thinking everything would be fine someday, I suffered silently, without discussing my problems with my parents. After some time, he began coming home in a drunken state and brought along women in my presence. Then, he stopped giving me money to run the house. I took up part-time jobs and somehow sustained myself.

**Today, after multiple operations, I have 20 per cent vision in my right eye, whereas my left eye is totally gone**

- Farha, acid attack victim

One day, he left home and ended up in Mumbai. He contacted me after eight months. I decided it was enough and resolved to leave him. I went back to my parents and to keep myself occupied, I started to earn a living with embroidery work. Soon, I filed for a divorce and it came through in 2010. But feeling disgraced and dejected, my ex-husband started troubling me over the phone and threatened to destroy my face and life. I never took it seriously.

In February 2011, while I was home alone, he barged into the house along with a friend and threw acid directly on my face, ruining my eyes and disfiguring me. Today, after multiple operations, I have 20 per cent vision in my right eye, whereas my left eye is totally gone. I now work as front-desk manager at a restaurant.

## **Laxmi**

Laxmi, 26 year old woman from Delhi is an acid attack survivor. Two men poured acid on her while she was waiting for a bus near Tughlaq road in 2005. She had refused to marry one of her attackers aggrieved by which he left her disfigured for life. Acid had severely burnt her whole face. She had undergone seven surgeries and still needs four more surgeries to make her physical appearance resemble of what it was. She belongs to a poor family and would have never been able to treat herself had she been not helped by a benefactor who bore her medical expenses of approximately Rs. 2.5 lakhs.

Laxmi can never look the way she used to but she is still an inspiration to all such women who have been victim of acid like her. She didn't lose courage and had advocated against acid violence by gathering 27,000 signatures for a petition in Supreme Court of India to curb acid sales. Her PIL sought framing of a new law, or amendment to the existing criminal laws like IPC, Indian Evidence Act and CrPC for dealing with the offence, besides asking for compensation. She had also pleaded for a total ban on sale of acid, citing increasing number of incidents of such attacks on women across the country. It was her petition which led



Supreme Court to give a historic decision regarding regulations on sale of acid. She is in present the director of Chhanv Foundation, a NGO dedicated to help the survivors of acid attacks in India. Laxmi received a 2014 International Women of Courage award by US First Lady Michelle Obama. She was also chosen as the NDTV Indian of the Year.

### **Haseena Hussain**

The accused Joseph Rodriguez, the ex- boss of the victim threw 1.5 litres of sulphuric acid on her when she decided to quit her job. The acid melted her face, fused her shoulder and neck, burnt a hole in her head, merged her fingers and blinded her for life. The accused was convicted under section 307 of IPC and was to 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 paid to the victim. This is a landmark case as it was the first time that a large sum was awarded to the victim to meet her medical expenses.

### **Sonali Mukherjee**

Sonali Mukherjee, a woman from Dhanbad was attacked by acid when she was just 18 years old. In 2003, three alleged assailants namely Tapas Mitra, Sanjay Paswan and Brahmadev Hajra threw acid on her when she was asleep on roof of her house. She received various burnt injuries and her face got disfigured. The perpetrators were sentenced to imprisonment of nine years but were released on bail when appealed to the High Court.

### **Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was adopted in 1979 by the UN General Assembly. It is often described as an international bill of rights for women. It defines what constitutes discrimination and sets up an agenda for national action to end such discrimination. It defines discrimination against women as- A majority of acid attack cases occurs against women which exhibits gender inequality and discrimination in society. Acid attack is an attempt by the perpetrator to destroy and degrade a woman physically, psychologically and emotionally. It creates a sense of fear in the mind of the victim and makes her accept the traditional subordinate gender role in society. It prevents her from challenging the unjust social norms and to rise against her subordinate position in society. Countries that have ratified the Convention are legally bound to implement its provisions. They are also committed to submit national reports, at least every four years, on measures they have taken to meet with their treaty obligations. Countries with maximum number of acid violence cases like Bangladesh, Pakistan, Nepal, India etc. have ratified CEDAW which creates a legal obligation on such countries to frame stringent laws to curb such violence against women.

In addition to CEDAW, The United Nations General Assembly had passed a Declaration on the Elimination of Violence against Women in 1993. Article 4(f) of this declaration advocates member states to develop preventive approaches for violence against women by legal measures. Such a declaration gives credibility to new legislations which advocates stern punishment to the offenders, provide appropriate compensation to the victims and regulates sale of acid in the member countries.

### **Conclusion**

Acid throwing is a form of violent assault used against women in India. Acid throwing is the act of throwing acid or an alternative corrosive substance onto a person's body "with the intention to disfigure, maim, torture, or kill. Acid attacks are usually directed at a victim's face which burns the skin causing damage and often exposing or dissolving bone. Acid attacks can lead to permanent scarring, blindness, as well as social, psychological and economic difficulties. The Indian legislature has regulated the sale of acid. Compared to women throughout the world, women in India are at a higher risk of being victims of acid attacks. At least 72% of reported acid attacks in India have involved women. India has been experiencing an increasing trend of acid attacks over the past decade. In 2010, there was a high of 27 reported cases of chemical assaults. Scholars believe that acid attacks in India are being under-reported. 34% of acid attacks in India have been determined to be related to rejection of marriage or refusal by a women of sexual advances. 20% of acid attacks have been determined to be related to land, property, and/or business disputes. Acid attacks related to marriage are often spurred by dowry disagreements.

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