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A BURNING ISSUE IN INDIA: ACID ATTACK

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I. ABSTRACT

Acid attacks against women, in particular, have increased alarmingly in India during the past decade. In order to disfigure or murder a woman, acid assault is a particularly horrific crime. Gender-based violence against women may also be referred to as such. As defined by the National Commission of India, an acid attack occurs when a person throws or uses acid on another person with the intent of causing permanent or partial damage, deformation or disfigurement to any part of the other person's body, or with knowledge that such person is likely to do so. Research shows that 78% of the recorded acid assault cases are because the victim refused to marry or rejected romantic relationships. In the daily newspaper, headlines like "Acid attack on young ladies" are commonplace. The number of acid attacks on women is steadily rising. For the abusers, cheap acid is a perfect weapon to employ against women since it is so readily available. Sulphuric, nitric, and hydrochloric acid are the most often used acids in these attacks. Although acid attacks seldom result in death, they leave serious physical, mental, and social scars in their wake. There has been an increase in the rules with the enactment of the 'The Criminal Law Amendment Act, 2013' and the Supreme Court of India's directions. It's been stated that the frequency of acid attacks has increased by a whopping 300% since 2014. When it comes to dealing with such circumstances, our legal and medical institutions have likewise shown to be ineffective. It is in this work that the devastating impacts of acid attacks on the victims' physical, psychological, social, and economic well-being are explored in detail. Even the current laws on acid assaults are examined.

KEYWORD- Acid attack, Violence, Women, Victims.

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II. INTRODUCTION

The role of women in society is significant. Although they are the ones that bring a new life into the world, their lives are taken away in the name of various brutalities performed against them. Women who decide to speak out against their oppressive status in patriarchal culture face a variety of punishments, including acid, physical violence, and even being set on fire to death.

III. ACID VIOLENCE IS A GLOBAL TRAGEDY, ACCORDING TO THE AUTHORS OF THIS ARTICLE

Acid violence is an inhuman act that may be considered the intentional use of acid to harm another human being, often as a crime of honour. As defined by the Indian National Commission, an acid assault is "any act of throwing or employing acid in any form on the victim to cause permanent or partial harm or deformity or disfigurement to the other person"³.

According to UNICEF research, "Acid attacks are a severe issue across the globe, with many incidents including children as the victims. Acid attacks are carried out with the express purpose of disfiguring and burning the victim. For the most part, the victims are underage females who have turned down sexual or marriage propositions. Vitriol, also known as an acid assault, is when someone uses acid on their body "to injure or disfigure [them] out of envy or vengeance." Sulphuric, nitric, and hydrochloric acid are the most often used acids in these attacks. Although acid attacks seldom result in death, they leave serious physical, mental, and social scars in their wake. It is common for attackers to target a person's head and face in order to maim, disfigure, and blind them for the rest of their lives, resulting in a life of misery and indifference."⁴

IV. FACTORS AFFECTING ATTACKS

It's especially young women who are known for rejecting marriage proposals, dismissing the dowry, and so on. "Form the bulk of acid attack victims," the Law Commission of India said in its

³Acid violence as on www.acidviolence.org/index.php/acid-violence

⁴Ibid.

226th report. Angry after being rejected, the assailant sets out to murder the lady who has dared to defy him."⁵

Men use acid as a signal of their masculinity and dominance over women and to "put women in their place," according to Afroza Anwary, a prominent academician.⁶

As a weapon to silence and control women, acid assaults are used to damage what is considered to be the core part of her identity.⁷

He also said that in patriarchal and traditional societies like India, the importance of a girl's marriage was overstated. Because her virginity and light complexion are the most crucial aspects in determining her suitability for marriage, her engagement in a love relationship before marriage is anathema."⁸

After being rejected by the girl or her family, spiteful lovers resort to acid attacks as a form of revenge. In light of globalisation, acid assaults also have an economic component. In a culture where many males are out of work, women's financial independence produces resentment.

Several factors contribute to their animosity, including "deteriorating economic circumstances, rising unemployment rates among male breadwinners, the growing number of landless families and the absence of agricultural work"⁹. Consequently, women who are expected to work for the family are frequently the victims of acid from their husbands if they fail to meet their gender duties as homemakers. Another reason acid assaults on women occur is due to property conflicts. Acid assaults on women may be motivated by a variety of circumstances and sentiments, such as jealousy or sexual aggression. To convey their wrath, some attackers use acid to contaminate and debase the victim's flesh. To demonstrate their eternal control over the woman's fate, others feed their deep-seated insecurities by throwing acid on her to demonstrate their superiority and authority over them. One way to look at this is that males employ acid assaults as a manner of showing their supremacy and power over women, as well as keeping them terrified.

⁵226th 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).

⁶Afroza Anwary, Acid Violence and Medical Care in Bangladesh: Women's Activism as Care work, 17 Gender and Society 305, 306 (2003).

⁷Ibid 1.

⁸Supra note 2.

⁹Supra note 2.

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V. EFFECT

Acid has a terrible impact on the body, often leaving the sufferer permanently blind. The result is that many routine chores, including working and even caring for a child, become extraordinarily difficult or impossible.

Acid attack victims have a high likelihood of survival, according to the Acid Survivors Foundation in Pakistan. As a result, the victim must deal with both physical problems that need long-term surgical therapy and psychological problems that necessitate intensive psychological counselling at each step of physical recovery. The victims often have little legal redress, no access to medical or psychiatric care, and no means of subsistence.¹⁰

1. PHYSICAL - Acid dissolves bone in certain cases in addition to eating through two layers of skin, including the fat and muscle underneath. The intensity of the acid and how long it remains in contact with the skin determine how severe the harm is.

Acid quickly eats through a person's eyes, ears, nose, and mouth when it is hurled in their face. Lips and eyelids may entirely burn off. Sometimes the ears shrivel up and the nose melts, sealing the nostrils. The acid may swiftly blind a sufferer by destroying their eyes. On the skull, forehead, cheeks, and chin, skin and bone may disintegrate. The acid burns everything it touches when it spills or drips on the neck, chest, back, arms, or legs.

Failure to breathe poses the sufferers' most immediate threat. Acid vapours may impair breathing in two different ways:

By triggering a toxic response in the lungs.

ii) By enlarging the neck, which closes the airway and causes the sufferer to suffocate.

¹⁰Acid Violence as on www.acidviolence.org/index.php/acid-violence

When acid burns heal, they leave behind deep scars that strain the skin very taut and may lead to disfigurements. For example, the lips may no longer open, the eyelids may no longer shut, and the chin may fuse to the chest.¹¹

2. PSYCHOLOGICAL - Recovery from an acid attack often brings with it a slew of psychological problems. Because of the way they look, victims of acid violence have been shown to have greater levels of anxiety and sadness. A decrease in self-esteem and an increase in social anxiety were among the symptoms that the women reported having on the Rosenberg Scale.

3. THE SOCIAL AND ECONOMIC - Victims of acid attacks are often left physically or mentally impaired, and as a result, they must rely on their spouses or other family members to do basic daily tasks like eating and running errands. As a result, individuals develop a sense of isolation as a result of societal prejudice. The fact that many acid survivors are unable to obtain adequate employment because of eyesight impairment and physical handicaps only serve to exacerbate their dependence. Divorce and spouse abandonment are prevalent as a consequence. If the victim is unmarried at the time of the assault, they will almost probably be shunned by society, which essentially ends their chances of getting married. They are apprehensive about leaving their houses for fear of being stared at or laughed at by strangers, thus they avoid public places. Unmarried victims and those who have suffered major disability as a result of an assault are unlikely to get married or find work and make a livelihood. They are forced to rely on others for their food and money because of the discrimination they face from others or their infirmities, such as blindness¹²

VI. ACID ATTACK'S LEGAL RESULTS

Acid assaults often make the news in India's media. Unfortunately, prior to the enactment of The Criminal Law (Amendment) Act 2013, India lacked specific laws to address acid assaults. As per Indian Penal Code Sections 320, 322, 325, 326 and 307, the offence was recorded (I.P.C).

SECTION 320 - HURT - Only the following types of pain are referred to as "grievous."

¹¹226th 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).

¹²Ibid.

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Emasculation is the first step.

For the second time - Permanent loss of vision in either eye.

Thirdly, permanent deafness of one or both ears is possible.

Fourth, any member or joint may be privatised.

Fifthly - Destroying or permanently impairing the capabilities of any individual or group of individuals or entities.

Disfigurement of the head or face is also included in this category.

Seventh - Bone or teeth fracture or dislocation

Eighthly - Any injury that puts a person's life in peril, renders them unable to engage in their regular activities for a period of twenty days or causes them to experience extreme physical discomfort.

"Voluntary to cause serious pain" is defined in Section 322 of the Criminal Code as anybody who willingly inflicts harm, whether or whether the harm he wants to inflict or the harm he inflicts is considered to be grievous. Only when a person commits severe harm and knows or wants to inflict grievous harm can he be considered to have willfully caused grievous harm. In other words, even if he is alleged to have willfully caused terrible harm, he causes grievous harm of a different type.

VOLUNTARY CAUSE OF SEVERE HARM PUNISHMENT UNDER SECTION 325

As long as you're not committing a crime under section 335 (Willingly inflicting serious harm on provocation), you'll be sentenced to up to seven years in prison and fined if you voluntarily cause grievous harm.

ATTEMPT TO MURDER - SECTION 307

Any act that would constitute murder if committed with the intent or knowledge that it would result in death, and in such circumstances, shall be punished by imprisonment of either description for up to ten years, and fined; and if any person is injured by such an act, they will be subject to the same punishment as is hereinbefore mentioned. Conspiracies of death row inmates - When a

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person is sentenced to life in prison for a crime under this provision, he or she may be punished with death if the victim is harmed.

The Criminal Law (Amendment) Act, 2013, passed on April 2, 2013, amending the Indian Penal Code. Sections 326A and 326B were added particularly to address acid violence as a consequence of the change.

In Section 326 Anyone who inflicts long-lasting harm on a person by hurling acid at, ingesting acid from, piercing the skin, or by any other means, with the intent of causing or with the knowledge that he or she is likely to cause such injury or harm, shall be punished with imprisonment of either description for a term which shall not be less than ten years.

As long as the fine is sufficient to cover the costs of the victim's medical care.

In addition, any fines imposed under this clause must be given to the victim, as stated in the legislation.

Those who throw or attempt to throw acid on anyone or attempt to administer acid to anyone, or attempt 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 harm to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but may extend to seven years, and shall be punished with a fine of not less than \$500.

COMPENSATORY MEASURES FOR ACIDIC EXPOSURE

Newly added to the CrPC is SECTION 357 B, which states: In addition to the victim's payment of a fine under Sections 326A or 376D, the State Government must provide compensation under Section 357A of the Indian Penal Code.

TREATMENT WITHOUT EXPENSE

All hospitals, public or private, must now offer free first aid or medical care under Section 357 C. First-aid or medical treatment for any offence covered by sections 326A, 376, 376A; 376B; 376C; 376D; or section 376E of the Indian Penal Code shall be provided free of charge by all hospitals (public or private), whether run by the Central Government or the State Government or local bodies; and the police shall be immediately informed of such incidents."

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For decades, acids have been sold over the counter to disfigure, maim, and even murder individuals, especially women, and the Supreme Court of India has given states three months in which to put new regulations in place.

Supreme Court orders all 29 states and 7 union territories to grant licences to shops selling acid. Supreme Court of the United States of America In order to acquire acids, customers will now be asked to produce picture identification. They are also obliged to keep track of the amount supplied and the addresses of the purchasers. Retailers must report to the police the quantity of acid they have on hand, and if they fail to do so, the police may seize any unreported stock and punish them up to 50,000 rupees (\$840). Anyone under the age of 18 is also prohibited from acquiring hydrochloric, sulfuric and nitric acid. For as low as 20 rupees (\$0.33) a litre, these acids are readily accessible in stores and can burn through tissue.¹³

VII. STATISTICS

Because acid violence was not recognised as a distinct offence by Indian criminal law until as recently as early 2013, there were no specific statistics for this kind of violence in India. Section 326A and 326B of the Indian Penal Code were amended in February 2013 to record cases of acid attacks as distinct offences. In 2014, 349 incidents were recorded throughout India, the first statistics available following the modification.¹⁴ There have been almost three times as many instances as in the previous three years. More than four times as many acid attack incidents were recorded in 2014 than the previous three years combined – an average of 83 occurrences each year in 2011, 85 in 2012, and 66 in 2013.¹⁵ Till November 2014, Uttar Pradesh had the most instances, with 185; Madhya Pradesh had 53. Among the seven UTs, Delhi had the highest number of acid attack incidences, with 27 documented incidents in 2013. Only 208 people have been arrested out of a total of 309 cases. For every 66 crimes that went unsolved in the state of Uttar Pradesh, there were only seven arrests in the city of Delhi. A total of 336 people were arrested in 234 separate incidents in the prior three years.¹⁶

¹³Acid attack as on <http://indianexpress.com/article/india/india-others/309-acid-attack-/>

¹⁴Statistics as on http://www.asfi.in/webpage.php?title=Statistics+&p_type=1&parent=76&catid=78

¹⁵Acid attack cases as on <http://indianexpress.com/article/india/india-others/309-acid-attack-cases-in-14-300-rise-in-3-yrs/#sthash.PgujdCmB.dpuf>

¹⁶Ibid

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Based on previous data and comparisons with other countries where comparable socioeconomic circumstances exist, prior estimates of the number of cases at 100 to 500 each year were probably closer to reality. "We would anticipate 7 00, 000 to 800, 000 burn injuries yearly" in India, according to the Indian Journal of Plastic Surgery of December 2007. There's a good chance that these incidents aren't just accidents, but rather the consequence of people arguing and being burned. In India, an estimated 7000 wives are slain and 18000 wounded each year due to dowry disputes alone, according to government figures.¹⁷

VIII. CERTAIN FAMOUS CASES ILLUSTRATION

THE FIRST IS LAXMI.

Laxmi, a 26-year-old lady from Delhi is an acid assault survivor. During the wait at Tughlaq road for a bus in 2005, two guys threw acid at her. She had declined to marry one of her assailants offended by which he left her maimed for life. Acid had severely scorched her entire face. She has undergone seven procedures and still needs four more surgeries to make her physical appearance approximate to what it was. She is from a poor family and could never have afforded to treat herself had she been aided by a philanthropist who bore her medical expenditures of roughly Rs. 2.5 lakhs.

Even though Laxmi's appearance will never be the same again, she will always be an example to those ladies who have suffered the same fate as she did as a result of acid exposure. She didn't let her bravery waver, and she'd amassed 27,000 signatures in support of a petition to the Supreme Court of India calling for a ban on acid sales. In addition to requesting monetary restitution, her PIL called for the creation of new legislation or amendments to existing criminal statutes including the IPC, the Indian Evidence Act, and the Criminal Procedure Code. She had also appealed for a comprehensive ban on the sale of acid, noting the rising number of incidences of similar assaults on women throughout the nation.¹⁸ It was the Supreme Court's response to her appeal that resulted in a landmark ruling on acid sales laws.

She now serves as the director of the Chhanv Foundation, an NGO in India that aids those who have been affected by acid attacks.¹⁹The First Lady of the United States, Michelle Obama,

¹⁷6 http://www.asfi.in/webpage.php?title=Statistics+&p_type=1&parent=76&catid=78

¹⁸“SC bans over-the-counter sale of acid, orders compensation for victims” Zee News

¹⁹Vibha Sharma, "Sheroes, the stars with acid scars", <http://www.tribuneindia.com/news/kaleidoscope/sheroesthe-stars-with-acid-scars/25932.html>

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honoured Laxmi with the 2014 International Women of Courage Award.²⁰ She was also named the NDTV Indian of the Year.²¹

HASEENA HUSSAIN

An ex-boss of the victim was thrown 1.5 litres of sulfuric acid by the accused Joseph Rodriguez when she chose to leave her position. Forever blinded by the acid, her face was melted and her shoulder and neck were combined. Her brain was also burned off and her fingers were united. The culprit was convicted under section 307 of IPC and was sentenced to jail for life. In addition to the Rs. 3,00,000 fine imposed by the Trial Court, the victim received Rs. 2,00,000 in compensation. This is a historic case²² as it was the first time that a considerable amount was given to the victim to fulfil her medical bills.

SONALI MUKHERJEE

An 18-year-old Dhanbad lady named Sonali Mukherjee was assaulted with acid while she was a teenager. In 2003, three accused attackers including Tapas Mitra, Sanjay Paswan and Brahmadev Hajra hurled acid at her while she was sleeping on top of her home. She endured severe burnt injuries and her face was scarred.²³The culprits were condemned to jail for nine years but were freed on bail after appealing to the High Court.²⁴

PREETI RATHI

Preeti had acquired a position as a Lieutenant in the Indian Navy and had travelled to Mumbai to enrol at the INHS Asvini, the naval hospital in Colaba. On her way to work on 2nd May 2013, a guy flung acid on her face which injured her eye and contaminated her kidneys. The acid entered her oesophagus, windpipe and trachea causing her tremendous discomfort. A medical examiner declared her dead on the spot from her injuries. The culprit was charged under IPC section 302(murder), 326-A(voluntarily inflicting grievous harm by use of acid), and 326-B(voluntarily throwing or trying to throw acid).

²⁰"Bios of 2014 Award Winners". state.gov

²¹Sangeeta Barooah Pisharoty, "Tea with Laxmi". The Hindu

²²State of Karnataka by Jalahalli Police Station v. Joseph Rodrigues s/o V.Z. Rodrigues (Decided in the Hon'ble High Court of Kerala on 22/8/2006)

²³"A beautiful life melted away in an acid attack Punjab News | Breaking News | Latest Online News". Punjabnewslines.com. 22 April 2003. Retrieved on 26th November 2015.

²⁴"Give me justice or let me die: Desperate plea of acid attack victim who was left blind and deaf by the three men who had 'sexually abused her". Daily Mail (UK) (London). 16 July 2012. Retrieved 26th November 2015.

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IX. LAW CONCERNING ACID VIOLENCE IN THE WORLD

No nation in the globe is unscathed by the acid assaults. From wealthy countries like the United States of America, and the United Kingdom to developing ones like India, Bangladesh etc, acid assaults are prevalent. Despite this, the vast majority of assaults take place in Asia and Africa as a whole.

As the frequency of reported acid assaults has risen, governments throughout the globe have been compelled to enact strict legislation to combat this kind of violence. The legislations against acid violence in the nations where the highest number of such assaults occur are -

BANGLADESH

The number of acid assaults in Bangladesh is the highest in the world. A dramatic spike in acid attack instances occurred in Bangladesh in the mid-1990s. In 2001, 340 instances were recorded which climbed to 336 cases in 2002. The government enacted The Acid Offences Prevention Act and The Acid Control Act in 2002 to prevent the escalating acid violence in the nation.

The Act²⁵ punishes the criminal with a death sentence or hard imprisonment for life with the fee of one lakh Takka in case of death²⁶ or total or partial mutilation of the face or sexual organs of the victim. On harm to any portion of the body of the victim, harsh imprisonment of 7-14 years is granted to the criminal.²⁷ In addition, even if no damage is done to the victim's bodily or mental well-being, anybody caught throwing or attempting to hurl acid on another person faces a 3-7 year jail sentence and a 50,000 Takka fine.²⁸

The Act also tackles the issue of delay in the prosecution of cases by allotting set time for investigations. It gives investigators 60 days to complete their probe, after which the officer conducting the investigation will be subject to disciplinary action. It also stipulates that the case's trial shall be finished in no more than 90 days. The Acid Control Act aims to limit and regulate the sale and supply of acid in the country's market. A 15- person National Acid Control Council have been created across the nation to take action to enforce the laws governing acid sales and to help in the appropriate treatment, reporting and rehabilitation of victims.

²⁵Acid Offences Prevention Act, 2002.

²⁶Acid Offences Prevention Act, 2002, § 4.

²⁷Acid Offences Prevention Act, 2002, § 5.

²⁸Acid Offences Prevention Act, 2002, § 6.

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CAMBODIA

Earlier, there was no criminal statute to penalise the perpetrators of acid assault. They had been accused of violence with injury, a crime punishable by up to 10 years in jail upon conviction. In January 2012, Acid Law came into place which criminalised acid violence. It prosecutes the culprit with 15-30 years of jail in case of death of the victim and 15-25 \ years in case of permanent handicap of the victim. It also stipulates that the government must offer medical treatment, legal assistance, and other forms of protection for acid victims.

UGANDA

Acid violence in Uganda affects all the various strata of society from the lowest to the most affluent and important. Section 216(g) of the Ugandan Penal Code penalises the offender with life imprisonment. In Uganda, if an assault results in the death of the victim because of the perpetrator's malicious intent, it is deemed murder under Section 188 and punishable by death under Section 204.

An act as heinous as acid assault is non-bailable yet the offenders are nevertheless released on bail. Though there are effective laws available in the nation against such violence they are not executed in a suitable way which is the reason why such assaults still occur in huge numbers in the country.

JAMAICA

There is no particular legislation in Jamaica to deal with acid violence in spite of the fact that it has the biggest number of absolute acid attack victims. Only the Offences against the Person Act, which provides life imprisonment to the guilty in cases of grave harm to the victim, punishes this kind of aggression.

NEPAL

Under Nepal's legal system, there is no clear punishment sanction for acid violence. The culprit is punished under current legislation for the harm and culpable death of Muluki Ain. Number 14 of the chapter Pain, endows with the penalty for inflicting hurt to the body by burning material like acid. An offender who commits a minor offence but does not cause great harm is sentenced to two months in jail and must pay a fine of Rs 500. Punishment of a modest amount of Rs 2,000 is

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levied for burning the nose or eyes of a person. In addition, the government offers no aid to the victims in the form of medical or financial care. In order to deter these assaults, the current legislation on acid violence does not impose any serious penalties on those responsible.

PAKISTAN

Pakistan enacted the Acid Control and Acid Crime Prevention (Amendment) Act, 2010, which updated the country's criminal code by adding sections 326A and 326B, which allow for life imprisonment, 2010. Using acid to hurt someone badly is punishable by life in prison or at least fourteen years in prison and a fine of one million rupees.

The Acid Throwing and Burn Crime Bill, 2012 extends upon the Acid Control and Acid Crime Prevention (Amendment) Act, 2010. It established a clear and precise definition of acid assault, as well as procedures for conducting investigations, safeguarding witnesses, and recognising the right of victims and their dependents to medical, legal, and financial assistance. Attempts to perpetrate acid violence are also made illegal under the law, and officials are required to conduct thorough investigations into any such attacks. To ensure efficient execution of legislation, the act includes the framework for establishing of Acid and Burn Crime Monitoring Board and detailed its function and duties.

X. INTERNATIONAL CONVENTION SEEKING THE ABOLITION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The UN General Assembly enacted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. It is commonly referred to as a global women's human rights charter. There is an agenda for national action to abolish this kind of prejudice, which is defined in this document. Discrimination against women is described as the following:

Discrimination based on gender restricts or negates the pleasure, enjoyment or exercise by women, regardless of their marital status, of their human rights and basic freedoms in the areas of politics, economics, society, culture, civic or any other field based on gender equality.

The overwhelming majority of acid attacks are committed against women, illustrating the pervasiveness of prejudice based on gender. Acid assault is an effort by the criminal to harm and degrade a woman physically, mentally and emotionally. It instils terror in the victim's head and

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forces her to embrace the socially prescribed submissive gender position. It prevents her from confronting the oppressive social standards and rising against her lowly status in society.

Countries that have ratified the Convention are legally obligated to implement its terms. They are also required to produce national reports, at least every four years, on efforts they have made to comply with their treaty responsibilities. CEDAW has been ratified by the majority of nations with the highest number of acid abuse incidents, including Bangladesh, Pakistan, Nepal, and India, and as a result, these countries are legally required to enact strict legislation to combat this kind of violence against women.

A Declaration on the Elimination of Violence against Women was also adopted by the UN General Assembly in 1993, in addition to CEDAW. Member nations are encouraged by the declaration's article 4(f) to implement legislative measures aimed at preventing violence against women.²⁹ With such a statement, new legislation promoting stricter penalties for criminals, adequate restitution for victims, and restrictions on the sale of acid in member nations gain legitimacy.

XI. A SIMPLE LAW IS INSUFFICIENT

The success of any legislation is defined by its execution. Without appropriate implementation, even the most rigorous regulations are meaningless. The 2013 Criminal Law (Amendment) Act has improved the anti-acid violence legislation. There was no way to prosecute the perpetrators before the Act, and the victim received either no compensation at all or a paltry sum in lieu of it. In addition to enacting new legislation to penalise the perpetrators, the amendment included provisions for the victim's medical care.

But, the formulation of legislation is never adequate until it is effectively enforced. The Indian Judicial System is overwhelmed with cases. The trial isn't scheduled for many years. In addition, attorneys ask the Court to prolong the trial date in an attempt to postpone the prosecution of the accused. As a consequence, even if the rules are strict, cases are left unresolved for years and the criminal is not held accountable for his crimes. As a result, instances involving acid assaults might be heard by a special Tribunal or Bench. Such a body would be solely designated for such instances which will guarantee speedy conveyance of justice and relief to the victim. In this way,

²⁹Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (February 2, 1994).

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the victim will not have to deal with many rounds of appeals in numerous jurisdictions around the nation.

The sale of acid is now regulated, in addition to the strict criminal legislation already in place. The acids utilised for assaults are freely accessible since they are employed in home usage as well as for scientific and research objectives. To ensure that the regulations are being followed, a monitoring mechanism must be put in place.

Due to illiteracy or ignorance, many individuals in the nation (especially merchants and retailers) are unaware of the new regulations governing the sale and purchase of acid. Educating the public about the new restrictions is something the government should do.

The Criminal Law (Amendment) Act, 2013, is a much-needed piece of legislation that has made important improvements to the criminal justice system. Victims will never get justice until the law is faithfully applied. Thus, actions should be done to successfully implement the new legislation to limit such violence.

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