



CALL FOR PAPERS: ONE DAY NATIONAL SEMINAR ON *SOCIO-LEGAL ASPECTS OF COMBATING ACID ATTACK IN INDIA*: Faculty of Law, Jamia Millia Islamia in collaboration with National Commission for Women.

24th January, 2018

Venue: Auditorium, National Commission for Women, Jasola, New Delhi-110025

A. CONCEPT NOTE

Acid attack is a vicious form of aggression against human beings. Sulphuric and nitric acid, thrown on a human body, causes skin tissue to melt, often exposing bones below the flesh, sometimes even dissolving the bones. This is gender based violence as committed primarily against the women by men, to destroy their physical appearance and hence cause extreme lifelong mental suffering. Predominantly Patriarchal societies with worst sex ratios account for most number of acid attack victims while the north eastern states, where women play a more decisive role in society, have negligible number of such attacks. While a total of 57 cases with 65 victims were recorded in 2010, in 2012, the figure jumped to 85 cases with 101 victims. Delhi, UP, Punjab, Haryana and Bihar together accounted for 53% of all the victims. According to the data compiled by NCRB, in 2016 there were 206 incidents of acid attack on women with 225 victims. Out of 29 States, acid attacks were reported in 17 States with 187 incidents and 202 victims. The highest incidents, 54, were recorded in West Bengal with 60 victims. UP stood second with 51 incidents and 52 victims. In Odisha and Haryana, there were 12 incidents with 12 victims and 11 incidents with 11 victims respectively. Punjab recorded 13 victims with 6 incidents. 19 incidents with 23 victims were recorded in Delhi. No incidents of acid attack on women were reported in other UTs.

Even though, by its very nature, acid attacks fall in the category of most heinous forms of crimes committed against society, it took a while for the Indian law makers to acknowledge this brutal form of violence as a separate crime, as prior to 2013

there was no specific provision in law punishing acid attacks as an offence *per se*. The perpetrators were tried under section 326 of the Indian Penal Code which penalizes voluntarily causing grievous hurt. It was only on 3 February 2013 that the Criminal Law (Amendment) 2013 inserted Sections 326(A) and 326(B) in the Indian Penal Code, 1860 to deal with acid attacks. Unfortunately, the numbers of acid attack cases are still on rise indicating that merely criminalizing acid attack is not enough, instead a deeper deliberation is needed on core issues surrounding the crime of acid attack such as the acid sales restrictions, prosecution and rehabilitation realities post 2013. Further to uproot this crime from its base there is a need to understand acid attack in the social context by examining the underlying causes, its consequences and further to overcome the multiple barriers to justice for its victims.

Activists argue that the new law has only increased the punishment for perpetrators but does not have rehabilitation provisions for the victims who have to live with not just the physical disfigurement but also psychological scars and social exclusion. Securing government compensation as provisioned by Supreme Court guidelines remain painstakingly slow process. It is distressing to note that even after Supreme Court directing the Union of India and States to implement compensation payable to acid attack victims by creation of a separate fund in *Laxmi v. Union of India*, only 17 States notified the Victim Compensation Schemes (VSC) as was pointed out by the Supreme Court in *Parivartan Kendra v. Union of India*. As of today, all the States and Union Territories have notified the Victim Compensation Scheme. However, since there is no centrally maintained record of disbursement of funds by States/UT's, it is difficult to assess, how far the schemes have been helpful in assisting the acid attack victims.

Under the victim compensation schemes, the quantum of compensation provided to the victims of acid attack varies from State to State. It shows the arbitrariness of these schemes. The victim compensation schemes specify maximum limit of compensation; and subject to maximum limit, the discretion to decide the quantum has been left with the State/District legal services authorities. The award of compensation has not become a rule and interim compensation, which is very important, is not being granted by the Courts. The upper limit of compensation fixed by some of the States is arbitrarily low and is not in keeping with the object. For instance, the maximum limit of compensation given to acid attack victims in Andhra

Pradesh is Rs. 10 Lakh while in Bihar it is Rs. 25,000. Having no minimum limit diminishes the chances of adequate compensation as there is no certainty of the lowest amount. But the Union Territories in their Schemes have provided minimum limit also which draws a line for the judiciary within which the discretionary power should be used e.g. in Puducherry, an acid attack victim whose face has been disfigured can get compensation which can be extended upto Rs. 3 Lakh but in no condition it can be less than Rs. 2 Lakh. Therefore, there is a surety of Rs. 2 Lakh as compensation. Thus, there should be a minimum limit of the compensation as it puts a check on the arbitrariness of the decision not giving it too much room.

From the social perspective, acid attacks, like other forms of violence against women, are not random or natural phenomena. Rather they are social phenomenon deeply embedded in a gender order; an order that has historically perpetuated patriarchal control over women and justified use of violence to “keep women in their places”. Acid violence reflects gender inequality and discrimination in society. Often acid attacks are perpetrated against women because they transgress gender norms that relegate women to subordinate positions. Indeed, a significant portion of attacks in India take place when a woman exercises decision-making power by rejecting a suitor’s marriage or love proposal. Acid attackers invariably aim for a woman’s face in an attempt to destroy what many members of society consider to be one of her most important assets—her beauty. There is an urgent need to challenge such stereotypes to put an end to such a crime.

There are a number of factors that lead a person to commit acid attack. These factors range from personal to cultural factors. Personal factors include poor anger management skills, powerlessness and interpersonal feelings like male shame. Cultural factors include culture of revenge and gender inequality. Societal causes stem from social permissiveness and male dominated resources. Situational attacks are seen with geographic situation, the emotional state of individuals, peer association, cost of acid, etc. When a person is exposed to the above mentioned factors, he chooses acid because it is easy to acquire unlike other weapons.

These attacks are usually the result of rage at a woman who dares to refuse the advances of a male. This heinous offence is seen by the perpetrators as a lesson to

'put her in her place'. This shows the society's outlook on women. Women are still regarded as 'possession'. And when a woman refuses a man, it is seen as destroying his reputation, prestige and honour; and he seeks to restore it by burning her face with acid. It is showcase of masculinity and superiority. By deforming a woman's face, such men derive a sadistic pleasure.

Acid attacks are referred to as a 'crime of passion' fueled by jealousy and revenge. In majority of the cases, the victims are attacked by the thwarted lovers. When they do not succeed in their activities they splash the acid on the victims. 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.

The consequences that follow after a victim is injured with acid are endless. The most notable effects of an acid attack are the lifelong bodily disfigurement due to which the victim faces physical as well as psychological challenges throughout the life. These far-reaching effects on their lives impact their social and economic viability in communities. The medical effects of acid attacks are extensive as a majority of acid attacks are aimed at the face. Severity of the damage depends on the concentration of the acid and the period of time before the acid is thoroughly washed with water or neutralizing agent. The acid can rapidly eat away skin, the layer of fat beneath the skin, and in some cases even the underlying bone. Eyelids and lips might be totally destroyed, the nose and ears extremely harmed. Acid attack victims also face the possibility of septicemia, renal failure, skin depigmentation, and even death.

Upon recovery, acid attack survivors face many mental health issues such as higher levels of anxiety, depression, etc. due to their appearance. Such attacks usually leave victims handicapped in some way, rendering them dependent on either their spouse or family for everyday activities. These dependencies are increased by the fact that many acid survivors are not able to find suitable work, due to impaired vision and physical handicap. As a result, divorce, abandonment by husbands is common in the society. Moreover, acid survivors who are single when attacked almost certainly become ostracized from society, effectively ruining their marriage

prospects. This brings additional trauma to the victim along with family as the family life in patriarchal societies revolves around marriage of the daughter.

The lack of medical care, poor implementation of compensation scheme, the absence of alternative institutions for victims rejected by their families, the failure of the government to enforce laws against the attackers, brings out the need to effectively address the issue from different perspectives. This Seminar is intended to provide platform for policy makers, lawyers, law enforcement authorities, researchers and activists from across India to share their learning and perspectives on issues concerning socio-legal aspects of combating acid attack in India. The intention is to not only explore the process of accessing justice through litigations and procedural justice practices but also explore matters concerning how the societal constructions indirectly and often directly impacts the lives of acid attack victims. The outcomes of the Seminar will be published in order to strengthen the existing knowledge framework on socio-legal aspects of combating acid attack in India. This seminar will be first one of its kind to be organized by the Faculty of Law Jamia Millia Islamia in collaboration with National commission for Women. We expect it to have wider implications upon law related research in India

B. OBJECTS AND JUSTIFICATION

Against this background, the proposed National Seminar on Combating Acid Attack has been conceptualized with the basic objective of taking stock of the progress made by India in the sphere of law, and creates a space for discussion on all matters pertaining to legal issues concerning disability. Hence, this seminar is basically intended to open discussion in the following relevant areas--

1. Socio-psychological perspectives of acid attacks
2. Social Exclusion of acid victims
3. Adequacy of Laws dealing with acid attack
4. Deterrence as a means of combating acid attack
5. Rehabilitation of Acid attack victims like access to employment.
6. Efficacy of Victim Compensation Schemes

C. SUB-THEMES

1. Causes of acid attack
2. Restrictions on acid sale

3. Sensitization of public
4. Comparative approach: Bangladesh Model
5. Efficacy of Punishment

IMPORTANT DATES

<i>Submission of Abstract</i>	January 12, 2018
<i>Intimation of Selection of Abstract</i>	January 17, 2018
<i>Last Date of Submission of Full Paper</i>	January 22, 2018
Registration for attendees*	Opens January 15, 2018

Submission guidelines for Abstract:

- *Abstract in 500 words in word file along with details of author, affiliation, designation, etc.*
- *Font Times New Roman, Size 12, Spacing 1.5.*

After intimation of Selection of abstracts, authors can submit full papers which shall be published after the seminar.

Full Paper submission guidelines

- *Word limit between 3000-5500 words.*
- *Font Times New Roman, Size 12, Spacing 1.5.*
- *Details of author, affiliation, designation etc.*
- *Footnotes in ILI mode of citation. Font Time New Roman, Size 10, Spacing 1.0.*

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*Since the accommodation at the venue is limited, preference would be given to people who register in advance for the event. Attendees would present confirmation of registration at the venue.