

A STUDY ON ACID ATTACK IN INDIA AND ITS IMPACT

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ABSTRACT:

An acid attack involves the premeditated throwing of acid on a victim, usually on her face. It is a gender-based heinous crime against women. In addition to causing psychological trauma, acid attacks result in severe pain, permanent disfigurement, subsequent infections and often blindness in one or both eyes. According to the National Commission of India acid attack is “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”. As per the study, it can be concluded that 78% of the acid attack incident is for refusal to marry, rejection of love or for any personal causes. Acid attack on women is increasing day by day, basically on the girls in the age of 11-30 years. The easy accessibility of inexpensive acid makes the perpetrators to use it as an ideal weapon against this heinous crime against women. Illegal sale and purchase of acid are considered as non-bailable offence, still it is readily accessible in all most the grocery and hardware stores in urban and rural areas. The most common types of acid utilized in these assaults include sulphuric, nitric, and hydrochloric acid. Attack by acid rarely kills a human being but it causes severe physical, psychological and social scarring. However, the occurrence of eternal trauma and social isolation has also been found. The research shows that most of the respondents to acid attack who had faced the violence had faced other form of violence like cast-out from the society, difficult to arrange marriage, employment problem, etc. Several community awareness programs are being conducted by local authorities and administrative departments, to make people aware of this heinous crime. This paper wants to highlight the causes and impact of the acid attack on this innocent women's and the problems or hindrance suffered by the victims.

KEYWORDS:

Acid Attack, vitriolage, violence, challenges faced by female victim

INTRODUCTION:

Women are an important part of our society. Every woman has her own job or duty in this modern society in which men are unfortunately still the 'strongest gender', we can't forget that a woman's life is a lot more complicated than a man's life. A woman has to take care of her own personal life and if she is a mother, she has to take care also of her children's lives too. Worse still, if she is married, additional stress can be on her shoulders. Yet they will still perform very well in the work environment in some cases better than their male counterparts.[1] As our society has started recognizing the

discrete identity of women, as of these women now becomes active participants in all walks of life, she is a mother, an administrator, an entrepreneur, and a daughter. Now, women are becoming not only a significant unit of the society but also influencing the course of social changes in the society. **“Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women.”**^[2] There is a wide spread violence against women all around the whole world, based on considerations of their sex alone. There is also a high degree of official and social tolerance of violence against women. Violence can be more easily carried out against women because of their lower social, economic and legal status. Gender base violence is endemic worldwide, cutting across age, marital status, religion, class, race, and thus poses human rights violation and huge health problems. It includes acid attack violence, child marriage, honour killings, forced abortion, female genital mutilation, forced use of contraceptives, pre-natal sex selection, sexual harassment, rape, stalking, enforced sterilization of pregnancy, girl trafficking, forced prostitution, heterosexual and same sex domestic violence and enslavement of women. In this paper focus will be given only on acid attack violence, especially in India. Acid violence is the intentional use of acid to attack another human being. The victims of acid violence are enormous women and girls between the age of 11-30 years, and attackers habitually earmark the head and face in order to maim, disfigure and blind. Acid hostility is a universal occurrence that is not limited to a particular race, religion or geographical location.

DEFINATION AND MEANING OF ACID ATTACK

As per the provision of “Prevention of Offences (by Acids) Act 2008, (National Commission for Woman – Draft Bill)” constitute the definition of Acid Attacks and Acid.

According to Section 3 of said Act -

“(a) “Acid” shall mean and includes any substance which has the character of acidic or corrosive or burning nature that is capable of causing bodily injuries leading to scars or disfigurement or temporary or permanent disability.

(b) “Acid attack” means 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]

In a study conducted by UNICEF reveals,

“Acid attack is a serious problem all over the world, even children are become victim of acid attack in many cases. In an Acid attack, acid is thrown at the face or body of the victim with deliberate intent to burn and disfigure. Most of the victims are girls, many below the age of 18, who have rejected sexual advances or marriage proposals. Acid attack or vitriolage is 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”.

Vitriolage or acid attack means an act of throwing acid on the body of a person (it's basically throwing upon women and young girls). In other words, it can be said that acid violence is a deliberate use of acid to attack human beings.[4] 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".[5] Acid attack can be perceived 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 (National Commission of India, July 2009)."

OBJECTIVES OF THE STUDY

The main objective of this paper is to study in details the issues and challenges faced by the acid attack victims in India.

1. To understand the meaning of acid attack and law enforcement
2. To examine the issues and challenges faced by the victims of acid attack
3. To highlight the policies taken by government to overcome the challenges

RESEARCH METHODOLOGY

The descriptive research methodology has been used to collect the data, the data collected mostly from secondary sources from various journals, books, articles, government published annuals reports, website of different government agencies.

REVIEW OF LITERATURE

Acid attack is a global incident that is not restricted to a particular age, caste, religion, gender, or geographical location. Acid attack is a form of gender based violence aimed at silencing and controlling women. This kind of acid attack is used as a weapon against women who refuse sexual or other advances. The use of acid as a weapon began to rise in many developing nations, specifically in South Asia. Since acid can be easily purchased in these countries and is relatively cheap as compared to other weapons like guns, it was a preferred weapon. The first recorded acid attack occurred in India in 1982. Since then, researchers have witnessed an increase in the amount and severity of acid attacks in the region. In many countries acid attacks constitute a hidden form of violence against women and children that often go unreported and the true number of horrific attacks taking place does not come to light.

'Forensic Medicine and Toxicology: Theory, Oral & Practical' (2006) by Rabindranath Karmakar, the author mentioned the permanent disfigurement of head and face and permanent loss of eyesight. The book highlights the motive behind this heinous crime. The author also mentions about the treatment or first aid that should be provided to the victim immediately after the attack.

'It was Like Burning in Hell' (2009) by Jane Welsh, the author highlights the motives and causes of acid attack violence in countries like Bangladesh, Pakistan, India and Cambodia. The author highlights the financial difficulties faced by the victim family while undergoing the medical treatment.

'Acid Attacks on Women: An Appraisal of the Indian Legal Response' (2011) by Nehaluddin Ahmad, the author in the article highlights the evil practice of acid attack. The intentional throwing or pouring of acid with a motive of defacing or killing a person is used as a brutal way of taking revenge. The author wants to highlight the physical as well as psychological consequences of such attack, the author also covers the insufficiency of the law to give justice to the victims and the possible steps that can be taken to strengthen the law to deal with such attacks.

'Vitriolage & India- The Modern Weapon of Revenge' (2013) by Parvathi Menon and Sanjay Vashistha, the author in the article highlights The common reasons of acid violence and the post attack evil consequences that the victims and their families undergo. Two of the most important issues raised by the authors in this article are 'role of police in the investigation of acid attacks' and 'judiciary's role in prosecuting the perpetrators of acid attack'.

'A Fate Worse than Death: A Critical Exploration of Acid Attack Violence in India' (2015) by Aishwarya Deb and Prithwish Roy Chowdhury, the author in the article considers 'social stigmatization' and 'leniency of laws in punishing perpetrators' as a major reason of why many such violent incidents go unreported. Looking at the gender dimension of such attacks the authors narrates that most of the reported acid attacks have been committed on women as a weapon of dominating them by showing masculinity and superiority.

REASONS FOR ACID ATTACK:

In India, it is analysed that most of the time this attack related with women and young girl and the observable reason being is the rejection of marriage and love or refusal by woman of sexual advances and dowry disagreements. The other noted reason for such attack could be land, property and any kind of business disputes. "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." [6] As per the Law Commission of India in its 226th report has asserted that the majority of acid attack victims are women –

"...particularly young women for spurning 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]

This is the way of our society's outlook on the women. Women still cannot combat for their rights which are the basic human right of every individual. Women are still regarded as "possession", and a man is sole decision maker as per our modern society is concerned. And when a woman refuses a man, it is seen as destroying his reputation, prestige and honour, and he restores it by burning her face with acids. Men throw acid on women as a mark of their virility and supremacy. By impairing her face, man derives a perverted pleasure and his male ego gets pleased. Another major reason may be dowry problems or other marital problems. Though taking of dowry is a punishable offence, still it is most pervasive in many areas. It is considered as the responsibility of the bride's family and has to experience a huge social disgrace if not complied with. In India, many women claim that they are the strike by acid due to the failure to meet the financial expectations of their in-laws. In addition to this, land and property disputes may also be said to be the key reasons for the commission of this brutal offence. The

study of newspaper reports in India evinces that nearly 40% of the attacks materialized between unrelated people, due to the business rivalry, sales disputes, land disputes or revenge between families. Thus, from the above discussion one can reach the conclusion that men resort to acid attacks as a means to intimidate women and to impose their authority on her. Such kind of heinous attacks boost his male ego and make him feel that he is the proud inventor of God and has created the patriarchal society. Females between 11 and 30 years are the most susceptible to such attacks, in 36% of the incidents the victims are targeted for rejection of marriage proposals. Therefore, the main cause that is seen to be behind the acid attack is the rejection of sexual advances.

CONSEQUENCES OF ACID ATTACKS:

The consequences that follow after a victim is injured with acid are endless. But most important among them are as follows:

1. Physical consequences: Unlike other wounds and injuries, acid burns are amongst the most horrible injuries that a human being can hardship, merely because of the nature and magnitude of the injuries are widespread, and mostly necessitate 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 profoundness of injury depends on the brawn of the acid and the duration of the contact with the skin - the burning goes on until the acid is scrupulously washed off with water. Further, if thrown on a person's face, acid speedily eats into eyes, ears, nose, and mouth. The pain is agonizing, as a strong burning heat cuts through the victim's 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 rapidly destroy the eye, causing the victim to be blind. Skin and bone of the skull, forehead, cheeks, and chin may melt. The acid usually splashes or drips over the neck, chest, back, arms or legs, burning anywhere it touches. One study found that on an average, patient suffered by acid attack 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.[8]

2. Psychological Consequences: Psychological repercussion can even be more poignant and painful as compared to the physical consequences. It has the deep impact only on the victim, but also on the families of the victims. A trauma grabs the victim and also on the society and has deep root impact on the masses. A psychological trauma is suffered by the victim when she perceives that her skin is burnt off and after the attack the defacement and the disabilities with which they have to bear for the rest of their lives. Some of the psychological problems which the victims suffer are insomnia, nightmares, depression, fear of facing the world, headache, tiredness, fear of other acid attacks. They also feel despondent and worried as they think they are spurned and outcast from the society. 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 despondency of the future. The orthodox and traditional Indian approach trust more in physical beauty rather than inner beauty. Not only this, but the society looks at the victim as an 'alien'. This consequently sheds an adverse image on her empowerment and mobility.

3. SOCIAL AND ECONOMIC CONSEQUENCES: The victims who are not married are likely not to get married as they suffer from many disabilities like blindness, deafness

and many others difficulties and our society's mindset is not that wide enough to accept a disabled person as their wife. They even do not get a job notwithstanding being qualified as they cannot meet up to the expectation of their employers as not having the 'personality'. Instead of helping them, we make their life more annoying, as we commiserate them as we do not like to look at their faces for long. However, this approach needs to be changed as they are suffering not for their wrong, but due to the fault of some savage animals roaming around the society freely. So far as economic consequences are concerned, such victims face a high bigotry when it comes to offering jobs. Therefore, it can be said that the acid attack victims go through hell in this ordeal and their life becomes worse than death. Their physical scars remind them constantly of the atrocities committed on them, and a feeling of loneliness and worthlessness always haunts them.

LEGAL PERSPECTIVES OF ACID ATTACK IN INDIA:

In India, often incidences of acid attacks capture 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 326 - VOLUNTARILY CAUSING GRIEVOUS HURT BY DANGEROUS WEAPONS OR MEANS -

Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any

animal, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten 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 herein before 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 enough and reasonable to meet the expenses for medical treatment of the victim and 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.

LACUNA IN THE INDIAN PENAL CODE(IPC):

Indian Penal Code has provided reassurance to these victims under Sections 320,[9] 322,[10] 325,[11] 326[12] and 307.[13] But it is seen that these sections do not fulfil the profundity that is required for the earnestness of these offences. Moreover the term “acid attack” was not defined anywhere, and the provisions also restrict them to acerbic substances.

The United Nations General Assembly passed the **Declaration on Elimination of Violence against Women in 1993**, and India has ratified this declaration and is under an obligation to follow the same. **Article 4(f)** of this declaration states that, all member states should form certain recommendations, for the safety of the women and formulate ways to prevent them. There should also be separate provisions for granting exemplary damages to the victims of the attack. According to **Article 253 of the Indian Constitution**, the Parliament has the power to make laws to give effect to these international agreements. Hence India is under an obligation to rein in the peril of acid attack. Now it is seen that the definition of **grievous hurt** as given under **Section 322** of the India Penal Code is not inclusive of certain circumstances of acid attack as the definition clearly states the injuries that constitute grievous hurt. Therefore, if the delinquent causes only skin damage to the victim of acid attack, with no substantial damage to other organs, it would not come under the compass of grievous hurt. Further, no provisions are there if there is a loss of income of the victim. Now if the accused is not charged under grievous hurt, then it will fall under hurt, which in turn invites a

nominal punishment of three years imprisonment which is very immaterial to the massive loss suffered by the victim. Further, there was also a lacuna that, there was no provision for penalizing the accused of throwing acid. In light of the above discussion, it was felt that there was a need to enact an effectual, efficacious, and specific legislation on the issue of acid attack and to cover all the loopholes that were present in the old existing law.

Amendment in the old Act: The **Criminal Amendment Act, 2013** which was passed on the recommendations of the **Verma Committee Report** which brought into light the earnestness to deal to this acid attack offence. It inserted two new sections i.e. Sections 326A and Section 326B in the Indian Penal Code. Therefore, the new amendment is a welcoming step towards restraining in this crime. For the purpose of rehabilitation, victims may also be given compensation as under Section 357A of the Criminal Procedure Code, 1973. Another laudable step which has been brought by the Criminal Amendment Act, 2013 was the inclusion of Section 357C to the Code of Criminal Procedure. It states that all hospitals, public or private, whether run by the Central Government, the State Government, local bodies, shall instantaneously provide first-aid or medical treatment, free of cost to the victims of any offence covered under Sections 326A, 376, 376A, 376B, 376C, 376D or 376E of the Indian Penal Code, and shall also inform the police without delay. One thing is very clear that *mensrea* is easily proved in acid attack, which is sometimes difficult to prove in murder also. Throwing acid at a person's face is a deliberate act. It requires the attacker to procure the acid first and this proves that the crime is premeditated. Therefore, the attacker throws acid into the victim's face, fully being aware of the ramifications of his act. This shows that the attacker's actions are completely wilful. This can be a strong point while thinking of some stricter punishment in acid attack.

RESEARCH ANALYSIS

With the amendment in the Indian Penal Code on February 2013 the incidence of acid attack are now being recorded as a separate offence under section 326A and 326B, before this there is no separate statistics for acid attack violence because the Indian criminal law does not recognize it as a separate offence. We had collected some data of the acid attack victims of different states and union territories of India from 2010-2016

ACID VIOLENCE VICTIMS IN INDIA

State/Union Territories	2010	2011	2012	2013	2014	2015	2016	Total
Andhra Pradesh	6	8	6	4	6	14	11	55
Arunachal Pradesh	0	0	0	0	0	0	0	0
Assam	0	0	1	13	0	3	9	26
Bihar	3	3	10	1	4	19	7	47
Chhattisgarh	0	0	0	0	1	0	1	2
Goa	0	0	1	0	0	0	2	3
Gujarat	4	2	4	5	6	4	14	39
Haryana	4	8	6	6	13	12	17	66
Himachal	0	0	0	1	1	1	0	3

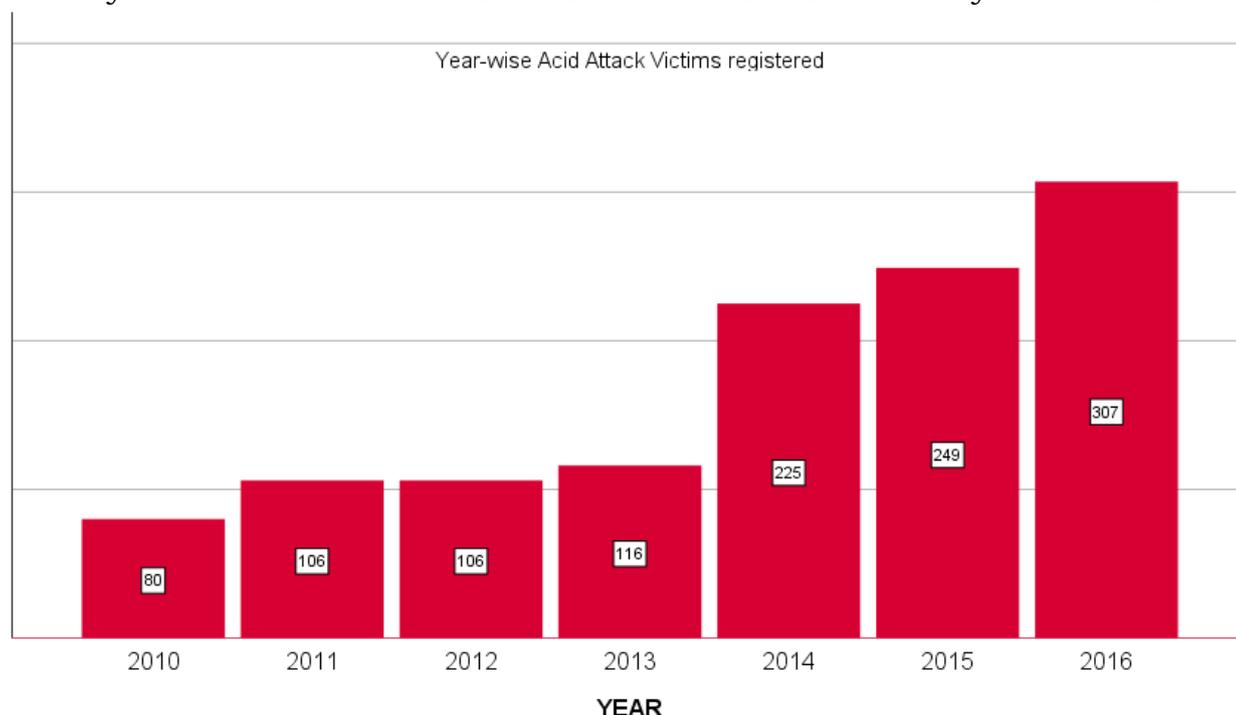
Pradesh								
Jammu & Kashmir	0	2	3	2	2	2	0	11
Jharkhand	0	0	1	0	3	0	1	5
Karnataka	6	3	2	4	3	2	7	27
Kerala	3	1	2	0	4	10	13	33
Madhya Pradesh	1	5	6	11	20	19	7	69
Maharashtra	3	6	3	9	5	8	8	42
Manipur	0	0	0	0	0	1	0	1
Meghalaya	0	0	1	0	0	0	0	1
Mizoram	0	0	0	0	0	0	0	0
Nagaland	0	0	0	1	0	0	0	1
Odisha	2	1	2	3	10	8	13	39
Punjab	8	9	4	5	17	7	18	68
Rajasthan	0	0	6	0	6	1	3	16
Sikkim	0	0	0	0	2	0	0	2
Tamil Nadu	0	0	1	6	13	10	1	31
Telangana	0	0	0	0	1	1	0	2
Tripura	0	0	1	0	4	4	4	13
Uttar Pradesh	5	14	11	18	43	61	61	213
Uttarakhand	0	2	3	0	0	0	2	7
West Bengal	12	13	22	8	41	41	83	220
Andaman and Nicobar	0	0	0	0	0	0	0	0
Chandigarh	1	1	0	1	0	0	2	5
Dadra & Nagar Haveli	0	0	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0	0
New Delhi	22	28	9	18	20	21	23	141
Lakshadweep	0	0	0	0	0	0	0	0
Puducherry	0	0	1	0	0	0	0	0
Total	80	106	106	116	225	249	307	1189

Source: Acid Survivors & Women Welfare Foundation

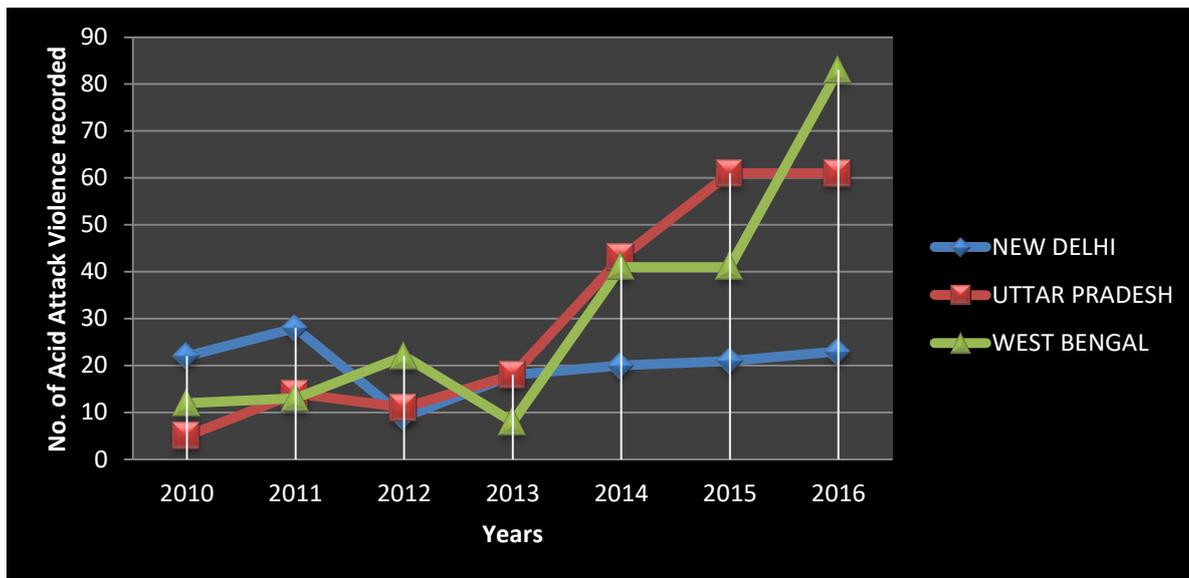
Descriptive Statistics

	N	Minimum	Maximum	Sum	Mean	Std. Deviation	Variance
ACID ATTACK VICTIMS	7	80	307	1189	169.86	88.734	7873.810
Valid N (listwise)	7						

From the above chart it can be viewed that minimum incident occurred during the stated years is 80 and maximum is 307. The sum total of the years will come to 1189.



If we look at the chart it can be clarified that among the north-eastern states apart from Tripura and Assam there is negligible number of incident occurred, so we can assume that peoples of north-east India are having a good culture, heritage and maintain a very good relationship among their community. The worse affected states include New Delhi, West Bengal and Uttar Pradesh where this crime is increasing year by year. The most badly affected state is West Bengal, if we look at the graph we can see that the crime is increasing at an increasing rate except in the year 2012. The year 2016 had recorded the most by 23 in New Delhi, 61 in Uttar Pradesh and 83 in West Bengal.



Reasons for Acid Attack			
Reasons	Man	Woman	Children
Dowry	-	12	-
Family related dispute	6	55	12
Land/property/money dispute	25	55	-
Marital dispute	6	43	-
Refusal/rejection of love	-	7	12
Refusal/rejection of marriage	-	16	-
Refusal/rejection of Sex	-	6	8
Not known	-	5	-
Others	24	3	12
Total	61	202	44

Compiled by the researcher [16]

The above chart indicates the various reasons of acid attack on victims. In most of the cases women are worse affected, with a mean of 22 amongst all the reasons. The maximum is 55 that are family related issues.

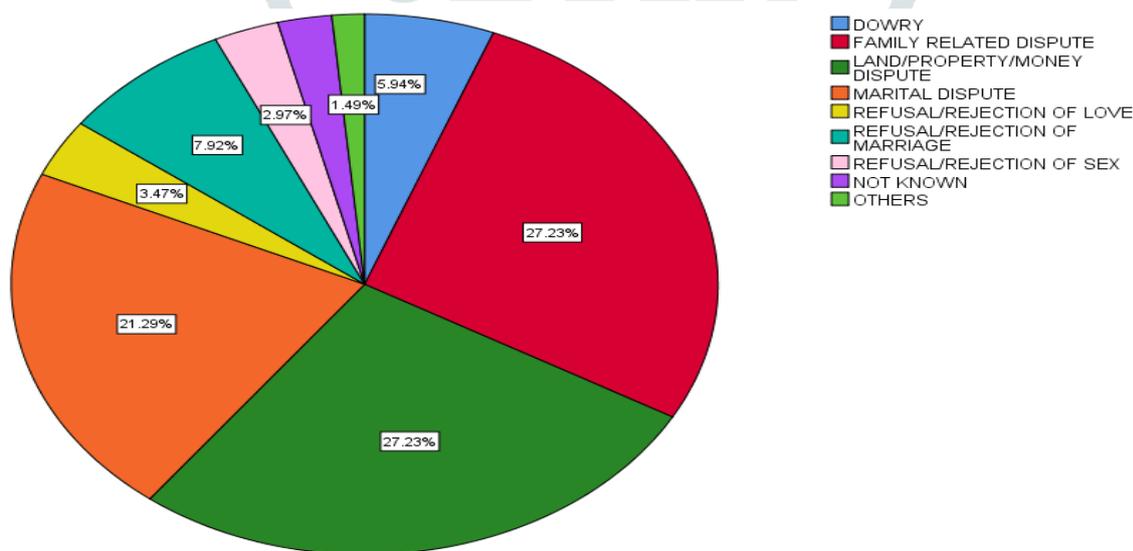
Statistical Analysis of Acid Attack on Women, Men and Children

		NO.OF WOMENS AFFECTED	NO.OF MENS AFFECTED	NO.OF CHILDREN AFFECTED
N	Valid	9	4	4
	Missing	0	5	5
Mean		22.44	15.25	11.00
Median		12.00	15.00	12.00
Mode		55	6	12

Std. Deviation	22.035	10.689	2.000
Minimum	3	6	8
Maximum	55	25	12
Sum	202	61	44

From the above statistical analysis it can be viewed that women are largely affected, out of total 307 victims of acid attack on the 2016, 202 victims are women. Though acid attack is a crime which can be committed against any men or women, but from the statistical analysis it can viewed that it has a specific gender dimension in India. In most of the reported acid attacks over the years it have been committed on women, particularly young women for spurning suitors, for rejecting proposal of marriage, for denying dowry etc. The attackers cannot bear the fact that they have been rejected and seeks to destroy the body of the women who has dared to stand up to him.

Percentage of Women affected by Acid Attack on different reasons



ACID VIOLENCE AROUND THE OTHER ASIAN AND AFRICAN COUNTRY:

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, Jamaica, Nepal and Pakistan.

BANGLADESH

Bangladesh reports the highest number of acid attacks in the world. There was a sudden increase in number of acid attack cases in Bangladesh in the mid 1990s. In 2001, 340 cases were reported which got to 336 cases in 2002. The government passed The Acid Offences Prevention Act and The Acid Control Act in 2002 to check the increasing acid violence in the country. In the year 2013, 50 cases of acid attack have

occurred in Bangladesh. The Act[26] punishes the offender with a death sentence or rigorous punishment for life with the fine of one lakh Taka in case of death or complete or partial disfigurement of face or sexual organ of the victim. On damage to any part of the body of the victim, rigorous imprisonment of 7-14 years is awarded to the doer. In addition to this, anyone who throws or attempts to throw acid on any person is rigorously imprisoned for 3-7 years along with a fine of 50,000 Taka even if no physical or mental harm is caused. The Act also addresses the problem of delay of prosecution of cases by allotting fixed time for investigations. It provides a maximum of 60 days for investigation, failing which legal action is taken against the investigating officer. It also states that the trial of the case should be completed within a maximum of 90 days. The Acid Control Act, deals with restricting and controlling the sale and supply of acid in Bangladesh. A 15 member National Acid Control Councils have been established around the country to take action to enforce the laws regarding acid sales and to assist in proper treatment, reporting and rehabilitation of victims.

CAMBODIA:

According to the data collected by the Canadian Acid Survivors Charity (CASC) on people treated in hospital for acid attack, there have been 271 acid violence victims between 1985 to 2010 in Cambodia. The number is alarming increasing day by day. The Royal Government of Cambodia has taken some positive steps to combat this horrific practice. A new law was passed in 2011 which incorporated penalties and death for the accused that disable the victim's life. In case of death by acid attack, the perpetrator is awarded a life imprisonment. Acid law also provides that unless a person or legal entity has a license or letter issued by the concerned ministry or responsible authority, they shall not be allowed to import, transport, distribute, buy, sell or store or use acid.[27] Article 14 of the Acid Law includes penalties or fines for those operating without a license. It also includes an obligation on the part of the responsible or the relevant authority to immediately bring the victim to any medical centre or hospital and provide treatment free of cost.[28] But here also the problem lies in the implementation. Yet another trend 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.[29]

UGANDA:

Acid violence in Uganda affects all the social echelons of society from the poorest to the most rich and influential. Section 216(g) of Ugandan Penal Code penalizes the perpetrator with life imprisonment. If the attack is made with malice and it leads to the death of the victim, then it is considered as murder under Section 188 and the culprit is awarded with a death sentence under Section 204 of the Ugandan Penal Code. An offence as grave as acid attack is non-bailable in nature but the culprits are still released on bail. Though there are effective laws present in the country against such violence but they are not implemented in an apt manner which is the reason why such attacks still occur in large number in the country.

JAMAICA:

There is no explicit law in Jamaica to deal with acid violence in spite of the fact that it has the largest number of absolute acid attack victims. The only piece of legislation which punishes such violence is Offences against the Person Act which awards life imprisonment to the convict in case of causing grievous injury to the victim.

NEPAL:

Under Nepal's legal system, there is no precise punitive provision for acid violence. Under the present laws, perpetrator is penalised under provision of hurt and culpable homicide of Muluki Ain. Number 14 of the chapter Hurt, endows with punishment for causing hurt to the body by burning substance like acid. When no grave injury is caused to the person, perpetrator is awarded with two months of imprisonment and a

fine of Rs 500. A fine of a meagre sum of Rs 2,000 is imposed on burning nose or eyes of a person. In addition to this, no medical and economic assistance is provided to the victims by the government. The present law on acid violence fails to provide any severe punishment to the culprits and is thus, ineffective to curb such attacks.

PAKISTAN:

Pakistan approved the Acid Control and Acid Crime Prevention (Amendment) Act, 2010 which amended the penal code of the country to add section 326A and 326B which provides for life incarceration or a minimum of fourteen years of sentence with a huge fine of one million rupees to anyone who causes grievous hurt to any person through acid. The Acid Throwing and Burn Crime Bill, 2012 expands upon the Acid Control and Acid Crime Prevention (Amendment) Act, 2010. It give a proper and precise definition for acid attack and also provided for inspection, security of witnesses as well as their perception of medical, legal and financial support for victims and their dependants. The Act also criminalizes and strives to commit acid violence and imposes a compulsion on officers for proper investigation of the attack. To promote effective implementation of law, the act provides the provision for establishment of Acid and Burn Crime Monitoring Board and described its role and responsibilities.

FAMOUSE CASES RELATED TO ACID ATTACK LANDMARK JUDGMENT OF ACID ATTACK IN INDIA:

The following some cases which illustrates the biasness done towards the acid attack survivors as the provisions of the Indian Penal code was incompetent to deal with them- In a case of **Devanand vs. the State**, [14] a man threw acid on his alienated wife because she refused to cohabit with him. The wife not only lost her eye sight, but also led to permanent mutilation of her face. Although the accused was held guilty by the Court, the punishment awarded was a minimal period of seven years under Section 307 IPC. [15]

The landmark judgment of the Honourable High Court of Karnataka in *Jalahalli Police Station vs. Joseph Rodrigues* case (22/08/2006), wherein the accused was convicted under Section 307 of the 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 the victim Haseena Hussain's parents. The accused Joseph Rodriguez, the ex-boss of the victim threw 1.5 liters 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. This was the leading 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 costs including that of plastic surgeries. However, in many cases all through India, punishment often did not take into account the intentional and grisly nature of the attack but only rested on technicalities of bruises.

In *Balu v State Represented Inspector of Police*, before the Madras High Court, a person suspected that his wife had developed an illegal relationship with one of his acquaintances. In a fit of anger, he threw acid on her resulting in dire burns and death of the victim. The husband was convicted under Section 302 [16] of the IPC and 313 of the IPC (causing a miscarriage of a woman without her consent) with life imprisonment and a fine of Rs. 2,000. The fine was thus again a scanty amount.

In *Ramesh Dey and Others v State of West Bengal* before the Calcutta High Court, the accused had made a prioritize attempt to throw acid on the victim, succeeding on the second attempt. The motive for the crime was revenge, as the victim had rebuffed the overtures of the main accused Ramesh. The accused together with two others went to the victim's house and threw a bottle of acid on the victim outside her house where she, her mother, her aunt and her little son were sitting. The victim, her mother, her aunt

and her son sustained injuries. The victim, Padma, died due to the victim Padma died due to immeasurable acid burns on the neck, chest, breasts, legs, knees and scalp. Her aunt received 25 percent burns and her aunt's son received 11 percent burns. The additional sessions Judge awarded imprisonment for life and a fine for Rs. 5000 under Section 302 and 34 of the IPC. The appellants were also convicted under Section 324 and 34 of IPC and sentenced to Rigorous imprisonment for one year and to pay a fine of Rs. 1,000/- each in default to suffer Simple imprisonment for two months. Both sentences were to run simultaneously. The High Court on appeal however, set aside the conviction and sentence against the other two accused by stating that there was no evidence to show they had a common intent and their presence with the accused on the scene of the crime was not enough.

One of the famous case of this heinous crime is Laxmi Agarwal's case. Laxmi, 27 year old woman from Delhi is a survivor of such atrocious crime. Two men poured acid on her while she was waiting for a bus near Tughlaq road in 2005 when she was just an age of 15. She had rebuffed to marry one of her assailants aggrieved by which he left her disfigured for life. Acid had harshly burnt her whole face. She had go through seven surgeries. 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. She lost all her childhood, lost all friends and became a school dropout. People mocked her and stared at her, blaming her by saying that she might have done something to earn the man's wrath. She spent eight years hiding her face. But she gained valour when India detonated in the indignation over a gang rape on a bus in year the 2012. 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 her intrepidity and had advocated against acid violence by gathering 27,000 signatures for a petition in Supreme Court of India to restrain acid sales. Her PIL sought framing of a new law, or amendment to the existing criminal law like IPC, Indian Evidence Act and CrPC for dealing with the offence, besides asking for compensation. She had also pleaded for a total debar on sale of acid, citing escalating number of incidents of such attacks on women across the country.[17] It was her petition which led Supreme Court to give a remarkable decision regarding regulations on sale of acid. Under the new law, a person convicted of an acid attack faces a minimum of ten (10) years and a maximum life sentence. She is in present the director of Chhany Foundation, a NGO dedicated to help the survivors of acid attacks in India. Laxmi received a International Women of Courage award, 2014 which is given by US First Lady Michelle Obama.[18] She was also chosen as the NDTV Indian of the Year.[19]

Sonali Mukherjee, a woman from Dhanbad, is another victim of this brutal crime when she was just 18 years old.[20] In 2003, three alleged muggers namely Tapas Mitra, Sanjay Paswan, and Brahmadev Hajra told her that she was an arrogant person, and they would teach her a lesson. Her father later complained to the families of the three men. On 22 April, when she was asleep on the roof of her house, at that time the attackers throw acid on her face. Her sister was also injured in the incident. Her face was permanently disfigured by this heinous attack. She also lost her eyesight.[21] Her family had spent all their savings on her treatment. The perpetrators were sentenced to imprisonment for nine years but were released on bail when appealed to the High Court. Sonali plight drew global attention when she appealed for euthanasia.[22]

Preeti Rathi was a girl who belongs from Delhi, had got a job as a Lieutenant in Indian Navy and had come to Mumbai to join in the INHS Asvini, the naval hospital in Colaba. On her way to work on 2nd may 2013, a man hurled acid on her face which mutilated her eye and infected her kidneys. The acid entered her oesophagus, windpipe and trachea causing her unbearable pain. She succumbed to injuries and lost her life. The perpetrator was punished under IPC section 302(murder), 326-A(voluntarily causing

grievous hurt by use of acid), 326-B (voluntarily throwing or attempting to throw acid). It was the landmark judgment that Mumbai High Court gave death penalty.

There are endless cases happening all around in today's world. Only proper law and their effective implementation can help the acid attack survivors to get a way of hope. Their rehabilitation and compensation should be well thought off. Time has come when the young generations are thinking of some new ways to make their life a bit enjoyable in spite of all odds.

ROLE OF POLICE AND JUDICIARY:

The Police department in a country should ideally be a safe harbour for the citizens of the country and should play a proactive and crucial role to nab and curb criminals and crime. But in India, this view exists only on paper and not in the practical world. The police reaction to violence against women is revoltingly minimal unbefitting, even in the modern India, where women are rising as leaders. For example, one of the most common responses of police in respect of violence against women is that it is victim-precipitated. They keep asking all kinds of immaterial questions like about the dress code, why roaming in the darkness etc, as a result of that escalating the trauma of the victim. They are unsympathetic in their manners to deal with the victims of rape and other kinds of violence against woman, notwithstanding Supreme Court's strict guidelines on the issue. Acid victims also feel grudging to report acid attacks because they dread the harassment and the mockery from the police officers. Officers may orchestrate acid violence investigations in terms of a woman's sexual history and questions of ethics.^[23] Several acid attack victims reported that their attackers suborned the police in order to influence the investigation. In order to deal with the callousness of the police officers in cases of violence against women, Criminal Amendment Act, 2013 introduced a proviso in Section 154 deals with the recording of the First Information Report. According to this provision, in cases of violence against women, statement of the victim should be recorded in front of a women police officer. But there are very less of women police officers in the Department. Women police officers should be trained to deal with the matter sensitively. Moral training should also be emphasized. They should be taught the importance of their job, to not only fight against crime but also to help the fellow citizens.

Before the passing of the Criminal Amendment Act, 2013, the persons accused of the acid attack were not seriously punished, partially they were booked under hurt which invited a minimum punishment of 3 years, moreover, they were also released on bail easily. Sufficient compensation was also not paid to the victims. In **Ravinder Singh vs. State of Haryana**^[24] acid was poured on a woman by her husband for refusing to give her divorce. The husband was involved in the extra-marital affair. Due to this attack, the victim suffered multiple acid burns on her entire body, which later led to her death. The accused was charged under Section 307 of the IPC. However, life imprisonment was not imposed even though the victim died. In **Syed Shafique Ahmed vs. State of Maharashtra**^[25] a personal enmity with his wife was the reason behind a horrific acid attack by the husband on his wife as well as another person. This caused disfiguration of the face of both the wife as well as that of the other person and loss of vision of the right eye of the wife. The accused was charged under Sections 326 and 324 of the IPC and was awarded Rs. 5000 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 the technicalities of injuries. This shows the callousness and insensitive nature of the judiciary. But time has changed, and after Laxmi Agarwal filed a PIL in the Supreme Court, the Court also laid down some important guidelines, these are:

1. Counter sale of acid is absolutely prohibited, until and unless the vendor maintains a record which contains the name of the purchaser.
2. No acids should be sold to a person who is below 18 years of age. Proper ID card should be shown by the consumer at the time of acquiring the acid.
3. All the stock of acids should be confirmed by the vendor with the concerned Sub-Divisional Magistrate within a time of 15 days. If it is not affirmed, then the goods will be sequestered by the Sub-Divisional Magistrate and a fine of Rs. 50000 will be obtruded on him.
4. The acid victim should be specified a compensation of at least 3 lakhs from the concerned State/Central Government as the aftercare and rehabilitation cost. Of this amount, a sum of Rs 1 lakh shall be paid to the victim within 15 days of the phenomenon of such incident to lubricate instant medical concentration and the rest 2 lakhs must be given within two months as early as possible.

The role of judges in confirming that the criminals of this crime are effectively penalized and brought to justice and effectively redressing the dilemma of the victims of such attack and to hamper others from resorting to the same is indubitable. Indian Judiciary has come a long way while dealing with acid attack cases. But some problems still persevere. 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. The problem with such low ratio of judges is that it takes the inordinate retard to incline 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 the judiciary also poses a major challenge while dealing with the acid attack cases.

Financial Compensation and other benefits to the victims

The constitution of India guarantees the right to life and liberty of every individual under Article 21. This has been interpreted to include the right to live with dignity and would encompass the right to live with dignity of all including victims of acid attacks. Article 41 of the constitution lays down that the state shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of underserved want. ^[30] The rehabilitation of the victims also becomes an important issue. The supreme court in its order dated 18.07.2013 directed that the acid attack victims shall be paid a compensation of at least Rs. 3 lakhs by the concerned State government/union territory as the after care and rehabilitation cost, out of which a sum of Rs. 1 lakh would be paid to the victim within 15 days of the occurrence of such incidence to facilitate immediate medical attention and expenses in this regard. The court also directed that in case of any compensation claim made by any acid attack victim, the matter would be taken up by the district legal service authority, which would include the district judge and such other co-opted persons who the district judge felt would be of assistance, particularly the district magistrate, the superintendent of Police and the civil surgeon or the chief medical officer of that district or their nominee and the said body would function as the criminal injuries compensation board for all purposes. On 21.08.2015 the central victim compensation fund was created with an initial corpus of Rs. 200 crore, the main objective is to promote special financial assistance upto Rs. 5 lakhs to the victims of acid attack to meet treatment expenses over and above the compensation paid by the state and union territories, the subsequent objectives was to reduce the disparity in quantum of compensation amount notified by

different states and union territories for victims of similar crimes and to encourage the states and union territories to effectively implement the victim compensation schemes notified by them under the provision of section 357A of Cr.P.C and continue financial support to victims of various crimes especially sexual offences including rape, acid attacks, crime against children, human trafficking, etc. On 7.12.2015 the court directed that all the states and union territories should consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.

In case of Renu Sharma, the Delhi High Court directed the Delhi government to provide free medical treatment to the victim and an employment that adequately considers her educational qualification and medical status.[31]

In case of Amanpreet of Bathinda Punjab, Punjab Social Security minister Razia Sultana had announced Rs. 8000 per month as per state government policy. The state government has undertaken a comprehensive policy to make acid attack victims self-reliant, financial assistance of Rs. 8000 per month is provided to the acid attack victim. The only condition for getting the grant is this that the disability must be up to the level of 40% or more, the victim must possess the disability certificate.[32]

The Department of Personal and Training(DoPT) has directed all central government departments to ensure that one per cent of each posts be reserved for people with blindness and low vision; deaf and hard of hearing; locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy, the disability must be up to the level of 40% or more. The move to enhance reservation quota for those with learning disability and acid attack victims comes after passage of the Rights of Persons with Disabilities Act, 2016, and the notification of relevant rules in this regard. [33]

An additional financial assistance of Rs. 1 Lakh from the Prime Minister National Relief Fund has been approved by Prime Minister Narendra Modi with an aim to provide immediate relief to the acid attack victim. This additional assistance provided from PMNRF will be over and above the amount of the scheme prepared by the National Legal Services Authority(NALSA) in consultation with Centre. [34]

CONCLUSION:

Acid attacks are the most pernicious form of violence that is resorted to and is mostly gender specific. While acid attacks are reported in many parts of the world, the incidents of acid attacks in India have been on the rise. 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, some of the shortcomings faced *prima facie* needs to be addressed. The current acid attack provisions and judicial approach to the quantum of damages are very restricted in view of nature and the gravity of the offence. In this paper, the researcher focusing extensively on the physical, psychological and economic effects that has on the victims. A discussion has also been carried out on the lacunae in the Indian Law and how essential it is to have a specific law in this regard. This crime appears to be a premeditated one which requires a tremendous ill-will on the part of the perpetrator, and therefore, should be punished severely. In addition to this, a sound compensation for the victim is a vital provision for enforcing justice. The compensation

is very vital as the victim had to undergo several surgeries and various medical treatments. The compensation amount should be enough to have a good medical treatment followed by quick redressal from the government agencies. Another important aspect which requires immediate consideration is the formation of new rehabilitation schemes. Better job opportunities, training etc, should be imparted to the victims of such crimes, enabling them to at least meet their day to day livelihood needs. There are some measures which can be taken to curb acid attack. Women should come forward to improve conditions of the acid attack victims. Another effective measure could be greater awareness and more sensitive and mature handling of these cases by the media. It is our sincere hope that the dismal condition of the legal apparatus with regard to acid attacks can be improved; so that the victim's problems can be assuaged and the Indian society becomes a safer place for women. It is time to seriously ponder over these above questions. The government should take more corrective measure on the sale of acid over the counter, as per the current status the shopkeeper had to maintain a ledger or register containing the details of person to whom it is sold and in how much quantity. The buyer had to produce government ID card and should be above 18 years. The shopkeeper had to produce the ledger in front of the sub-divisional magistrate (SDM) within 15 days but in case of undeclared stock of acid and improper ledger maintenance only a fine is imposed up to Rs. 50,000, it must be followed by severe imprisonment also. The educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, which are required to keep and store acid/corrosive, shall maintain a register of usage of acid and the same shall be filed with the concerned SDM. Some check points must be imposed in this above mentioned places because in most of the cases acid has been managed from these places. The government should impose a severe punishment and the trial procedure should be minimised, because in India most of the accused persons taken the advantage to long trial procedure.

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