

STRONG ACIDS, WEAK LAWS

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I. INTRODUCTION

On the 28th of January, 2010, 19-year-old Anu, undergoing training to become a nurse, was returning home with two of her friends when an unidentified malefactor threw acid on her face. The burns she suffered from were on her face, neck and arms, resulting in her withdrawal from college, as well as society in general. Medically, hers is a delicate case, requiring intensive surgery far beyond the means of her family. The perpetrator remains unpunished even today, one-and-a-half years after the incident.¹ Needless to say, Anu can never look the way she used to before the attack, surgery or otherwise.

Hundreds of such incidents occur across the country every year and many of them go unreported. Again, in many of the reported cases, the accused is never apprehended. Finally, even in those cases where the accused is brought before the court, the law often seems to be too lenient to secure justice for the victims. From the investigatory stage to the trial, the criminal justice system in India exhibits major lacunae as far as providing justice in cases of acid attacks is concerned.

Acid attacks, more formally known as vitriolage, result in burning and dissolution of the victim's skin, tissue and even bones. The victim's physical appearance is tarnished forever, leading to the debilitation of her psyche; this generally brings about a secluded life for her.

A. THE FACTS OF THE MATTER

While the reader might perceive acid attacks to be brutal yet rare occurrences, statistics show that there is no dearth of recorded incidents of acid attacks in India. In spite of the fact that many cases go unreported due to the victim's fear of further hostility or social stigma, 174 cases were reported in our country in the year 2000.² The State of Karnataka alone reported 35 cases between 1999 and 2004, and this number shot up to 53 at the end of 2006. What is even more surprising is the fact that

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¹Acid Attack Victims Still Waiting for Justice(17 July 2011) <http://articles.timesofindia.indiatimes.com/2011-07-17/chandigarh/29784251_1_anu-acid-attack-victims-pgis.html> accessed 12 August 2009

²226th 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)

verdicts have been delivered in only 9 of these cases.³

Hydrochloric and Sulphuric Acids are the common weapons of choice, although the use of Phosphoric and Hydrofluoric Acids has also been documented.⁴ In this regard, it must be said that these acids are easily available and inexpensive, thus making them more suitable for the purpose of the attacker. The phenomenon is most common in the Indian subcontinent. Statistics reveal that Bangladesh has the highest number of acid attacks reported annually, with India, Pakistan, Cambodia and Afghanistan also on the list. Between 1999 and 2010, there were close to 2500 reported cases of acid attacks in Bangladesh.⁵ A staggering 80% of the reported cases in the subcontinent feature women as victims, and close to 70% of these women are under 18 years of age.⁶ The incidence of such attacks is much rarer in other parts of the world, although developed nations such as the United Kingdom⁷ and China⁸ have also experienced cases in the recent past.

B. QUESTIONS CONSIDERED

In the course of this essay, the authors will scrutinize the impact of acid attacks, both physical, as well as psychological. In addition to this, why is it that most victims are female? In what areas and how is law in India lacking when it comes to dealing with acid attacks? How heinous is this particular crime and what punishment does it deserve? What measures can be taken to strengthen the law to deal with acid attacks? Answering these questions holds the key to understanding acid attacks better, and inching closer to the measures which can be taken to curb the menace.

II. THE IMPACT

Acid attacks are among the most heinous crimes conceivable. However, it is unfortunate that the criminal justice system in India has perhaps not come to terms with the gravity of the offence in its true spirit. An elucidation of the combined physical and psychological effects of an acid attack will perhaps help the reader appreciate the severity of the phenomenon.

A. PHYSIOLOGICAL EFFECTS

³Ibid

⁴Supranote 3, 9

⁵Acid Attacks: Bangladesh's Hidden Victims *The Independent (Asia)* (15 July 2011) <<http://www.independent.co.uk/news/world/asia/acid-attacks-bangladeshs-hidden-victims-2307990.html>> accessed 10 August 2011

⁶TaruBahl and M.H. Syed, *Encyclopaedia of the Muslim World* 1163 (2004)

⁷Supra note 6

⁸AfrozaAnwary, 'Acid Violence and Medical Care in Bangladesh: Women's Activism as Carework', *Gender and Society*(Vol. 17, No.2) (2003) 306

In almost all cases of vitriolage, concentrated acid is thrown at the face of the victim. Acid, being a corrosive substance capable of decaying metal in high concentrations, causes the facial tissue to melt in the affected areas. Less severe effects of acid contact with the skin would include redness, permanent hair loss and burning. In higher concentrations, it leads to permanent scarring, disfigurement, dissolution of vital body organs, pulmonary disorders, and even death. At times the acid eats through the fat and muscle under the skin and dissolves the bones. Eyelids, lips, and even the nose can burn off completely. An immediate danger is breathing failure, as the nostrils may close and the neck may swell disproportionately, added to the possibility of inhalation of acid vapours. The physical injury is irreparable and becomes the breeding ground for other dangerous diseases because of the risk of infection on the resultant dead tissue.

The 226th report of the Law Commission of India enlists the physical effects of an acid attack thus⁹:

Skull: May be partly destroyed or deformed. Hair is often lost.

Forehead: Skin may shrink, as though stretched tightly, and be scarred.

Ears: Shrivelled up and deformed. Deafness may occur immediately or later. Cartilage in the ear is usually partly or totally destroyed, exposing the victim to future infection and hearing loss.

Eyes: Direct acid contact or acid vapours can damage eyes, causing blindness. Even if the eyes survive the acid attack, they remain vulnerable to other threats which can cause blindness during the victim's recovery. Eyelids may have been burned off, or may be deformed by scarring, leaving the eyes to dry up and go blind. This is very difficult to prevent.

Nose: Shrunken and deformed. Nostrils may close completely because the cartilage is destroyed.

Cheeks: Scarred and deformed.

Mouth: Shrunken and narrowed, and may lose its shape. Lips may be partly or totally destroyed. Lips may be permanently flared, exposing the teeth. Movement of the lips, mouth and face may be impaired. Eating can be difficult.

Chin: Scarred and deformed. The scars may run downward, welding the chin to the neck or chest.

Neck: Often badly damaged. It may have a thick cord of scarred flesh running down from the chin to the upper chest, or a wide, heavily-scarred area on one side of the neck. Victim may be unable to extend the neck, or the head may constantly lean to one side.

⁹Supra note 3, 11

Chest: Often badly scarred. The chest may have narrow lines of scars or wide patches of scars from acid splashes or drips. In girls and young women, the development of their breasts may be stopped, or their breasts may be destroyed completely.

Shoulder: May be badly scarred, especially around the underarm, which may limit the victim's arm movement. In some cases, one or both of the victim's upper arms may be stuck like glue to the sides of their body.

B. OTHER EFFECTS: PSYCHOLOGICAL & SOCIO-ECONOMIC

The obvious and gruesome physical impact, however, does not overshadow the psychological, social and economic consequences of acid attacks. The trauma of an attack leads to the development of depression, fear, and in some cases, psychosis of the victim. Living with the embarrassment and social stigma of an attack that cannot be hidden from the outside world usually confines them to their homes. The victim's life gets derailed as every time she looks in the mirror she is reminded of her present insecurity as well as the hopelessness of the future.

Any physical disabilities that may result from an attack add another dimension to the victims' sufferance.¹⁰ For instance, if the acid affects the eyes and causes blindness, it becomes impossible for the victims to get jobs, earn their livelihoods, or even get married. In most cases, the victims become completely dependent for their daily sustenance. An added burden for the victim's family would be the medical expenses, as they are beyond the means of the families of many victims. In conclusion, we must note that the psychological, as well as social and economic effects are as absolute and incurable as the physical ones.

III. THE GENDER DIMENSION

We have stated earlier that 80% of all acid attack victims in the Indian subcontinent are women. In light of such facts, it would be foolhardy to suggest that acid attacks ignore the gender dimension. The Law Commission of India has stated 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.”¹¹

A. A FEATURE OF PATRIARCHAL SOCIETY

The eminent Minnesota State University academician AfrozaAnwary feels that in

¹⁰Supra note 3, 13

¹¹Supranote 3, 3

Bangladesh, men throw acid on women's faces as a mark of their masculinity and superiority, "to keep women in their place."¹² This analysis would apply to India as well, as there is a strong patriarchal culture running through the veins of both Indian and Bangladeshi 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."¹³

Anwary also argues that the overemphasis on the physical appearance of the fairer sex in such patriarchal societies is responsible for the increased incidence of acid attacks. Families of young women are very concerned with the preservation of their daughters' marriageability.¹⁴ In addition to her physical appearance, a woman's virginity is another resource in the marriage market, and therefore, women's involvement in romantic relationships before marriage is taboo. Vindictive lovers, on being turned down for marriage by women or their families, resort to acid attacks to destroy the woman's appearance and relegate her to a fate worse than death.

In a case decided by the Calcutta High Court in 2007, the accused had thrown a bottle of acid over the victim outside her house. The victim succumbed to the extensive acid burns that she received. The motive for the attack was a personal grudge held by the accused against the victim, as the latter had snubbed the proposals of the accused.¹⁵

B. A DELIBERATE EXPRESSION OF MALE AUTHORITY

An unexpected revelation has come out of Anwary's study. There is an economic angle to acid attacks as well, in view of globalization. The growth and financial independence of women has not gone down too well with men and they have experienced resistance and hostility from them.

"Deteriorating economic conditions, high unemployment rates among male breadwinners, the increasing number of landless households, and the lack of agricultural work for male labourers"¹⁶ are the vital reasons for their frustration. Thus, women who are burdened with the onus of earning for the family are often victimized by their husbands when they fail to live up to their expectations as homemakers in their conventional gender roles.

Property disputes are another cause for acid attacks on women. In a case decided by the apex court in 2007, the accused husband had thrown acid on the deceased, who

¹²Supranote 8, 307

¹³Supranote 3, 22

¹⁴Supranote 9, 307

¹⁵*Ramesh Dey v State of West Bengal* [2007] 3 CHN 775

¹⁶Supra note 8, 308

was his wife, and his daughters, to gain succession to the wife's property.¹⁷

The motivation for acid attacks on women can be attributed to various factors and feelings. Some perpetrators use acid to defile and debase the victim's body in an expression of conscious anger, in an attempt to humiliate them. Others feed their deep-seated feelings of inadequacy and insecurity by expressing authority and power by throwing acid on women, in an effort to exhibit their everlasting control over the woman's fate. Alternatively and in conclusion, it can be said that acid attacks are a method of intimidation which men use to keep women in a state of fear.

IV. THE LOOPHOLES IN THE LAW

A. THE LACK OF SPECIFIC LAWS

Perhaps it is because acid attacks are not considered to be very frequent in India that there is no specific legislation on the subject yet. The current legal provisions under which the accused is booked are all under the Indian Penal Code, 1860 (IPC). They are as follows:

- Section 320 (Grievous Hurt)
- Section 322 (Voluntarily causing grievous hurt)
- Section 325 (Punishment for voluntarily causing grievous hurt)
- Section 326 (Voluntarily causing grievous hurt by dangerous weapons or means)

A perpetrator booked under Section 325 may be imprisoned for a term extending to seven years and also fined. Under Section 326 the punishment is harsher. The perpetrator may be imprisoned for life, or for a term extending to ten years, and fined. What is more appalling is the fact that an offender booked under Section 325 can get bail under the Code of Criminal Procedure, 1973.¹⁸ Offences booked under Section 326 however are non-bailable.¹⁹

The Law Commission has vehemently criticized the definition of 'grievous hurt' given in Section 320, as its ambit is not well-defined. It neither accounts for grave injuries deliberately inflicted on important parts of a woman's body nor covers attacks whereby multiple types of grievous hurt are inflicted as is the case with acid attacks.²⁰

¹⁷*Ram Charittar v State of Uttar Pradesh* Cri.App. 766 of 2006 (S.C.) (Unreported).

¹⁸The Code of Criminal Procedure, 1973, The First Schedule

¹⁹*ibid*

²⁰Supranote 3, 42

Also, to qualify as 'grievous hurt' under the IPC, the offender must cause such hurt, as well as intend, or know himself likely to be causing such hurt. It must be noted that the *mensrea* element for this particular offence can be exceedingly difficult to prove. The *mensrea* element must be proved even if the offender is booked under Section 307 of the IPC (attempt to murder).

B. INADEQUATE COMPENSATION

Another major area where the existent law is insufficient relates to the payment of compensation to the victim. The victim has to incur huge medical expenses in an attempt to salvage whatever she can of her physical appearance. Medical treatment includes plastic and reconstructive surgeries which are very expensive and usually a tremendous burden on the families of the victims. Many victims are from rural or suburban areas, where such medical expertise and facilities are unavailable. The treatment period is prolonged and the treatment is rarely completely successful. This increases the financial as well as psychological burden on the victims and their families.

Quite unfortunately, there are no directives in Indian law as to the quantum of compensation to be paid to the victims. Therefore, the quantum payable is erratic, and in most cases, ridiculously inadequate. For instance, in *Balu v. State Represented Inspector of Police*²¹, a husband who had thrown acid on his wife was ordered to pay a meagre amount of Rs 2,000. Numerous examples can be cited where the victims have been paid paltry sums as compensation.²²

C. SALE AND REGULATION OF ACID

One of the causal factors of the increasing incidence of acid attacks is the absence of law regulating the sale of acid to common people. Hydrochloric and Sulphuric acids are very easily available in medical and other stores. Acid is also a very inexpensive weapon to procure, as a litre can be obtained for as less as Rs 25 at most locations.²³ Acid sales can be regulated only for industrial purposes in India, by the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989. This easy availability of acid, coupled with the lack of medical infrastructure to provide for the victims, makes the problem more serious.

D. OBLIGATIONS UNDER INTERNATIONAL LAW

The United Nations General Assembly passed the Declaration on the Elimination

²¹Cri.App. 1078 of 2004 (Madras H.C.) (Unreported)

²²*State (Delhi Administration) v Mewa Singh* 5 [1969]DLT 506; *Syed Shafique Ahmed v. State of Maharashtra* [2002] Cri LJ 1403

²³'Acid Attack Victims yet to get Assistance' *The Hindu* (Karnataka 27 April 2007)

of Violence against Women in 1993. Article 4(f) of this declaration recommends member states to develop preventive approaches for violence against women by legal measures.²⁴ This article would give credence to the creation of new legal provisions which would be harder on perpetrators of acid attacks, provide greater compensation to the victims, and perhaps even regulate the sale of acids in the country.

Another dimension is added to acid attacks against women if we look at the offence from the point of view of human rights. Member states of the United Nations can be held accountable on their failure to comply with certain obligations which uphold human rights. "These obligations arise from the duty of the States to take steps to respect, protect, promote and fulfil human rights."²⁵ Using the human rights argument would thus empower women and establish them as active right-holders and not merely discretionary beneficiaries. Legislation in this regard would also be supported by Article 21 of the Indian Constitution, which talks about protection of life and personal liberty of the individual.²⁶

E. CONSTITUTIONALITY OF PROPOSED LAW

A new legal provision may be adopted which will operate only for women as victims. The Constitution of India through Article 15(3) talks about special legal provisions for women and children. It is an exception to the general rule provided under Article 15, which talks about the prohibition of discrimination against citizens. Clause (3) of this Article states that

*"...Nothing in this article shall prevent a State from making any special provision for women and children."*²⁷

The word 'for' in clause (3) signifies that special provisions can be made 'in favour of' women, and not against them.²⁸ The logic behind this clause has been impeccably summed up by the apex court in *Government of Andhra Pradesh v. P.B. Vijaya Kumar*.²⁹

"... the insertion of Clause (3) of Article 15 in relation to women is a recognition of the fact that for centuries, women of this country have been socially and economically handicapped. As a result, they are unable to participate in the socio-economic activities of the nation on a footing of equality. It is... to empower them in a manner that would bring about effective

²⁴Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (February 2, 1994)

²⁵United Nations Division for the Advancement of Women, Joint International Law Program, *Ending Violence Against Women: From Words to Action* 15 (2006)

²⁶The Constitution of India, 1950, Article 21

²⁷The Constitution of India, 1950, Article 15 (3)

²⁸*Anjali Roy v State of West Bengal* [1952] AIR Cal 825

²⁹[1995] AIR SC 1648

equality between men and women that Clause (3) is placed in Article 15... to strengthen and improve the status of women."

Thus, keeping in mind the fact that most acid attack victims are women, having a special law for them would not be inconsistent with our Constitution.

V. THE JURISPRUDENTIAL VIEW

A. THE ESSENCE OF A CRIME

Strictly speaking, a crime is an act forbidden by the law of the land – one which is considered serious enough to warrant penalties for its commission.³⁰ This does not mean that the act is good or bad; the punishment flows from the contravention of the law. Generally, things mentioned in the penal code are injurious to the organized society of the time and place, and are usually of such a nature as for a long period of time, and in most countries have been classed as criminal³¹.

Kenny highlights three essentials of a crime, these being 1) some harm brought about by human conduct which sovereign power tries to prevent, 2) measures of prevention including threat of punishment, and 3) special legal proceedings used to decide whether the person accused actually caused the harm.³² An acid attack carries all three of these essentials, and therefore is definitely a crime. Having established that, we know that an offence can only be a crime if it was committed intentionally. The element of intention, or *mensrea*, is a requisite for an act to qualify as a crime, together with the physical commission of the act, or *actusreus*.

While *mensrea* may not be easy to prove in case of certain offences like murder, its presence is quite evident in case of acid attacks. 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. Thereafter, the attacker throws the acid into the victim's face, fully aware of the consequences his act would carry. This shows that the attacker's actions are completely wilful. Also, the presence of motive in most cases strengthens the supposition of the attacker's *mensrea*.

B. COMPARING ACID ATTACKS & RAPE

Having established the fact that an acid attack is a crime which has a horrific impact on the victim, it would be best if there were legal provisions which would deal specifically with it. In a country where a strict stand is taken against rapists, having a 'soft' approach to acid attacks is downright absurd, because from the point of view

³⁰Clarence Darrow, *Crime: Its Cause and Treatment* 1 (2007)

³¹Ibid

³²J.W. Cecil Turner, *Kenny's Outlines of Criminal Law* 5 (1962)

of criminal jurisprudence, acid attacks would appear to be a worse offence than rape.

Justice ArijitPasayat, elucidating on the crime of rape, had said –

“...While a murderer destroys the physical frame of the victim, a rapist degrades and defiles the soul of a helpless female...”³³

It is to be noted that the crime of acid attack is destruction of both – the body and the soul.

Rape is coercive sexual assault without the consent of the victim, and it leads to severe traumatization of the victim, often resulting in psychological disorders for the victim. An acid attack, as stated earlier, has effects, both physiological and psychological, on the victim. In fact, it affects the physical being of the victim more than rape does, as it usually results in erosion of the skin, dysfunction of vital organs and loss of life or limb. Also, acid attacks scar the victim’s psyche more violently than rape. While the effects of rape can be hidden by the victim from the world at large, the same cannot be said for acid attacks. Acid leaves blemishes which can neither be removed nor concealed, and the victim thus has to carry the social stigma for the rest of her days.

Comparing the gravities of the two offences, it appears even stranger that there is no specific legal provision to deal with acid attacks. Under Section 375 of the IPC, the punishment for rape is imprisonment for life, or imprisonment extending up to ten years, inclusive of fine. Additionally, the offence of rape is non-bailable.³⁴

C. SUGGESTING A NEW JUDICIAL APPROACH

The approach of the judiciary when dealing with cases of acid attacks should be similar to, if not harsher than, cases of rape. Certain safeguards³⁵ have been outlined by the apex court for the trial of rape cases. The authors feel that these guidelines should be implemented in trials of acid attack cases as well for the purposes of protection of the dignity of the victim, provisions for ample compensation and adequate legal aid to the victim. In an era marked by judicial activism in various fields of society, perhaps it would be commendable for the apex court to lay down such guidelines *suomoto* to fill the legal vacuum that exists with respect to this particular crime. It must be noted that the judiciary has done this in the past, for instance, with respect to sexual harassment at workplaces in *Vishakha v. State of Rajasthan*.³⁶

³³*Tulshidas Kanolkar v State of Goa* [2004] AIR SC 978

³⁴Supra note 19

³⁵*Delhi Domestic Working Women’s Forum v Union of India* [1995] 1 SCC 14

³⁶[1997] AIR SC 3011

The authors would highlight the *lexsalica*³⁷ aspect of retributive justice as it would be the most effective form of punishment for acid attacks in combination with the deterrent form of imprisonment. The concept of retributive justice is of balance³⁸. Here the harm is measured in terms of monetary payment or atonement. In acid attacks the physical appearance of the victim is badly damaged and her future prospects are made bleak. Those guilty of this crime should be held responsible for redress of the effects of this crime on the sufferer to the extent possible.

However, we find that the damage caused by an acid attack cannot be measured in monetary terms alone. Therefore, a combination of *lexsalica* retribution and the deterrent and reformatory theories of justice must be applied in these cases, and therefore, the perpetrator deserves punishment through imprisonment as well. Only then will justice be done because as Ulpian³⁹ put it – “Justice is the constant and perpetual will to allot to every man his due.”

VI. RESOLVING THE ISSUE

A. STRONG LEGISLATIVE MEASURES

It is difficult to provide justice for the victims of acid attacks unless stringent measures are taken. Therefore, the introduction of specific legislation with regard to acid attacks becomes imperative. The 226th Report of the Law Commission of India has suggested the introduction of Section 326A into the IPC to deal specifically with acid attacks. The section, as suggested by the Commission, should read –

“326 A. (i) Hurt by acid attack- Whoever 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 administering acid to that person, with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punishable with imprisonment of either description which shall not be less than 10 years but which may extend to life and with fine which may extend to Rs. 10 Lakhs.

Provided that any fine levied under this section shall be given to the person on whom acid has been thrown or administered.

(ii) Intentionally throwing or administering acid- Whoever throws acid on, or administers acid to, any person with the intention of causing burns or maiming or disfiguring or disabling or causing grievous hurt to that person shall be liable to imprisonment of either description for a term not less than 5 years but which may extend to 10 years and with fine

³⁷Joycelyn M. Pollock, *Ethical Dilemmas and Decisions in Criminal Justice* 59 (2011)

³⁸*ibid*

³⁹Gnaeus Domitius Annianus Ulpianus (c. 170 – 223), *Domitii Ulpiani Fragmenta* 3 (Gustav von Hugo ed., 1834)

which may extend to Rs. 5 Lakh.”⁴⁰

Part (i) of Section 326A deals with situations where actual damage is caused to the victim’s physique by the intentional throwing or administration of acid by the perpetrator. Therefore the punishment prescribed for offences under this subsection are more severe – a longer period of imprisonment (extendable to life) and a greater fine. Part (ii) applies to those attacks where the attacker has the intention of causing damage, but irreparable physical damage is not caused to the victim. The punishment is comparatively more lenient. Additionally, it is encouraging to note that offences under both these subsections have been made non-bailable.

The Law Commission has also suggested the addition of Section 114B to the Indian Evidence Act, 1872. 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.”*⁴¹

The addition of this section will speed up the trial process by doing away with the onus of proving *mens rea*, which lies on the prosecution.

B. IMPROVED VICTIM COMPENSATION

The National Commission for Women (NCW) has also suggested the inclusion of Section 357A in the Code of Criminal Procedure, 1973 (CrPC) for the purpose of defraying of expenses, in order to deal with the matter of compensation better.⁴²

The 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. In a separate chapter, the procedure for assistance has been clearly established.⁴³

C. REGULATION OF SALE

Finally, one of the most efficacious ways of curbing acid attacks would be to control the sale of acid over the counter. As stated earlier, at present, acid is abundantly and

⁴⁰Supranote 3, 43

⁴¹Supra note 3, 44

⁴²National Commission for Women, *Prevention of Offences (by Acids) Act, 2008* (Draft Bill) <ncw.nic.in/PDFFiles/OFFENCES_BY_ACIDS.pdf> accessed 10 August 2011

⁴³ibid

cheaply available in Indian markets. The Law Commission has observed that there are no regular inspections of stocks for acid sales as there are for explosives.⁴⁴ It would be prudent to appoint government officials for the purpose of keeping track of acid sales and ensuring that it is not purchased for purposes other than scientific and academic research. A licensing authority can be set up by the government so that only those who have the requisite clearance from the government for having access to acid can purchase it. This would hopefully lead to a lesser incidence of acid attacks in the near future.

VII. CONCLUSION

A. QUESTIONS ANSWERED

We have established the gravity of acid attacks in this paper, focussing extensively on the physical, psychological and socio-economic effects that they have on the victims. Also, we have exhibited how acid attacks are related to gender inequalities and are an expression of a man's self-assumed superiority over a woman. A discussion has been carried out on the lacunae in the Indian Law and how essential it therefore is to have specific legislation to cover acid attacks. Considering the impact and increasing incidence, the crime appears more atrocious than on the surface. It is a premeditated crime – one which requires tremendous ill- will on the part of the perpetrator, and therefore, it should be punished severely. In addition to this, establishing a sound victim compensation scheme in the country for such crimes is vital for the provision of justice.

B. ADDITIONAL EFFORTS

There are ancillary measures that can be taken to restrict acid attacks of course. AfrozaAnwary has explained how local feminist groups took an initiative to improve medical care for acid attack victims in Bangladesh.⁴⁵ A similar initiative could be taken by women's activist groups and non-governmental organizations in our country to improve conditions for acid attack victims in the country. Another very effective measure could be greater awareness and more sensitive and mature handling of these cases by the media. The fourth estate can be instrumental in raising public and national sentiment against this crime and its perpetrators, which in turn could influence the authorities to take a firmer stand against acid attacks. It is our sincere hope that the dismal condition of the legal apparatus with regard to acid attacks can be improved, so that the victims' problems can be assuaged and Indian society becomes a safer place for women.

⁴⁴Supra note 3, 14

⁴⁵Supra note 8, 305