

A FATE WORSE THAN DEATH: A CRITICAL
EXPLORATION OF ACID ATTACK VIOLENCE IN
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Introduction

“I lost my childhood that day, I stopped going to school and lost all my friends. People stared at me and mocked me. Neighbors and relatives blamed me, and said I must have done something wrong to earn the man's wrath. My only fault was I refused the man's proposal.”¹

These were the words uttered by Laxmi, a victim, who was subjected to an acid attack following her refusal to marry the perpetrator of such a gruesome crime. Though she survived the attack, her physical appearance still remains horrific and the scar on her soul cannot be erased ever. Needless to say, she can never look the way she did before the attack, surgery or otherwise.

Hundreds of such incidents take place across the country every year. While most of the cases go unreported as the victims fear further violence or being socially stigmatized, again, in many of the reported cases, the accused is never detained. Also, even in those cases where the accused is brought before the court, the law often seems to show leniency while punishing the accused. This issue has been publicly reverberating through decades, the reason being that it is more of an attitudinal problem often motivated by deep-seated jealousy or feelings of revenge against a woman. This has led to an increase in demand for procedural and substantive discrimination in favour of these victims so as to earn for them parity in treatment and status.

What Does The Term “Acid Attack” Mean?

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.² Though the Indian Penal Code,

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¹Rama Lakshmi, *Acid Attack Victim: 'I Lost my childhood that day'*, The Sydney Morning Herald (13/8/2013) available at <http://www.smh.com.au/world/acid-attack-victim-i-lost-my-childhood-that-day-20130813-2ru2h.html> last accessed on 15/4/2015.

²*Acid Attacks*, UN WOMEN, available at <http://www.endvawnow.org/en/articles/607-acid-attacks.html> last accessed on 15/4/2015

1860, which defines the major offences under it, has failed to provide any exact meaning to the term “Acid attack”, it can be defined 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.³

Being a violent form of assault, it is also known as “vitriolage” and can be defined as the act of throwing acid onto the body of a person with the intention of injuring or disfiguring them out of jealousy or revenge. Perpetrators of these attacks throw acid at their victims, burning them, and damaging skin tissue, often exposing and sometimes dissolving the bones. The long term consequences of these attacks include blindness and permanent scarring of face and body.⁴ The Thomas Reuters Foundation survey says that India is the fourth most dangerous place in the world for women to live in as women belonging to any class, caste or creed and religion can be victims of this cruel form of violence and disfigurement, a premeditated crime intended to kill or maim her permanently and act as a lesson for her.⁵ Acid violence is a premeditated act of violence 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.⁶

Is It A Form Of Gender Terrorism?

Seldom resulting in death, the horror of the attacks is nonetheless striking as within seconds, the acid melts the skin and completely leaves the victim in a debilitated state. Though acid attack is a crime which can be committed against any person, it has a particular gender element in India. The only question that comes to our mind is- *Why do the attacks occur?* The most suitable answer for this question can be recognized as a *woman stepping out of her inferior gender role* thereby causing humiliation to her husband or family. “*Most of the reported acid attacks have been committed on women, particularly young women for refusing suitors, for rejecting proposals of marriage, for denying dowry etc. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him.*”⁷ These choices which many of us make without thinking, such as rejecting a marriage proposal or a sexual advance, are enough to bring about an attack. The eminent academician Afroza Anwary feels that, men throw acid on women’s faces as a mark of their masculinity and superiority, “to keep women in their place.”⁸ This logic would

³ National Commission for Women, *Prevention of offences (by Acids) Act, 2008* (Draft Bill) available at http://ncw.nic.in/pdf/files/offences_by_acids.pdf last accessed on 15/4/2015.

⁴ *Reports related to acid attacks*, Stop Acid Attacks, available at <http://www.stopacidattacks.org/2013/03/reports-related-to-acid-attacks.html> last accessed on 15/4/2015.

⁵ Ibid.

⁶ 226th Report, Law Commission of India, *Proposal for the Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a Law for Compensation for Victims of Crime 7* (July 2009) .

⁷ Ibid;

⁸ Afroza Anwary, *Acid Violence and Medical Care in Bangladesh: Women’s Activism as Carework*, 17 Gender and Society 307 (2003).

apply to India as well, as there is a strong patriarchal culture running through the veins of Indian society. The 226th report of the Law Commission of India adds that acid “attacks are used as a weapon to silence and control women by destroying what is constructed as the primary constituent of her identity.”⁹ In a country like ours, the parents of young women are very concerned with the preservation of their daughters’ marriageability.¹⁰ In addition to her physical appearance, a woman’s virginity is another point of concern in the marriage circle, and therefore, a woman’s involvement in romantic relationships before marriage is proscribed. The vindictive men, on their proposals being turned down by women or their families, resort to acid attacks to destroy the woman’s appearance and relegate her to a fate worse than death.

Not only single women, but also married women fall prey to such a heinous act by their husbands or any other members of the family. A woman, who leaves behind her paternal 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”¹¹. Also, in certain cases, women who are burdened with the responsibility of earning for the family are often victimized by their husbands when they fail to live up to their expectations as homemakers in their usual gender roles.

The motivation for acid attacks on women can be ascribed to various factors and feelings. Some perpetrators use acid to taint and demean the victim’s body, as an expression of their conscious anger, in an attempt to humiliate them. Others nourish their deep-seated feelings of insecurity by expressing authority and power by throwing acid on women, in an effort to show their eternal control over the woman’s fate. Thus, it can be concluded that acid attacks are a method of oppression which men use to keep women in a state of fear.

Impacts of Acid Attack Violence

Acid attacks are seen as one of the most brutal crimes as it causes eternal suffering to the victim. As acid melts flesh and even the bones of a the victim, it causes an incomparable degree of pain to the victim and leaves her maimed and scarred as well as giving everlasting disabilities at times such as blindness. Victims face eternal physiological, societal, emotional and financial troubles.

- Talking about the physiological consequences, unlike other wounds and injuries, acid burns are amongst the worst injuries that a human being can suffer, exclusively because the nature and degree of the injuries are wide spread, and mostly require extensive medical treatment. The deepness of injury depends on the strength of the acid and the duration of the contact with the skin - the burning

⁹Supra 6, at 22.

¹⁰ Supra 8.

¹¹ *Id*, at 308.

continues until the acid is thoroughly washed off with water.¹² The acid usually splashes or drips over the neck, chest, back, arms or legs, burning anywhere it touches.¹³ According to a recent study, it has been 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%), while around a third of victims (31%) suffered complete or partial blindness.¹⁴ “*In an acid attack the skin is the main organ of contact, and if the case is severe, it could lead to shock and death. Some other effects include permanent hair loss and disfigurement. If inhaled in large quantity it can also lead to pulmonary disorders, leading to breathing failure. Inhalation of acid vapors can create breathing problems in two ways: i.e. by causing a poisonous reaction in the lungs or by swelling the neck, which constricts the airway and strangles the victim*”.¹⁵

- The psychological trauma caused to the victim is not only because of the terror faced by them during the attack, but the realization that they will have to survive with the disfigurement and disabilities. The physical injuries might even heal with time, but the permanent scars left on the mind and soul of the person is there to stay forever. The feeling of depression, shame and loneliness is perpetual for them. Victims suffer psychological symptoms such as depression, insomnia, nightmares, fear about another attack and/or fear about facing the outside world, headaches, weakness and tiredness, difficulty in concentrating and remembering things, etc.¹⁶ The victim's life gets defaced as every time she looks at herself in the mirror she is reminded of the brutal attack on her and her life's uncertainty as well as the despair of the future. Some of them do want to lead a normal life again, but there is no guarantee whether the society would readily accept them the way they are, given their appearance and disabilities after the attack. She might even feel traumatized to walk out of the house on her own and carry out simple tasks, fearing even more violence and being socially stigmatized.
- In our society, where people believe in beauty of physical appearance rather than inner beauty, when a person's body gets maimed with acid, that person is looked upon as, nothing but an “*alien*”. The victim, if she was unmarried, she can never get married again owing to her marred physical appearance, and the rest are often disowned by their families. It is really surprising how, the parents who are our life givers, also fail to acknowledge these victims and do not fail to treat them as outcasts; some of them might even go the extent of disowning them just to protect the so-called “*image of the family*! Is this what a victim expects from her family? The victim, who

¹² *Living in the Shadows: Acid attacks in Cambodia*, Cambodian League for the Promotion and Defense of Human Rights 10 (2003) available at <http://www.licadho-cambodia.org/reports/files/41acid%20report%20English.pdf> last accessed on 15/4/2015.

¹³ Supra 6, at 10.

¹⁴ *Acid Violence in Uganda*. available at www.acidviolence.org/uploads/files/Uganda_ASFU_Situational_Analysis_Report_FINAL_Nov2011_1.pdf last accessed on 15/4/2015.

¹⁵ Supra 6.

¹⁶ Ibid.

should be supported the most by her family in this time of distress only gets to face an apathetic attitude of the society nonetheless of her close ones also.

- The victims, as a repercussion of the attack, do not get employed in spite of having qualifications. The major ground on which they are rejected is that they lack what is known as “*suitable personality*” for employment, and some people also say that they aren’t “presentable” anymore. *But should this be the reaction towards the victims?* No. The approach of the society is totally different from what it actually should be, i.e. instead of looking down upon them with sympathy and a bit of hesitation to look at their face for long the society should instead strive to rehabilitate them. Apart from these, due to unemployment, it is impossible for the survivors to lead a normal life owing to the economic hardships and support their families, especially if they had been the only working members of the family. Not only does she have to support her family, but also carry out her medical treatments which would cost her till the end of her life.

Legal Provisions and Developments

“Don’t stare at me, I am human too!”¹⁷

The landmark case which brought about a change in the field of this gruesome violence was the case of *Laxmi’s*.¹⁸ The Hon’ble Supreme Court of India, “*keeping in mind the constitutional provisions of Arts.21, 14, 15 and 32, 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.*”¹⁹ But was the punishment sufficient for such a heinous crime? The perpetrators of the crime will be free in few years and continue with their life, but the scars of the victim will remain forever.

Over the years, the victims of vitriolage have suffered a great deal due to a slow judicial process, inadequate compensation and obviously from the consequences of the acid attack itself.

In one of the most famous cases²⁰ involving acid attack the accused threw acid on a girl named Hasina, for refusing his job offer, which deeply scarred her physical appearance, and left her blind. 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

¹⁷ Harinder Baweja, *Don’t stare at me, I am human too: acid attack survivor Laxmi*, Hindustan Times (13/07/2013) available at <http://www.hindustantimes.com/stopacidattacks/don-t-stare-at-me-i-am-human-too-acid-attack-survivor-laxmi/article1-1095721.aspx>

¹⁸ *Laxmi v. Union of India*, (2014) 4 SCC 427;

¹⁹ *Ibid*;

²⁰ *State of Karnataka by Jalahalli Police Station vs. Joseph Rodrigues S/o V.Z. Rodrigues* (Decided in the Hon’ble High Court of Kerala on 22/8/2006);

plastic surgeries. However, no compensation was awarded for the after effects of the attack such as loss of income etc.²¹

In another similar case²², the accused had thrown acid on the victim's face which produced some redness on the skin over a part of her face involving her upper eye-lids. As 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 meager fine of Rs. 300 along with 15 days imprisonment was awarded.²³ This sort of punishment for acid attack is in itself a ridicule of sorts and does not take into account the gravity of the crime and its consequences which affects the victim throughout her life.

In *Syed Shafique Ahmed V State of Maharashtra*²⁴, personal enmity with his wife was the reason behind a dreadful acid attack by the husband on his wife as well as another person, which 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 wife²⁵. The accused was awarded Rs.5000 as fine and only 3 years of imprisonment. This is another example where punishment is awarded without taking into account the deliberate and gruesome nature of the attack, but merely on the basis of technicalities of injuries.

But with the advent of The Criminal Law (Amendment) Act, 2013, there seems to be a ray of hope for the victims of such heinous crime, as the changes brought about by the said Act concerns with specific punishment for offenders and mandatory provisions for providing compensation to the victims of acid attack. The said Act has inserted Secs.326A²⁶ and 326B²⁷

²¹ Ibid;

²² *State(Delhi Administration) Vs. Mewa Singh*, 5(1969) DLT 506;

²³ Ibid;

²⁴ 2002 CriLJ1403 ;

²⁵ Ibid;

²⁶ Sec.326A, Indian Penal Code, 1860- 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.

²⁷ Sec.326B: 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 of 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 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 326 A and this section, permanent or partial damage or deformity shall not be required to be irreversible.'

LAW MANTRA THINK BEYOND OTHERS

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under the Indian Penal Code, 1860 and also Secs.357B²⁸ and 357C²⁹ of the Code of Criminal Procedure, 1973, to ensure adequate relief to the victims of vitriolage.

There can hardly be any cavil that there has to be a *proportion between the crime and punishment*. The *cry of collective justice* which includes adequate punishment cannot be lightly ignored.³⁰ . In such a heinous case of acid attack, *no leniency should be shown*, and where the maximum punishment, as prescribed under Sec.326A is life imprisonment, it is the duty of the Court to see that the victim's right is protected by awarding the accused the correct quantum of sentence. The Apex Court has opined in the landmark case of *Laxmi*³¹ that if a person has thrown or administered the acid on another person *a presumption should be raised against the person, who has thrown or administered the acid that he has done so deliberately*.³² The Court must not only keep in view the rights of the victim but also the society at large while considering the imposition of appropriate punishment.³³ It has been unequivocally laid down that where the sentence is wholly inadequate, the same may be enhanced which has to be commensurate with the gravity of offence so that it may not amount to failure of justice.³⁴

An examination of acid attack cases again underlines the urgent need for a scheme of compensation for the victims. Acid attack victims often have to, as stated earlier, undergo multiple surgeries costing lump- sum amounts. They are also in urgent need of rehabilitation as they often need financial help to exist. In the *Delhi Domestic Working Women's Forum* case³⁵, the Supreme Court of India having regard to the Directive Principles contained under Article 38(I)³⁶ of the Constitution of India had pronounced upon the need by the government to setup a Criminal Injuries Compensation Board as the victims frequently incur substantial financial loss and are too traumatized to continue in employment. The Supreme Court had suggested that this board should give compensation whether or not a conviction takes place.

²⁸ Sec.357B: 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.

²⁹ Sec.357C: 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.

³⁰ *Guru Basavaraj v. State of Karnataka*, (2012) 8 SCC 734;

³¹ *Supra* 18.

³² *Ibid*;

³³ *State of M.P v. Naqib Khan and Others*, (2013) 9 SCC 509;

³⁴ *State of M.P. v. Sangaram and Others*, AIR 2006 SC 48;

³⁵ *Delhi Domestic Working Women's Forum Vs. Union of India*, (1995) 1 SCC 14;

³⁶ Art.38.(1)- The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

Time and again, it has been observed 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*.³⁷

Victims of any crime and of human rights violations (regardless of their legal status) have a right to be compensated for the losses sustained due to the crime committed on her/him.³⁸ Compensation can be awarded for material (including unpaid wages and medical expenses) and non-material (such as for pain, suffering and trauma) damages).³⁹ In the landmark case of *Bodhisattwa Gautam*⁴⁰, the Supreme Court issued a set of guidelines to help victims who cannot afford legal, medical and psychological services, in accordance with the Principles of UN Declaration of Justice for Victims of Crime and Abuse of Power⁴¹ which included that while awarding the compensation what has to be taken into account is the pain, suffering and shock as well as loss of earnings and the expenses of surgeries as per the case. Thus, apart from providing compensation under § 357A⁴² of the Code of Criminal Procedure, the victim should be provided compensation by the accused in accordance with §357B.⁴³ The victim,

³⁷ 'Acid attack victims yet to get assistance', THE HINDU (27/04/2007) available at <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/acid-attack-victims-yet-to-get-assistance/article1834442.ece> last accessed on 15/4/2015

³⁸ *Chairman, Railway Board. v. Mrs. Chandrima Das and others*, AIR 2000 SC 988.

³⁹Ravi Kant, 'Victim Compensation in India', available at <https://lawreports.wordpress.com/2009/06/23/victim-compensation-in-india/> last accessed on 15/4/2015;

⁴⁰ *Bodhisattwa Gautam vs. Subhra Chakraborty*, AIR 1996 SC 922;

⁴¹ The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (UN General Assembly, 1985), considered the 'magna carta' for victims.

⁴² **357A, The Code of Criminal Procedure,1973-** (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. (2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1). (3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation. (4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation. (5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months. (6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

⁴³ Supra 27;

thereby should be provided with an adequate compensation which would be enough to compensate the irreparable injury on her body and soul, as it has been observed by the Apex Court that “*to repair the wrong done and give judicial redress for legal injury is a compulsion of judicial conscience*”.⁴⁴

The Story of Bravehearts

As more than half of the acid attack cases go unreported, we only get know the plight of few of the victims, who have faced the darkness of such a cursed life, where they cannot even exist without being dependent on others. But there are some, who never stopped living their lives according to their wish, as they decided to look beyond the imperfections. They decided to move ahead in life, leaving behind all the discrepancies, and with much more confidence. One befitting example of such bravery would be Laxmi who recently got felicitated by US First Lady Michelle Obama after she won the International Women of Courage Award for successfully leading the campaign against acid attacks on women in India.⁴⁵ Instead of hiding her blemished face, she became the “standard bearer” in India for the movement against acid attacks and she also managed to win over the Apex Court to regulate the sales of acid in the country. Her work is a source of encouragement and motivation for the girls and women of India, many of whom are still not able to fight against the atrocities inflicted upon them. Such is her spirit that she did not even hesitate to defiantly answer back her attackers- “*You will hear and you will be told, that the face you burned is the face I love now. The time will be a burden for you, when you will know that I am alive, free and thriving and living my dreams.*”⁴⁶ Another inspiring story will be that of Hasina’s , who chose not be bogged down by 35 surgeries and loss of vision in both the eyes, besides constant stares and comments from relatives and acquaintances, she managed to secure a job in a government office.⁴⁷ Same goes the story of Sonali Mukherjee of Dhanbad⁴⁸ , who had actually appealed for euthanasia, but later on the State Govt. of Jharkhand appointed Sonali as Grade III clerk in the welfare department of the Bokaro deputy commissioner's office.⁴⁹

Resolving The Issue

⁴⁴ *D. K. Basu vs. State of West Bengal*, AIR 1997 SC 610;

⁴⁵ *US First Lady Honours Indian Acid Attack Victim Laxmi* , India Times (5/03/2014) available at <http://www.indiatimes.com/news/india/us-first-lady-honours-indian-acid-attack-victim-laxmi-132349.html> last accessed on 15/04/2015;

⁴⁶ Ibid;

⁴⁷ Tanu Kulkarni, *With sheer grit Haseena moves on*, THE HINDU (07/03/2014) available at <http://www.thehindu.com/news/cities/bangalore/with-sheer-grit-haseena-moves-on/article5761533.ece> last accessed on 15/04/2015.

⁴⁸ *Sonali Mukherjee [Acid Attack 2003] Biography*, available at <http://matpal.com/2012/11/sonali-mukherjee-acid-attack-2003.html> last accessed on 15/04/2015.

⁴⁹ Sonali Mukherjee, available at http://en.wikipedia.org/wiki/Sonali_Mukherjee last accessed on 15/04/2015.

It is not easy to provide justice to the victims of vitriolage unless strict measures are taken. Though the changes brought about by the Criminal Law (Amendment) Act, 2013, provides relief to a certain extent, what has to be noted here is that, the provision for punishment provided under Secs.326A and 326B, provides for a general punishment totally neglected the gender dimension of this offence in India. The immediate hurdle obstructing the judgment is the doctrine of “prospective application”. The directions issued by the Court do not carry retrospective effect, which means that victims of acid attack prior to the verdict do not get benefitted. Therefore, the introduction of specific legislation with regard to acid attacks becomes imperative. A specific law, instead of a general law, may be adopted which will operate only for women as victims, as The Constitution of India through Article 15 (3) empowers the State to make special provisions for women and children. Clause (3) of this Article states that

*“...Nothing in this article shall prevent a State from making any special provision for women and children.”*⁵⁰

Another hurdle is one with the regulation of sale of acid. There are large numbers of retailers who sell acid of different kinds and it would be difficult in scrutinizing each vendor at a minute level. While regulations in the form of registers and identity-proof may work to a certain extent, it is really unfeasible, to keep every retailer under check. It is quite possible for records to be falsified, and identities to be faked. A licensing authority can be formulated by the each state so that only those who have the required authorization can purchase acid. This would expectantly lead to a lesser occurrence of acid attacks in the future.

The court should have kept in mind both the current law penalizing acid attacks, and the needs of majority of the victims, and issued directions for implementing free medical-aid, or compensation for treatment in a renowned government medical facility providing cheap, but efficient services. With respect to this, the police force also needs to be sensitized on this matter and fast-track courts should also be established for speedy trial of the cases.

Inclusion of Section 114B to the Indian Evidence Act, 1872, as suggested by The Law Commission is also necessary for easy disposal of cases. It reads – “**Section 114 B: Presumption as to acid attack-** *If a person has thrown acid on, or administered acid to, another person the court shall presume that such an act has been done with the intention of causing, or with the knowledge that such an act is likely to cause such hurt or injury as is mentioned in Section 326 A of the Indian Penal Code.*”⁵¹

The National Commission for Women (NCW) has submitted another significant proposition of setting up a National Acid Attack Victims’ Assistance Board. “*It has clearly provided for the structure and working mechanism of this Board. It provides for complete medical treatment as well as legal advice to the victims. It strongly advocates for the rehabilitation of these victims and providing them with all the financial support possible*”.⁵²

⁵⁰ The Constitution of India, 1950, Article 15 (3).

⁵¹ Supra 6, at 44.

⁵² Supra 3.

Apart from this, as parties to *Convention on the Elimination of Discrimination against Women* (CEDAW), India has a legal obligation to exercise due diligence to prevent attacks, punish perpetrators, and compensate victims of acid attacks which has been referred to as *a form of gender-based violence prohibited by the Convention on the Elimination of Discrimination against Women (CEDAW)*.⁵³ Thus, the need of the hour is to clearly appraise the draft Bill of the NCW, or recommend a new Bill on acid attack and sales and implement the same unvaryingly across the nation.

Conclusion

The society tends to accept the people who are born blind or physically challenged, but when it comes to the rape victims, they are shunned and these same people are scared to even look at them. The attack survivors are also human beings, but the apathetic attitude of the society can even be another driving force to make their life “a burning hell”. The victims usually live in penury and do not have sufficient money to buy themselves new faces. Therefore, only beneficial legislations cannot solve this long reverberating problem, unless there is social acceptance and promotion of the true spirit behind the enactment. What the common people need to understand is that if they can’t provide the victims with the strength, then at least they should not break their confidence. The mark on their face is not a “spot of shame” but it is that scar which forces them to move ahead and life, and answer back the offenders of such crimes, that in spite of such hardship they are now able to live their dreams and not less than any other human being.

⁵³ ‘Avon Global Center examines acid attacks against women and girls in Bangladesh Cambodia and India’ available at <http://www.lawschool.cornell.edu/womenandjustice/Clinical-Projects/Avon-Global-Center-examines-acid-attacks-against-women-and-girls-in-Bangladesh-Cambodia-and-India.cfm> last accessed on 15/4/2015.