

## CHAPTER 7

### CONCLUSION AND SUGGESTIONS

*Envy is the desire to have what someone else has. Jealousy is the fear of losing what you have. The more insecure you are about yourself or your relationship, the more jealous you are, because you are afraid to lose your significant other to someone else.*

Oliver Markus<sup>1</sup>

Violence against women affects the women of all races, classes, religions and ethnic, groups and nationalities. Acid violence is a life threatening problem for every women. It is the most heinous form of violence against women which not only affects the physical appearance of the women but also the whole life of the victim because it haunts her psyche throughout life. The victim of acid violence have to face life time physical, social, psychological and economic consequences. The victim has to go through various medical complications which are long lasting. The victim's face is the main part of the body which the perpetrator wants to spoil. The aim of the perpetrator is to make the face of the victim ugly. The victims have to go through various painful surgeries but their medical complications never ends there. Even after surgeries, they never get their original look of the faces back. In some cases some acid attack results in blindness. Her eyesight is lost and she becomes wreck throughout life just because she is a woman. Acid does not kill the victim but it is worse than killing because the victim becomes psychologically wreck. Thus making the life of the victim, a hell. The incident makes the life

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<sup>1</sup> Available at: [https://www.goodreads.com/author/quotes/7736866.Oliver\\_Markus](https://www.goodreads.com/author/quotes/7736866.Oliver_Markus), (visited on December 2, 2016).

of victim wretched one. The victim has to face social, psychological, social, and economic and various other problems.<sup>2</sup>

Violence against women is a demonstration of historical inequality between men and women. The acid violence is related to the patriarchal society and primarily male mindset. In India the boys are brought up like a king and the girls are not given such a treatment while bringing them up. Women are ill-treated, humiliated, tortured and exploited in every possible way. The problem starts from the beginning of the life of a boy and a girl. When a male child is born, it brings happiness in Indian society but when a girl child is born, sometimes even the mother is not happy and curses herself for not giving birth to a son. It is all because of feudal mindset of the society. But sometimes the situation is even worse when the girl child is killed before birth. Female foeticides renders the girl child a victim of the gender-rooted prejudice. It means that our society gives importance to male child over female child and it results in gender inequality. Though, the amendment has been made in Indian laws that woman too has right in the property, but still it is not acceptable by our society. The people think that only a son can get spiritual benefits for them. The harsh example of such mindset is acid attack on Geeta and her two daughters by her own husband just because Geeta has given birth to two girls. Geeta's husband wanted a boy child because of his sick mindset that boys are assets and girls are a burden just for the want of a boy, he killed his one daughter by pouring acid on her, another daughter (Neetu) got blind in childhood due to acid and is living a painful life. Geeta herself is living with scars and pain. This sickness was not over yet. Ever after the heinous attack Geeta and Neetu are living with Geeta's husband because they need a man to support them in Indian society.<sup>3</sup>

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<sup>2</sup> For more detail see Chapter 1 of the Study.

<sup>3</sup> For more detail see Chapter 2 of the Study.

Acid attacks is prevalent over the whole world including Australia, Bangladesh, Cambodia, China, El Salvador, Ethiopia, Italy, Laos, Malaysia, Nepal, Pakistan, Sri Lanka, Thailand, Uganda, UK, USA, and Vietnam. In most of the countries the reason of such crimes are patriarchal society, refusals of a relationship or marriage proposal, dowry , marital disputes, family disputes, political rivalries, land disputes etc. There are various International conventions and treaties, such as Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, International Covenant on Socio, Economic and Cultural Rights, 1966, and Convention on Elimination of all forms of Discrimination against Women, 1979 etc., which are relevant in the context of acid attacks and regulates such incidents. Various countries has made some policies , laws or rules to combat such crimes but Bangladesh is the only country which has enacted strict policies and very purposeful laws which proved to be successful to combat such a heinous crime.<sup>4</sup>

The Constitution of India provides various provisions for equal rights and opportunities for both men and women. It also contains special provisions which protects women and give her special rights. The provisions of the Constitution manifest great respect for human dignity, equality and non-discrimination. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles and other headings. The Constitution grants equality to women as well as empowers the State to adopt measures provide special rights to women. Although Indian Constitution has no specific provisions relating to acid violence but above mentioned provisions provides protection against such inhuman acts.<sup>5</sup>

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<sup>4</sup> For more detail see Chapter 3 of the Study.

<sup>5</sup> For more detail see Chapter 4 of the Study.

Till 2013 there was not any specific law in India to deal with cases of acid attack. The cases were tried under the Section 326 which deals with grievous hurt. But this law was not sufficient as it failed to cure the crime acid attacks. Then, the 226<sup>th</sup> Law Commission of India proposed the insertion of new Section 326A and 326B into the Indian Penal Code and Section 114 in the Indian avoidance act. Section 326A lays down the punishment for acid throwing. The minimum punishment is 10 years imprisonment and may extend up to life imprisonment with fine. Section 326B makes the attempts of acid throwing punishable with the imprisonment which shall not be less than five years but which may extend to 7 years, and shall also be liable to fine.<sup>6</sup>

There are numerous other statutory provisions in India under Indian Evidence Act, 1872, The Poisons Act, 1919, Code of Criminal Procedure, 1973, The Protection of Human Rights Act, 1993, Prevention of offences (by Acids) Act, 2008, NALSA(Legal Services to victims of Acid Attacks), Scheme, 2016, which can be utilized to afford protection against acid attacks.<sup>7</sup>

Compensation is very important part of providing justice to the victims. So, the States have come up with a Victim Compensation scheme with variations from one state to another in the amount of compensation. The Central Victim Compensation Fund scheme is aimed at harmonizing the state schemes with a minimum fixed amount of compensation for victims of various crimes.<sup>8</sup>

The Indian Judiciary acts as the guardian of the rights of the people in the country. Prior to the Criminal Law Amendment Act, 2013, the offenders of crime of acid attack were not effectively prosecuted. The cases were registered under different sections of the

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

Indian Penal Code, particularly under Hurt, Grevious Hurt, Grevious Hurt by corrosive substances, attempt to murder and murder. Compensation given was grossly inadequate. But after the amendment the courts changed the attitude towards the crime of acid attack especially after the landmark case of Laxmi v. Union of India (2013). Judiciary has played important role by giving various directions to the States and UT's in this case. The Court has given guidelines regarding compensation, medical treatment and many more guidelines to curb acid attacks. The most important one is the direction to regulate the sale of acid.<sup>9</sup>

It is observed that the problem of acid violence is so big that it forces the poor women to live in the four walls. Due to poverty the victim is not treated on time. They have to bear pain without any medical help. The Supreme Court of India has considered the poverty and medical problems faced by acid attack victims. To provide the proper medical facilities and treatments, the SC has made directions to provide medical assistance to the victims and even the private hospitals are bound to provide free medical treatment to such victims.<sup>10</sup>

Delhi, which is the capital of India, is developing in various aspects but with all such developments the crime rate is also rising. Delhi UT has reported the highest crime rate against women (184.3) compared to 56.3 at all India level during the year 2015. Again Delhi has registered the maximum number of cases murder (464) and attempt to murder (674) cases during 2015. Incidents of rape were also highest in Delhi (1,893) during 2015. Delhi has witnessed highest number of cases of acid attacks among UT's. 12 cases were reported In Delhi 12 cases were reported out of 83 total cases all over India in 2011. In 2012, the number of such incidents were 8. In 2013 it raised to 15 out

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<sup>9</sup> For more detail see Chapter 5 of the study.

<sup>10</sup> Ibid.

of 66 i.e. 23% of the total cases. The number of acid attacks were 20 in the year of 2014 and 21 in the year of 2015.<sup>11</sup>

The harsh example of patriarchal society is acid attack on Geeta and her two daughters by her own husband just because Geeta has given birth to two girls. Geeta's husband wanted a boy child because of his sick mindset that boys are assets and girls are a burden just for the want of a boy, he killed his one daughter by pouring acid on her, another daughter (Neetu) got blind in childhood due to acid and is living a painful life. Geeta herself is living with scars and pain. This sickness was not over yet. Ever after the heinous attack Geeta and Neetu are living with Geeta's husband because they need a man to support them in Indian society.

It is observed that mostly in the cases of acid attacks there is young girl who is approached by a man for marriage, love, friendship etc. But when the girl denies his proposal the man because of his male ego is not able to accept the refusal. He is filled with anger because he has learnt thought his life that he is superior and all of his demands are to be met. He feels insulted. His sick mentality starts thinking "How dare her rejecting me?" He starts thinking to punish the girl. Thus with anger and the sickness of mind he pours or throws acid on the face and body of the girl. Acid is thrown with the thinking to teach the lesson to every girl that you do not have right to say 'no'. The girl have no right to challenge the superiority to a male. There are number of examples in India in which the girl rejected boys' proposal and are suffering life time pain. Laxmi rejected marriage proposal and suffered the acid attack. Similarly Ruqayya, Madhu and many other innocent girls who rejected the marriage, love or other indecent advances and proposal were attacked with acid just for the reason that they dared to say "NO". Thus women have no rights and respectful independent

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<sup>11</sup> For more detail see Chapter 6 of the study.

entity or position in our society. They are subjected to acid attacks for just trying to stand against inhuman approaches and behavior of men.<sup>12</sup>

The study has revealed that the main reason of acid attack on women is inequality. The inequality which is in the mind of our society. The evil of acid violence exists due to special treatment given to men. The interaction with the victims, lawyers, Doctors, officials of NGO'S and various other persons has revealed that the problem basically arises in poor peoples. The acid is very cheap to buy and easily available. It is weapon of poor or middle class peoples. Most of the acid attacks are committed by uneducated persons, laborers or poor workers. In Uttar Pradesh, mostly the cases are in backward areas where people are uneducated. Due to illiteracy the women are subjected to acid attack as they are treated as an object. The major problems observed by the researcher is that of unreported cases. The study revealed that the number of cases goes unreported in India. The poor girls never files FIR or take back the case due to family pressure, fear of threat to kill, ignorance, illiteracy and numerous other reasons. Ruquyya, victim of Acid Attack never filed FIR against the person who attacked him. The only reason not to file a case was family pressure and backwardness. The perpetrator was her sister's brother in law. So just to save her sister married life, she never filed a case against him. Another example is that of Madhu Madhu was a beautiful girl who was attacked by a stalker for rejecting his proposal. She also never filed any FIR. Again the reason was family pressure and backwardness. The family advised Madhu to ignore the act because she was a girl and girls are blamed even for men's fault. So they decided to hide the incident. When people asked her about the burns and scars on the face and body. The family always gave a false answer that she was burnt due to exposure of stove accidentally in the kitchen.

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<sup>12</sup> Ibid.

Similarly, *Garima's* case also went unreported because of backwardness, poverty and ignorance.<sup>13</sup>

The other major reasons of acid attacks are cheap and easy availability of acids, land or money disputes, suspicion of infidelity, domestic violence, dowry demands, relationship conflicts.<sup>14</sup>

To achieve the objectives of the study the following research hypotheses were formulated by the researcher

1. Acid attacks are gender-based violence.
2. The existing Laws and rules relating to acid attacks on Women are insufficient to deal with such problems.

The study clearly reveals that the victims of acid attack are mostly women. Approximately 85% of victims of acid attacks are women. And in the opposite the 98% perpetrators of crime are men. In most of the cases the crime is committed by a man against women. It is also observed the attacks are mainly committed on young females between the ages of 13 to 35. It is committed by young males between the ages of 18 to 45. Though there are numerous provision which can be used in the cases of acid attacks but these provisions seems to be not comprehensive in nature. Though the provisions under Indian Penal Code provide punishment and even death penalty in some case, still it fails to deter the criminals. Despite of these strict provisions the number of acid attacks in India continue to increase. The crime data provided by the NCRB clearly shows the failure of laws. In 2013 the number of case of acid attacks were 66 which raised to 203 in 2014 and 222 in 2015 which is more than 300%. Even though Supreme Court has ordered the restriction of sale in India. It has laid down very strict guidelines to regulate the sale of acid. But even after that the acid is

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

sold freely. The increasing numbers of cases of acid attacks are clear example of failure of restrictions.<sup>15</sup>

The findings of the study clearly states that the acid attacks in India is gender based crime and it can be concluded that the present laws and policies are not sufficient to curb the crime of acid attack in India. Thus both the hypothesis are proved.<sup>16</sup>

## Suggestions

Male child should be primed regarding gender equality from early life. The inequality is deep rooted in our society. It should be removed starting from the home itself. Each individual should make effort to change the patriarchal concept which allows male dominance and causes inequality. Both the female and male child should be treated equally. Parents should teach the children to respect each other in the childhood. Unnecessary demands of children should never be met. The boys should be taught to accept the rightful rejection so that they should be able to accept “NO” for something. Society should not allow the male mindset to trample upon the rights of the women in a democratic setup. The need of the hour is to create a human environment through consistent efforts of spreading awareness regarding human equality. Thus social mores need to be changed for the goodness of society. The need is to foster ethical value system and the thrust should be to make human being good and responsible citizen with human feeling.

Education is the best key to stop any kind of violence. The young boy and girl should be educated for gender equality. The boys should be taught that the girl is too human being and they are not servants who have to obey the instructions of males. Moreover, every girl should be educated. Every parent should provide education to

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<sup>15</sup> For more details see Chapter 6 of the study.

<sup>16</sup> Ibid.

their girl child equal to the son. It is observed that most of the cases of acid attacks occur among poor and uneducated people and even due to illiteracy, the victim sometimes never files any case. So, to improve such conditions, it is very important to educate every child. Just educating the child would not be sufficient. Even our education system also needs some changes. A proper anti-violence education programs should be made part of our elementary education system. In this program, both the girls and boys should be taught to respect each other's feelings. Human rights should be the main subject in the schools. The primary focus should be to change the sick mindset of patriarchal society in the mind of each person. Girls should be given training to protect themselves. They should have knowledge how to fight back if somebody tries to attack her.

Boys should be taught to help the girls and not to commit violence against the woman. Boys should be taught that men have no existence without women. Women give birth to men. Thus spake the Guru Nanak

“ਭੰਡਜੰਮੀਐਭੰਡਨਿੰਮੀਐਭੰਡਮੰਗਣ੍ਵੀਆਹੁ ॥

From woman, man is born; within woman, man is conceived; to woman he is engaged and married.

ਭੰਡਹੁਰੋਵੈਦੋਸਤਿਭੰਡਹੁਚਲੈਰਾਹੁ

Woman becomes his friend; through woman, the future generations come.

ਭੰਡਮੁਆਭੰਡਭਾਲੀਐਭੰਡਹੋਵੈਬੰਧਾਨੁ ॥

When his woman dies, he seeks another woman; to woman he is bound.

ਸੋਕਿਊਮੰਦਾਆਖੀਐਜਿਤੁਜੰਮਹਿਰਾਜਾਨ ॥

So why call her bad? From her, kings are born.”

Although, there are number of laws at national and international level, but still women are exploited by the male dominated society. The violence against women is still rising. The judiciary has given various landmark judgments to give special position to the women and to protect her against violence. The Courts have helped in granting human rights to women. Even many a times the judiciary has come forwarded to protect them by providing guidelines to protect the women. Judiciary has played a proactive role in preventing gender injustice.

Nevertheless, the judiciary is playing a very active role in combating the crime against women but still following points are suggested by the researcher:

- (i) Acid attack victims should be given free legal aid to ensure they do not struggle to get justice.
- (ii) The criminal justice system needs to be stricter in its handling of acid attacks cases. The decision in cases like Preeti Rathi should be followed. Strict punishment should be given in cases of acid attacks and any kind of leniency should be avoided.
- (iii) The victims should be treated with Courtesy and dignity while appearing in the Court. The atmosphere of the Courts should be made comfortable for the victim. Victims have to face various physical problems. Their skin burns in heat so cool temperature should be provided. They may sometimes feel weaker to stand or sit

for long time in the Court. Such discomfort should be avoided by providing required facilities.

- (iv) Speedy trials should be done in the cases of acid attacks. The Courts should initiate the cases as earliest as possible and give decision quickly so that the victim should get justice.
- (v) The Court should never grant bail to the culprit otherwise the victim will be in threat to be attacked again.
- (vi) Women Courts should be established to give assurance of justice to women.

Although, the Supreme Court of India has given the directions to regulate the sale of acid but it is still being sold freely. Example is the recent number of rising cases of acid attacks. Acid is used as a toilet cleaner. It is so cheap and easily available so it is used by many Indians because they cannot afford expensive cleansers. And moreover, acid is used in some factories also. The total ban of acid might not be possible but still the guidelines of regulation of acid should be followed strictly. Shopkeepers and other authorities should also co-operate by following the guidelines. Alternative cheap cleaning agents should be introduced. Quantity of sale should also be restricted. Acids should be sold only in diluted form and that too by fulfilling the requirements of rules laid down by the Supreme Court.

Protection officers should be appointed to deal with the threats and potential risks to women's safety to stop acid attacks. These officers should be appointed in every city. Their contact details should be displayed and published everywhere so that it would be easy for every woman to approach them.

It is observed that most of the times, proper treatment and medication is not possible because it can be available in only few

cities. All the cities do not have the well-equipped medical treatment facilities suitable for the survivals. Even if the survivor goes to other cities for the treatment, the living expenses are really higher than the hospital fees. This causes problem for the victim to get treated out of the city. Another problem observed by the researcher is the problem of aftercare. After the surgeries the skill of the survivals becomes even more sensitive so it needs extra care. They need to stay in very cool and helpful environment. Uses of air conditioners is sometimes necessary for them to avoid sweating. After surgery also it takes time to heal and recover properly. They cannot travel freely in open areas and have to follow several precautions. They require continuous treatment and various faculties even after surgeries. So the proper victimized homes with medical and post surgery facilities should be established.

After the attack, most of the victims go under psychological trauma. They lose their hope to live. So it is very necessary to provide counselling to them to regain their faith in life.

The government has provided the compensation scheme for the victims. The victim has to face physical and economic problems after the attack. The expenses for their treatments are very high. They have to go through numerous surgeries following medications. It is not possible to pay the fees of surgeries. The poor families are unable to bear the expenses. Moreover, the victims lose their jobs. She is unable to work after the attack. They become dependent on her family. The situation becomes even worse sometimes. Laxmi's family faced very critical situation after the attack. Her father was in tension because of her daughter's plight. He died due to heart attack. Her brother suffered from T.B which succumbed him to death. After this the life of Laxmi and her mother was very miserable. She was searching for a job. Many people promised her but no one provided her with a job. When the

victim is the sole breadwinner for the family, compensation should be granted to the victim as soon as possible.

Jobs should be provided to the victims. Delhi legal services authority has given advertisements in which vacancies are fulfilled by the acid attack victims only. More jobs should be provided in other departments also. Reservation should be given to acid attacks victims especially in the field of education and jobs.

After the acid attack, it is not only the victim but the whole family who have to suffer. Laxmi's father died due to stress and tension for his daughter. Sometimes the victim is attacked by step-mother or step-father. The children of the victim are raised in an abusive environment. After the attack the financial condition of the family suffers badly. One full time attendant is required to take care of the victim. When the victim is taken to other cities for treatment, the victim's family have to spend money to travel and to stay in different cities which many a times becomes very expensive and difficult to manage.

Women organizations should be organized so that women can attack outdated social norms and values which need to be discarded or overhauled. It is, therefore, necessary more women's organizations should come up to create awareness among women to fight against their exploitation and torture.

Blind schools should help the victims by creating jobs opportunity because few victims became blind after attacks.

Thus awakening of human mind should be by word of the education system. Family and school should become education centers for fostering moral values and scientific temperament. Indian society should awake and rise to the human value system of 21<sup>st</sup> century and through its collective conscience rise to the occasion and respect

womanhood. The laws will be meaningful only if the minds of the people are ready to follow the rules.

There is need to create a healthy environment of tolerance and sense of equality be infused into the young minds at the earlier stages of their bringing up.

*“We do not believe in capital punishment.*

*We do not ask for acid attacks in retaliation.*

*All that we are asking for is a change in the mentality of the society.”*

*Laxmi, Acid Attack Survivor<sup>17</sup>*

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<sup>17</sup> Available at: <https://www.vagabomb.com/10-Quotes-by-Acid-Attack-Survivor-Laxmi-Agarwal-That>Show-the-Power-of-Her-Undefeatable-Spirit/>, visited on August 14, 2017).