



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 4 AND ISSUE 2 OF 2024

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Free and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 4 and Issue 2 of 2024 (Access Full Issue on – <https://ijlr.iledu.in/volume-4-and-issue-2-of-2024/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



ILE Publication House is the
India's Largest
Scholarly Publisher

© Institute of Legal Education

Copyright Disclaimer: All rights are reserved with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

THE LEGAL FRAMEWORK: ARE WE DOING ENOUGH TO COMBAT ACID ATTACKS?

AUTHORS – SHUBHAM KUMAR* & AMALENDU MISHRA**, STUDENT* & ASSISTANT PROFESSOR**, LAW COLLEGE DEHRADUN, UTTARANCHAL UNIVERSITY, DEHRADUN.

BEST CITATION – SHUBHAM KUMAR & AMALENDU MISHRA, THE LEGAL FRAMEWORK: ARE WE DOING ENOUGH TO COMBAT ACID ATTACKS?, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (2) OF 2024, PG. 362-367, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract:

Acid attacks represent one of the most vicious forms of violence, inflicting devastating physical, psychological, and social harm, with women being disproportionately affected. Despite global awareness and advocacy, these attacks persist, prompting scrutiny of existing legal frameworks. This article assesses the efficacy of legal measures aimed at preventing acid attacks, prosecuting offenders, and supporting survivors.

Historically prevalent in regions like South Asia, particularly India, Pakistan, and Bangladesh, acid attacks have spread globally, necessitating a comprehensive legal response. Several countries have enacted specific laws to address acid violence, including stringent penalties for perpetrators, regulation of acid sales, and support systems for survivors. However, effectiveness varies widely due to differences in legal systems, enforcement, and societal attitudes towards gender-based violence.

While South Asian countries like India and Bangladesh have implemented notable legal reforms, challenges in enforcement and support provision persist. In India, despite legislation imposing severe penalties and regulating acid sales, issues such as availability and delayed justice remain. Bangladesh's proactive legal approach has yielded some success, yet gaps in survivor support persist. Pakistan faces similar challenges with weak enforcement and inadequate support for survivors.

Outside South Asia, countries like the United Kingdom and Cambodia have also introduced legal measures to combat acid attacks, but face challenges in enforcement and support provision. The UK's Offensive Weapons Act and Cambodia's Acid Law aim to regulate acid sales and impose penalties, yet enforcement remains a concern.

Evaluation of legal frameworks emphasizes the importance of stringent laws, effective enforcement, regulation of acid sales, and comprehensive support for survivors. Public awareness and societal attitudes also play a crucial role in prevention. International collaboration and sharing of best practices are essential for addressing this global issue.

Lessons from Bangladesh's comprehensive legal framework, the UK's regulatory measures, and India's support mechanisms offer valuable insights for other countries. However, addressing the root causes of acid attacks requires a holistic approach involving legal reforms, societal change, and women's empowerment. Ultimately, the fight against acid attacks is a battle for human dignity and equality, demanding concerted efforts from governments, NGOs, and communities worldwide.

Keywords:- Acid Attack, Legal Framework, Effectiveness, Laws & Regulations, South Asia

Introduction

Acid attacks are among the most brutal forms of violence, leaving victims with devastating physical, psychological, and social scars. These attacks, often motivated by personal vendettas, rejection, or gender-based animosity, disproportionately affect women. Despite global awareness and advocacy efforts, the prevalence of acid attacks remains alarmingly high in several countries. This raises a critical question: Are we doing enough to combat acid attacks through our legal frameworks? This article explores the existing legal measures to prevent acid attacks, prosecute perpetrators, and support survivors, and evaluates their effectiveness in combating this heinous crime.⁴⁶⁵

Historical Context and Global Overview

Historically, acid attacks have been recorded in various parts of the world, with a significant concentration in South Asia, particularly in countries like India, Pakistan, and Bangladesh. Over the past few decades, acid attacks have also been reported in regions such as Southeast Asia, Africa, and even parts of Europe and Latin America. The global nature of this crime necessitates a comprehensive and internationally coordinated legal approach.

In response to the increasing incidence of acid attacks, several countries have introduced specific legal provisions to address this crime. These measures typically include stringent penalties for perpetrators, regulation of acid sales, and support mechanisms for survivors. However, the effectiveness of these laws varies significantly across different jurisdictions, largely depending on the robustness of the legal system, enforcement mechanisms, and societal attitudes towards gender-based violence.

Acid attacks have a long and tragic history, with records dating back to the 18th century. Initially used as a method of revenge and punishment, the availability of strong acids in industrial and

household settings made them accessible tools for committing acts of violence. The practice of acid throwing became particularly prevalent in certain regions where gender-based violence and social vendettas were common.

Globally, South Asia has reported the highest incidence of acid attacks, with countries like India, Bangladesh, and Pakistan facing significant challenges. These attacks are often motivated by personal disputes, rejected romantic advances, and family conflicts, disproportionately affecting women and girls. In Bangladesh, the frequency of acid attacks peaked in the early 2000s, prompting the government to implement stringent legal measures and regulations.⁴⁶⁶

Beyond South Asia, acid attacks have also been reported in Southeast Asia, Africa, Latin America, and Europe. For instance, Cambodia has faced similar issues, leading to the introduction of specific laws to curb acid violence. In the United Kingdom, a spike in acid attacks in recent years has drawn significant media attention, leading to stricter regulations on the sale and possession of corrosive substances.

Internationally, the response to acid attacks has varied. Some countries have implemented robust legal frameworks, strict regulations on acid sales, and comprehensive support systems for survivors. For example, Bangladesh's legal reforms and public awareness campaigns have been relatively successful in reducing the incidence of acid attacks. Conversely, in many other regions, weak enforcement, corruption, and social stigma continue to hinder effective prevention and support.

Overall, acid attacks remain a pervasive global issue, necessitating concerted efforts from governments, NGOs, and communities to address the root causes and implement effective legal and social measures.

⁴⁶⁵ Acid Survivors Trust International. (n.d.).

⁴⁶⁶ United Nations Development Programme. (2014). Combating Acid Violence in Bangladesh.

1 Legal Frameworks in South Asia

South Asia, particularly India, Bangladesh, and Pakistan, has been at the forefront of legal reforms aimed at combating acid attacks. These countries have enacted specific laws and regulations to address the unique challenges posed by acid violence.

1.1 India

In India, the turning point in the legal framework addressing acid attacks came with the Criminal Law (Amendment) Act of 2013⁴⁶⁷. This legislation introduced specific provisions under the Indian Penal Code (IPC) to address acid attacks. Sections 326A and 326B of the IPC⁴⁶⁸ were introduced to specifically deal with acid attacks and attempted acid attacks, respectively. Section 326A imposes a minimum sentence of ten years, extendable to life imprisonment, along with fines to cover medical expenses and rehabilitation of the victim. Section 326B deals with the attempt to throw acid, prescribing a minimum sentence of five years, which may extend to seven years, along with fines.

In addition to punitive measures, India has also focused on regulating the sale and distribution of acid. The Supreme Court of India, in a landmark judgment⁴⁶⁹ in 2013, issued directives to regulate the sale of acid. This included mandates for acid retailers to obtain licenses, maintain records of buyers, and restrict over-the-counter sales. The government also amended the Poisons Act⁴⁷⁰, 1919, to classify acid as a poison, thereby bringing its sale under stricter regulation.

Despite these legal provisions, challenges remain in their implementation and enforcement. There are reports of acid being easily available in local markets, and the prosecution of acid attack cases often faces delays. Moreover, the compensation and medical care provisions for survivors, although

mandated by law, are not always effectively provided.

1.2 Bangladesh

Bangladesh has been recognized for its proactive approach in addressing acid attacks through legal reforms. The Acid Control Act, 2002, and the Acid Crime Control Act, 2002, are two pivotal legislations aimed at curbing acid violence. The Acid Control Act regulates the production, import, transport, storage, sale, and use of acid. It also mandates the formation of a National Acid Control Council to oversee the implementation of the law and monitor acid-related activities.

The Acid Crime Control Act, 2002, prescribes severe penalties for acid attacks, including the death penalty or life imprisonment, depending on the severity of the attack. The legislation also provides for the establishment of special tribunals to expedite the trial of acid attack cases.

Bangladesh's legal framework has been relatively effective in reducing the number of acid attacks, thanks to stringent enforcement and robust regulatory mechanisms. However, challenges remain in terms of ensuring comprehensive support for survivors, including medical treatment, psychological counseling, and social reintegration.

1.3 Pakistan

In Pakistan, the Acid Control and Acid Crime Prevention Act, 2011, introduced amendments to the Pakistan Penal Code and the Criminal Procedure Code to specifically address acid attacks. The Act imposes a minimum sentence of fourteen years, extendable to life imprisonment, along with fines for causing permanent damage through acid attacks. It also mandates the regulation of acid sales and the establishment of monitoring mechanisms.

Despite these legislative measures, the enforcement of acid-related laws in Pakistan faces significant challenges due to systemic issues such as weak law enforcement, corruption, and societal attitudes towards gender-based violence. Survivors often struggle

⁴⁶⁷ Act No 13 of 2013

⁴⁶⁸ Indian Penal Code 1860

⁴⁶⁹ Laxmi v. Union of India (W.P. Criminal 129 of 2006)

⁴⁷⁰ Act No 12 of 1919

to receive timely medical care, legal assistance, and compensation.

2. Legal Frameworks in Other Regions

Beyond South Asia, various countries have also introduced legal measures to combat acid attacks, though the scope and effectiveness of these laws vary.

2.1 United Kingdom

In the United Kingdom, acid attacks have been on the rise, prompting the government to introduce stricter regulations. The Offensive Weapons Act, 2019⁴⁷¹, includes specific provisions to address acid attacks. The Act makes it an offense to possess a corrosive substance in a public place without a legitimate reason and introduces measures to regulate the sale and delivery of corrosive substances.

The UK has also implemented sentencing guidelines for acid attacks, emphasizing the severity of such crimes and the need for stringent penalties. Despite these measures, there are ongoing concerns about the accessibility of corrosive substances and the need for comprehensive support for survivors.

2.2 Cambodia

Cambodia has also faced issues with acid attacks, leading to the introduction of the Acid Law in 2012. The law regulates the concentration and sale of acid, mandates licensing for sellers, and imposes severe penalties for acid attacks. The Cambodian government has also established mechanisms to provide medical care and support for survivors. However, enforcement remains a challenge due to limited resources and weak legal infrastructure.⁴⁷²

Evaluating the Effectiveness of Legal Frameworks

While many countries have introduced specific legal measures to address acid attacks, the effectiveness of these frameworks depends on several factors, including the robustness of the legal system, enforcement mechanisms, public awareness, and societal attitudes.

• Stringency and Enforcement

The stringency of laws and the severity of penalties play a crucial role in deterring acid attacks. However, stringent laws alone are not sufficient. Effective enforcement is critical to ensuring that perpetrators are held accountable and potential attackers are deterred. This requires a well-functioning legal system, trained law enforcement personnel, and adequate resources to monitor and regulate acid sales.

In many countries, despite the existence of stringent laws, enforcement remains a significant challenge. Issues such as corruption, lack of resources, and inadequate training of law enforcement personnel hinder the effective implementation of legal provisions. Ensuring that law enforcement agencies are adequately equipped and motivated to enforce acid-related laws is essential for their success.

• Regulation of Acid Sales

Regulating the sale and distribution of acid is a key component of preventing acid attacks. Effective regulation involves strict licensing requirements, maintenance of sales records, and monitoring of compliance. Public awareness campaigns to educate retailers and the general public about the dangers of acid and the legal requirements for its sale can also enhance compliance.

Despite regulatory measures, acid remains easily accessible in many regions. This highlights the need for more stringent and effective regulation, including regular inspections, penalties for non-compliance, and the promotion of safer alternatives to acid for industrial and household use.

• Support for Survivors

Comprehensive support for survivors is an essential aspect of the legal framework addressing acid attacks. Survivors require immediate and long-term medical care, psychological counseling, legal assistance, and economic support to rebuild their lives. Legal

⁴⁷¹ UK Public General Acts 2019

⁴⁷² Cambodian League for the Promotion and Defense of Human Rights. (2012).

provisions must mandate and facilitate access to these services.⁴⁷³

While many countries have introduced compensation schemes and medical support mechanisms, survivors often face difficulties in accessing these services. Bureaucratic hurdles, lack of awareness, and insufficient resources are common barriers. Ensuring that survivors receive timely and adequate support requires streamlined processes, dedicated resources, and active involvement of NGOs and civil society organizations.

• **Public Awareness and Societal Attitudes**

Public awareness and societal attitudes play a significant role in preventing acid attacks. Legal frameworks must be complemented by public awareness campaigns to educate communities about the consequences of acid attacks, the legal penalties for perpetrators, and the rights and support available to survivors.

Changing societal attitudes towards gender-based violence is a long-term process that requires continuous efforts. Educational programs in schools, community outreach initiatives, and media campaigns can help challenge and change harmful gender norms and stereotypes. Engaging men and boys as allies in the fight against gender-based violence is also crucial for creating a supportive and respectful environment for women.

International Collaboration and Best Practices

Combating acid attacks requires international collaboration and the sharing of best practices. Countries with effective legal frameworks and enforcement mechanisms can serve as models for others. International organizations, such as the United Nations and non-governmental organizations, can play a pivotal role in facilitating knowledge exchange, providing technical assistance, and advocating for global standards.

Best Practices from Bangladesh

Bangladesh's approach to combating acid attacks offers several best practices that can be adopted by other countries. The comprehensive legal framework, which includes stringent penalties, regulation of acid sales, and support for survivors, has been relatively effective in reducing the incidence of acid attacks. The establishment of special tribunals to expedite the trial of acid attack cases is another best practice that ensures timely justice for survivors.

Regulatory Measures in the United Kingdom

The UK's regulatory measures for controlling the sale and possession of corrosive substances provide valuable lessons. The Offensive Weapons Act, 2019, includes specific provisions for regulating the sale, delivery, and possession of acid. The requirement for retailers to verify the age of buyers and the ban on delivery of corrosive substances to residential addresses are effective measures to prevent misuse.

Support Mechanisms in India

India's legal provisions for compensation and medical support for acid attack survivors highlight the importance of comprehensive support mechanisms. Ensuring that survivors receive timely and adequate medical care, psychological counseling, and economic support is crucial for their rehabilitation. Streamlining the process for accessing compensation and medical support can enhance the effectiveness of these provisions.

Conclusion

While significant progress has been made in addressing acid attacks through legal frameworks, there is still much work to be done. The effectiveness of these frameworks depends on the stringency of laws, enforcement mechanisms, regulation of acid sales, support for survivors, public awareness, and societal attitudes. International collaboration and the

⁴⁷³ Global Study on Legal Provisions and Support Systems for Acid Attack Survivors. UN Women. (2015).

sharing of best practices can enhance efforts to combat acid attacks globally.⁴⁷⁴

Ultimately, addressing the root causes of acid attacks requires a holistic approach that includes legal reforms, societal change, and empowerment of women. By creating an environment where women are respected, valued, and protected, societies can reduce the incidence of acid attacks and ensure justice and support for survivors. The fight against acid attacks is not just a legal battle; it is a fight for human dignity and equality.



⁴⁷⁴ World Health Organization. (2016). Preventing acid attacks.