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GLOBAL COMMITMENT TOWARDS PROTECTION OF WOMEN AGAINST ACID VIOLENCE

V AGESHWARI DESWAL *

Abstract

Violence against women is manifested in several ways out of which acid attack is the most brutal and horrifying. Reasons quoted for throwing acid are many but the underlying cause has its roots in the hegemony of male supremacy. There is a gendered aspect to this problem which cripples the victims physically, mentally, socially as well as economically. Instances of acid attacks have been reported all across the globe but the incidence of acid attacks in India, Bangladesh, Pakistan, Afghanistan and Cambodia is particularly alarming. These are societies where patriarchal notions of male supremacy, constrain men to expect subjugation from women and transgressions from this diktat are pernicious. The United Nations Declaration on the Elimination of Violence against Women casts an obligation on its member nations to address violence against women, whether committed by state agents or by non-state actors. States are accountable to women themselves, to all their citizens and to the international community. This article traces the legal developments related to acid violence across the globe.

I. INTRODUCTION

The crime of Acid attack is commonly referred to as vitriolage. Sulphuric acid is oily in appearance hence called as Oil of Vitriol.¹ As sulphuric acid is the most commonly employed agent in acid attacks, the act of committing crime with its help is referred to as vitriolage. Generally this term is employed to describe the throwing of any corrosive, not necessarily Sulphuric acid, on a person with the intent of injuring or disfiguring him out of jealousy or revenge.² Sometimes Nitric acid, hydrochloric acid, phosphoric, chromic or carboic acid, caustic soda and other acidic substances are also used. Though acid attack can be committed against any man or woman, it is a crime with a marked gender skew.

II. THE GENESIS OF ACID VIOLENCE

Acid throwing is diabolical and one of the worst forms of violence. The motivation and causes behind acid attacks vary widely. Shame, loss of face and sometimes loss of honour are some of the imperatives that perpetuate acid attacks. Majority of the reported attacks have a basis in family or personal relationship

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The term 'Oil of Vitriol' was coined by the 8th-century Alchemist Jabir ibn Hayyan (<http://www.alchemylab.com/arcana.htm#Vitriol>). Highly concentrated Sulfuric acid is nearly odourless, clear, slightly yellowish and oily in appearance, hence the name oil of vitriol.

2 Krishan Vij, *Textbook of Forensic Medicine and Toxicology: Principles and Practices*, 5th edn., p. 462.

problems, where emotions such as anger, jealousy, and revenge are the main motivational factors. The social advancement of women coupled with enhancement in their decision making capabilities have threatened the patriarchal hold and the male backlash has translated into acid violence against women. In majority of the cases acid is used by prospective suitors to seek vengeance against women for rejecting their proposals or spurning their advances. It is also used by family members such as husband as punishment for bringing insufficient dowry, suspected infidelity or seeking divorce from an abusive husband. Men, brought up in the patriarchal culture consider themselves to be superior to women and their ego refuses to allow them to accept rejection from a woman. Sometimes parents also use it against their daughters- for not conforming to their warped notions of traditions and doing acts contrary to their accepted norms thereby bringing dishonor or disrepute to the family. Sometimes family feuds," property disputes", personal enmity and other reasons" also prompt such crimes where women are chosen as targets to settle scores with their family. Taliban uses acids to deter schoolgirls from seeking education in Afghanistan. There have been several incidents in Kandhar and other provinces of Afghanistan where acid was sprayed on school girls in uniforms while declaring that this was their punishment for attending school.

Acid attack is an infernal crime. What makes it worse is the fact is that it does not occur on the spur of the moment, but is premeditated and planned. As per BBe claims, on an average 1500 incidences of acid attacks are reported worldwide every year.' Actually the numbers might be far greater than these as many of these incidents remain unreported or are disregarded by the authorities due to cultural and structural inequalities towards women. "The purpose of throwing acid on the face or head particularly of a girl can be no other than to permanently disfigure her head or face so that she may not be in a position to show her face in the society or if she shows that face in the society she may look ugly. It is a different matter altogether that in the present day by getting plastic surgery done, some of the bad effects of acid or

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- 3 At the age of five Najaf Sultana was burned by her father while she was sleeping inside her house in Pakistan, apparently because he didn't want to have another girl in the family.
 - 4 25 year old Shahnaz Bibi, was burned with acid by a relative in Lahore due to a familial dispute.
 - 5 Ritu Saini, a 17 year old volleyball player was subjected to acid attack in Rohtak district of Haryana in India by her cousin brother at the behest of her paternal aunt over a property dispute.
 - 6 In Rahim Yar Khan, a very conservative city in Punjab province of Pakistan, 35 year old Azim Mai's husband allegedly threw acid in her face in 2011 after she refused to sell their two boys to a man in Dubai to use as camel racers.
 - 7 Tom de Castella, "How many Acid Attacks are There", *BBC News Magazine*, (August 9 2013).

like that are removed but that is a different matter". The trauma of excruciating pain suffered by the survivors is further aggravated by the subsequent social rejection. Sometimes the motivations are unclear and perpetrators remain unidentified. Sometimes illiterate people who do not understand the enormity of damage that can result from acid attacks use it to settle scores without realizing the damage they might actually cause. Many cases of acid violence are accidental too such as when the victims were present near the target or accidents due to negligent handling of this dangerous substance.

III ACID: A PERILOUS ARMAMENT

Acid is known to burn flesh and destroy appearance, which has been cited as the motive behind acid violence in majority of the cases. In this world where there is so much importance attached to a woman's physical appearance, spurned or rejected suitors want to destroy her looks as a means of punishing her or taking revenge against her. Acid attacks are seen as a lifelong punishment. Victims of acid violence never recover completely physically or emotionally. The physical pain may subside, but the scars will always remain as a painful reminder of the horrific incident.

Acids are utilized in numerous industries and trades. Sulphuric acid is used in car batteries; many people use it as toilet cleaner too. It is easy to use in attacks as it can be carried in a bottle, jar, beaker or jug. People have used water guns to spray it on the victims from a distance. It looks like water so it can be carried around without rousing suspicion. Acids are also used widely in agriculture and for cotton cleaning. Nitric acid is utilized in jewellery fabrication, and hydrochloric acid is employed in rubber production. Large quantities of highly concentrated acids are easily available from various vendors. Thus easy availability at low prices causes people to choose it over other more expensive and difficult to procure weapons such as guns. Thus it is largely because of the widespread and unregulated use of acids, their easy availability over the counter and the relatively low cost that acid has become a choice weapon for settling disputes. In the words of one report, it is "an indelibly easy weapon to obtain and use".

8 *Sangeeta Kumari v. State of Jharkhand and Anr.* on 8 July, 2003, Jharkhand High Court 2004 CriLJ 1734.

9 Ashim Mannan, Samuel Ghani, Alex Clarke, Peter E. M. Butler, "Cases of Chemical Assault Worldwide: A Literature Review", *Bums*, vol. 33, no. 2 (2007), pp.149-154 at p.150.

IV. RAMIFICATIONS OF ACID VIOLENCE

The immediate effects of contact with acid and other such corrosive substances are "swift and devastating" and ultimately permanent. Once acid burns the skin the effects cannot be eliminated, erased, reversed or forgotten. It takes only five seconds of contact for superficial burns to happen after that the acid rapidly eats into the skin melting all flesh, muscle and even bones unless promptly washed off or medical aid is provided. Lack of awareness regarding administration of first aid to acid victims leads to delay in treatment during which time irreparable damage is caused. Survivors have described their initial reaction to being attacked as though it were water thrown at, or poured on, them; and their subsequent horror at the immense burning heat searing through their body, with the terrifying realization that their skin is dissolving away. 10

The long term effect is irreparable physical damage. The skin dissolves as the acid eats into the skin and if the concentration is higher and the acid is not washed off, the acid may go deeper and even melt the bones. The recovery is slow, painful and involves lots of expenditure on treatment and reconstructive surgeries. There is uneven resurgence of skin and lump formation over affected areas and the victims suffer from various disabilities such as lack of vision, hearing, movement of joints etc.

As a consequence of acute physical disabilities resulting from acid attacks, many survivors are no longer able to perform even simple tasks without assistance and support. Thus they have to face a perpetual struggle to earn their livelihood. They face difficulty in retaining their previous employment due to physical disability and people are generally reluctant to hire them. Thus they become financially dependent on others and this coupled with expensive treatment leads to economic crisis in families of survivors.

Their appearance is affected adversely and public perception and reactions further traumatize the survivors and there is lack of self worth. Of all the causes, **disfigurement** plays a powerful role in the subsequent psychological and emotional trauma experienced by survivors." Shock and syncope resulting from acid attacks are as debilitating as the physical effects of acid burns.

10 Hooma Shah, "Brutality by Acid: Utilising Bangladesh as a Model to Fight Acid Violence in Paki stan", *Wisconsin International Law Journal*, vol, 26 (2008-2009), pp.II72-1199 at p.II73.

11 Roksana Noor Khurshid, "Acid Attacks on Women in Bangladesh ", *Proceedings: 1st Annual Symposium: Graduate Research and Scholarly Projects*, Wichita State University, pp.121-122.

12 On the relationship between physical deformities and psychological traumas, see Ronald P Strauss, "Culture, Rehabilitation, and Facial Birth Defects: International Case Studies", *Cleft Palate Journal*, vol. 22, no. 1 (January 1985), pp. 56-62.

The survivors often suffer from feelings of depression and there is loss of self-esteem. They live under perpetual fear of another attack and this leads to several problems such as insomnia and headaches. Many people develop suicidal tendencies too.

V. VITRIOLAGE AND THE LAW: AT INTERNATIONAL LEVEL

Recognizing that 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, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men, the United Nations General Assembly, on 20th December, 1993 passed the Declaration on the Elimination of Violence against Women. For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Earlier, Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guaranteed women's right to freedom from violence as an aspect of the right of women to be free from discrimination. The right of a woman to be free from violence is also protected in general human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) 1966 and the Convention against Torture (CAT) 1984. These two conventions, taken collectively cast an obligation on the member States to protect the most basic rights of all human beings including women and guarantee them rights such as right to life, equality before law and freedom from torture, inhuman or degrading treatment.

Now States have concrete and clear obligations to address violence against women, whether committed by state agents or by non-state actors. Traditionally the State was only held accountable for violations of human rights committed by its agents. By extending accountability for acts of violence perpetrated by non-state actors to the State, public international law recognizes that violence against women, whether committed by State or non-State actors constitutes human rights violations. This also means that the State has the obligation to enter the so-called 'private sphere' where most instances of violence against women take place. This is a sphere from which the State had excluded itself, preferring to limit instead only to the

13 Article 1 of Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104.

public sphere. Hence the concept of due diligence has helped rupture the artificial "public/private sphere" divide, as well as State/non-State actor dichotomy.¹⁴ While differing circumstances and constraints require different types of action to be taken by the State, they do not excuse State inaction. When the State fails to hold the perpetrators of violence accountable, this not only encourages further abuses, it also gives the message that male violence against women is acceptable or normal. The result of such impunity is not only denial of justice to the individual victims/survivors, but also reinforcement of prevailing inequalities that affect other women and girls as well.¹⁵

In the case of *Yildirim v. Austria*¹⁶, two women, Ahide Goekce and Fatma Yildirim were both murdered by their husbands following years of brutal abuse. Despite reporting the violence to the police and obtaining protection orders, the Austrian authorities repeatedly failed to ensure the women's safety. In 2007 the CEDAW Committee under the Optional Protocol found that Austria had failed to implement the law and therefore failed in their duty to provide 'due diligence'. The CEDAW committee concluded that although Austria had established a comprehensive framework to address domestic violence, the State had failed to satisfy its due diligence obligation of protection.

In *Chief Constable of Hertfordshire v. Van Colle (Administrator of the Estate of GC, Deceased) and another*, the court noted that, where it can be established that the State authorities knew or ought to have known of the existence of a real and immediate risk to the life of an individual as a result of the criminal acts of a third party, the State has a positive obligation under Article 2 of the European Convention on Human Rights to take preventive, operational measures to protect that individual. This obligation will be breached if they fail to take the measures, within the scope of their powers, which, judged reasonably, might have been expected to avoid that risk.¹⁷

The United Nations Declaration on the Elimination of Violence Against Women (hereinafter Declaration), casts an obligation on its member nations to develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence.¹⁸ Article 4

14 Available at <www.duediligenceproject.org/the_Due_Diligence_Project/Home.html> last visited on 30th May, 2014.

15 UN, Study of the Secretary-General, "Ending violence against women: from words to action", published on 9th Oct, 2006; Also available at <<http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-exeE-use.pdf>>.

16 CEDAW/C/39/D/6/2005.

17 [2008] UKHL 50.

18 Article 4 (d) of Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104.

(f) of this Declaration further recommends that member states should develop preventive approaches and enforcement practices or other interventions to prevent recurrence of violence against women." Thus States are required to develop adequate legislative framework ably supported by the executive as well as judiciary to deal with acid attacks. These laws should prescribe harsher penalties for offenders ensure strict compliance and enforcement of the laws, provide adequate compensation for treatment and rehabilitation of acid violence survivors, and ensure regulation of acid sales in the country.

VI. STATE RESPONSES

A. Bangladesh

The Constitution of Bangladesh declares that women shall have equal rights with men. As per Article 28(I) of their Constitution, "there shall be no discrimination on grounds only of religion, race, caste, sex or place of birth" and Article 28(2) provides for equal opportunity for men and women in all spheres of state and public lives. Bangladesh has a separate Ministry of Women and Children's Affairs entrusted with the responsibility of ensuring elimination of violence against women. During the eighties there was pressure on the government from Human Rights groups and women activists to enact laws to protect women from cruelties such as domestic abuse, sexual exploitation, rape and acid attacks. This caused the Bangladeshi Government to bring the Cruelty to Women (Deterrent Punishment) Ordinance in 1983. Under this ordinance the crimes of kidnapping, abduction and acid attacks on women, were declared to be serious crimes punishable with death penalty or life imprisonment. This was amended by the Cruelty to Women (Deterrent Punishment) (Amendment) Act (No. 37 of 1988). Other laws followed such as the Women and Children Repression (Special Provision) Act 1995 and The Nari-o-Shishu Nirjatan Daman Ain, 2000 (Law on the Suppression of Violence against Women and Children, 2000).

There was a steady rise in incidences of acid violence in Bangladesh during the nineties. This visibility was partly due to better reporting and partly owing to the efforts of NGO's such as Acid Survivors Foundation and 'Naripokkho', a women's advocacy organization." Better documentation led to reporting of 351 incidents in 2001 and 494 incidents in 2002. The government was alarmed at the rising incidences

19 Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104.

20 Jordan Swanson, "Acid Attacks: Bangladesh's Efforts to Stop The Violence", *Harvard Health Policy Review*, vol. 13, no. I (Spring 2002).

of acid attacks and Bangladesh passed two Acts in 2002 to combat the incidences of acid violence against women. Thus, in 2002, Bangladesh enacted the Acid Crime Prevention Act, 2002 to regulate the sales of acids throughout its territory. The Acid Crime Control Act, 2002 is another strict measure to combat acid violence. These Acts punishes those found guilty of acid throwing with death penalty. The level of punishment is related to the parts of the body affected. If the victim dies or loses sight or hearing, or if the victim's face, breasts, or sexual organs are damaged, the attacker faces the death penalty or life imprisonment, as well as a fine up to fifty thousand Takas which roughly amounts to seven hundred US Dollars." Attempt to throw acid or actual throwing without causing either physical or mental suffering is also punishable with imprisonment ranging for a term from three to seven years and also entails liability of fine up to 50,000 Takas."

Under the new law the police is obliged to conduct time bound investigations. Ordinarily the police must investigate acid attacks within 30 days, but can be given up to 60 days extension. If the investigation has not been completed within the designated timeframe, courts may request that the police department designate another investigating officer to complete the investigation within the prescribed time period and may also take measures against the defaulting investigating officer.²³ These two legislations taken collectively offer a comprehensive and multidimensional array of measures towards combating acid attacks by restricting the unlicensed importation, production, storage, transportation, usage as well as sale of acids and prescribing heavy punishments (prison sentence for a minimum of three years) for violators." The effective implementation of these legislations has resulted in a decline in the number of acid attacks since the date of their enactment. As per the statistics compiled by the Acid Survivor's Foundation (ASF) the number of acid attacks in Bangladesh has steadily decreased by fifteen to twenty percent every year," According to their data the number of incidents of acid throwing has come down from 494 in 2002 to 69 in the year 2013.

B. Pakistan

The misogynist mindset of the Pakistani middle class is largely responsible for acid attacks being resorted to as a punitive measure against women. Every year there are at least 100 known cases of acid attacks in Pakistan and many more remain

21 Acid Crime Control Act, 2002, Section 5(b).

22 *Ibid.*, Section 6.

23 *Ibid.*, Section It.

24 *Ibid.*, Section 23.

25 Statistics available at <<http://www.acidsurvivors.org/statistics.html>>.

unreported partly due to the social stigma attached to this crime and partly due to the indifferent attitude of the police and the judicial system. In the year 2013 alone there were 143 acid attacks registered with the Acid Survivors Foundation. Most were against women and girls. At the time of writing this paper from January till March 2014, 40 cases of acid attacks have been reported in the country.^f

In 2012, global attention was drawn towards the fate of acid violence survivors in Pakistan by an Oscar winning documentary titled 'Saving Face'. This film highlighted the plight of acid attack victims and the efforts of a British Pakistani doctor Mohammed Jawed providing reconstructive surgery to rebuild faces of acid attack victims. The documentary chronicles the struggle of two acid survivors Zakia and Rukhsana. Zakia, a Pakistani girl was married to Pervez a drug addict and alcoholic who would steal money from her and if she ran out of money he would beat her. Zakia finally made the decision to divorce him and while she was standing outside the courthouse, her husband came up to her and said something about making a spectacle out of her and then threw the acid at her face. Her beautiful face melted completely on one side and blinded her in one eye, all in a matter of seconds." Rukhsana was first attacked by her husband with acid, after which her sister-in-law threw gasoline on her, which, in turn, was ignited by Rukhsana's mother-in-law. Despite such monstrous treatment, Rukhsana remains in her in-laws' home, hoping against hope that by appeasing them, she will one day be reunited with her daughter, who is kept apart from her in the house by a brick wall."

Pakistan had amended its Penal Code and the Criminal Procedure Code in 2011 to provide maximum punishment of life imprisonment to perpetrators of acid attacks. This step encouraged reporting and when they witnessed the surge in numbers they were prompted to draft an "Acid Throwing and Burn Crime Bill, in 2012", however it has not been passed yet. This Bill stipulates imprisonment for a term ranging from minimum fourteen years to maximum of life imprisonment for acid throwing depending upon the facts and circumstances of every case. In addition to imprisonment fines may also be imposed up to One million Pakistani rupees. This proposed legislation consists of thirty five clauses dealing with various aspects of acid violence ranging from providing guidelines for investigation of acid crimes, protection of witnesses, establishment of an Acid and Burn Crime Monitoring Board

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- 26 Valerie Khan, Chairperson Acid Survivors Foundation (ASF) at the launch of a report titled "Fostering Effective Implementation of Pro Human Rights Laws: Criminal Law Amendment Act 2011 (Act XXV), An Example of Good Practice", In Islamabad on April 15, 2014. Available at <acidsurvivorspakistan.org>.
 - 27 Homa Khaleeli, "Saving Faces in Pakistan", *The Guardian*, Feb 12th, 2012.
 - 28 David Wiegand, "Saving Face", Oscar-winning Documentary Looks at Disfigured Pakistani Women, *San Francisco Chronicle*, July 3rd 2012.

and prescribing its responsibilities. However this bill is silent on the crucial aspect of providing compensation, treatment and rehabilitation to survivors of acid violence.

C. Cambodia

Before 2011, Cambodia did not have a specific law to deal with acid violence and it was covered under the broad definition of the term "Violence" under their Domestic Violence law. Further under their Criminal Law²⁹ cases of acid violence could be covered under Article 41 as 'Assault and Battery' entailing punishment of imprisonment up to ten years. Article 188 of the Criminal Code of Kingdom of Cambodia, 2009 defines 'Crimes against Humanity'. Acid violence is broadly covered under clause 11 of Article 188 as other inhuman acts which causes great sufferings or serious attack on physical integrity. Such an act is punishable with life imprisonment under Article 189. Even preparation to commit such a crime against humanity is punishable with a penalty set forth between 20 (twenty) and 30 (thirty) years imprisonment. Article 210 punishes tortures and barbarous acts with imprisonment and where such acts are aggravated resulting in maiming or permanent disability to the victim then the act is punishable by an imprisonment ranging between ten to twenty years. Acid attacks are always pre planned and they are also covered under Article 217 as 'Intentional Violence' where is person is punishable by an imprisonment ranging from one to three years and a fine ranging from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.

According to reports Cambodia has recorded 900 cases of acid attacks since 2004. The prevalence of acid violence in Cambodia can partly be attributed to the easy availability of acid. Cambodia is a large producer of rubber and acid is widely used in the rubber industry. Thus in 2011 Cambodia enacted an Acid Control law which deals specifically with acid attacks and related matters. Under articles 5 and 8 of this law, unless a person or legal entity has a license or letter issued by the concerned authority of the RGC they shall not be allowed to use, buy, sell, store, distribute, transport or import acid. All those found operating without licenses shall face fines and confiscation." In case of any incidence of acid violence, the concerned authority shall be responsible for immediate transfer of the victim to a health centre and all state owned health institutions must provide free support and treatment to the victim." But this law is gender neutral and both men and women victims of acid violence can seek redressal of their grievance under this law.

29 The Criminal Code of Kingdom of Cambodia, 2009.

30 Article 14, Acid Control Law.

D. Iran

In Iran the punishment for acid violence is retributive i.e. an eye for an eye and a tooth for a tooth. The Sharia *code of qisas*, or equivalence justice is applicable against acid assaults in Iran and according to its sanctions, a perpetrator of acid violence is required to pay a fine to the victim and also suffer by being treated in the same manner e.g. be blinded with acid in both eyes. In 2004, a 24 year old attractive woman named Ameneh Bahrami was attacked with acid by a man named Movahedi for rejecting his proposal. He had earlier threatened to destroy her life and do something that no one would marry her. In 2008, the court ruled that the 27-year-old Movahedi should be blinded with acid. It also sentenced him to jail and ordered that he pay compensation to the victim." However, as of July 31, 2011, she pardoned her attacker, thereby absolving Majid Movahedi of his crime and halting the retributive justice of Qisas." Earlier some women were threatened with acid attacks by Islamic vigilantes for failing to wear 'hijab.'³⁴ Now Iran has laws under which acid attacks are treated as a capital offense." These increased sanctions have occurred as a result of rising incidences of acid violence in Iran.

E. Afghanistan

Under its strict interpretation of Islam, the Taliban regime had banned girls from receiving educations while it ruled the country before its overthrow in late 2001. They still resort to acid throwing against girls to deter them from attending schools. In a notorious case in 2008, more than a dozen schoolgirls in the southern city of Kandahar were sprayed with acid by motorcycle-borne assailants who later said they were paid to carry out the attack by Taliban insurgents opposed to educating girls." Private clan disputes and the usual outrage over rejected proposals are other prominent reasons cited behind acid attacks in Afghanistan. In 2009 Afghanistan passed "The Elimination of Violence against Women Law". This is the first time that Afghanistan has taken cognizance of violence against women and criminalized

31 Article 10 & 11, Acid Control Law.

32 <<http://www.bbc.co.uk/news/world-middle-east-13578731>>.

33 Afshin Molavi, *The Soul of Iran: A Nation's Journey to Freedom*. (W. W. Norton, New York, 2005), p. 152.

34 Hijab is popularly understood as the head scarf used by muslim women. However 'Hijab' means the complete covering of a muslim woman's body except the hands, feet and face in long, loose and opaque garments. Islam requires all adult muslim girls and women to observe hijab in front of all men except their father, grandfather, brother, son or other minor boys.

35 Islamic Penal Code of the Islamic Republic of Iran, 2012.

36 <http://latimesblogs.latimes.com/world_now/2011/11/afghan-sisters-hurt-acid-attack-rejected-proposal.html> last visited on 14th May, 2014.

the same. Acid attack has been recognized as a type of violence against women and has been made punishable with a minimum imprisonment of ten years to maximum of life imprisonment.

F. Uganda

Acid in Uganda is normally used as a vengeance weapon i.e. used as an agent to take revenge in personal clashes, business disputes, land disputes, revenge in adultery disputes among others. During political activities especially during the election time, the number of acid violence goes up due to political rivalry. The acid used in attacks in Uganda is Sulphuric acid that is used in car batteries and thus commonly available in petrol stations."

There is no specific law against acid attacks in Uganda. However, the general law on criminal offences in Uganda, the Penal Code Cap 120, recognizes the offence of acid violence and describes sentencing for perpetrators. Specifically, Sec.216 (g) provides that perpetrators of acid or burn violence intending to maim are liable to life imprisonment. Should an acid attack committed with "malice aforethought" lead to death, then it is considered murder (Sec.188) and is punishable by death (Sec.189). The lesser crime of attempted murder, covered by Sec.204, provides for punishment up to life imprisonment."

G. India

Earlier acid cases would be covered under Section 326 IPC (Voluntarily causing grievous hurt by dangerous weapons or means). In 2013 two new provisions Sections 326A & 326B, were introduced in the IPC vide Criminal Laws Amendment Act, 2013 declaring acid attacks as a specific crime. In addition to this there is also section 357A CrPC which provides for compensation to victims of acid attacks. Under Section 357B of the CrPC, it has been clarified that whenever the court awards payment of compensation to survivors of acid violence the compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A of the Indian Penal Code.

In the case of *Pt. Parmanand Katara v. Union of India & Ors*,³⁹ Justice Ranganath Mishra observed that "Every doctor whether at a Government hospital or otherwise has the professional obligation to extend his services with due expertise

37 Suzan Kabarwani, "Acid Attacks- A Vengeance Weapon in Uganda", available at [-www.ugandapiks.com](http://www.ugandapiks.com)», posted on Feb 2, 2012.

38 "Acid Violence in Uganda A Situational Analysis", Report by Acid Survivors Foundation, Uganda in partnership with the Acid Survivors Trust International, (November 2011),p. 12.

39 AIR1989 (SC) 2039.

for protecting life. No law or State action can intervene to avoid/delay the discharge of the paramount obligation cast upon members of the medical profession. The obligation being total, absolute and paramount, laws of procedure whether in statute or otherwise which would interfere with the discharge of this obligation cannot be sustained and must, therefore, give way". The court further said that, "Institutes should be asked to provide the immediate medical aid to all the cases irrespective of the fact whether they are medico- legal cases or otherwise. The practice of certain Government institutions to refuse even the primary medical aid to the patient and referring them to other hospitals simply because they are medico-legal cases is not desirable. However, after providing the primary medical aid to the patient, patient can be referred to the hospital if the expertise facilities required for the treatment are not available in that Institution.?"

357C of the CrPC provides for medical aid to victims of acid attacks and makes it mandatory on the part of all hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, to immediately, provide the first-aid or medical treatment, free of cost, to the victims of acid violence and also casts an obligation on such hospitals to immediately inform the police of such incident. In May, 2013 the Ministry of Health and Family Welfare (MOHFW) issued an Advisory regarding the free treatment of acid attack victims. Non compliance with the provisions of Section 357C CrPC has been made a punishable offence under Section 166B of the IPC.

In July, 2013 the Supreme Court of India issued an order in *Laxmi v. UO/Al* asking all states to take steps to prevent unauthorized sales of acids. Accordingly the Poisons Possessions and Sales Rules, 2013 were drafted in which acid has been included as a Poison and its sales have been subjected to regulation and licensing. Model Rules⁴⁰ have been framed under the Poisons Act, 1919 to regulate sale of acid and other corrosive substances.

Laws against acid attacks in India are still in the nascent stage. Our immediate neighbor Bangladesh has succeeded in bringing down incidences of acid violence by strict enforcement of its twin legislations⁴¹ relating to control of acid sales and punishing those accused of acid violence with heavy punishments. Even Pakistan is in the process of enacting a special law to deal with this menace. Social welfare organizations in India too are pressing for a separate legislation to specifically and comprehensively deal with acid attacks, but as of now we will have to focus on enforcement of the existing provisions to tackle this problem.

40 *Ibid.*

41 Criminal Writ petition 129 of 2006.

42 The Model Poisons Possession and Sale Rules, 2013.

43 Acid Crime Prevention Act, 2002 and the Acid Crime Control Act, 2002.

VI. CONCLUSION AND SUGGESTIONS

States have a duty to prevent acts of violence against women; to investigate such acts when they occur and prosecute and punish perpetrators; and to provide redress and relief to the victims.

However enacting laws alone is not the solution. The implementation and enforcement of any law in the right spirit is the essence of any successful legislation. States need to provide adequate supporting legal framework to ensure effective and timely investigation, speedy trials and legal support to victims. Police personnel and the judicial officers need to be sensitized to deal with such matters. Most of the times women face family opposition and they are reluctant to register complaints against the offenders due to social stigma's associated with such crimes. The states need to adopt a pro active approach in removing obstacles from women's pursuit of justice. The investigation and prosecution of cases relating to acid violence should operate within a defined time frame and should mandate a verdict within the shortest possible time by fast tracking the trials of cases. Free treatment at all Government hospitals should be provided and even private hospitals should be duty bound to provide first aid in acid attack cases. Compensation should be provided at the earliest. Money alone cannot compensate and the State should plan a comprehensive rehabilitation package for the long term treatment required in such cases for complete physical and psychological recovery requiring expensive specialized treatments and counseling. Rehabilitation should not only provide for both interim as well as final monetary aid for the victim but also make arrangements for making the victims self sufficient by providing them jobs which is essential for their reintegration into the society.

All States need to adopt a zero tolerance policy in this barbaric crime.