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PUNISHMENT VS. PREVENTION OF ACID ATTACKS: A STUDY OF DETERRENCE UNDER THE BHARATIYA NYAYA SANHITA, 2023 WITH SPECIAL REFERENCE TO REHABILITATION OF SURVIVORS

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I. ABSTRACT

Acid attacks are one of the most severe forms of gender-based violence in India and causes severe harm to a survivor, both physically and psychologically and also causes a huge drain on the victims. Despite legislative reforms as well as judicial interventions, the continuing frequency of the attacks raises an important question on the current evaluation of the corrective framework, especially under Bharatiya Nyaya Sanhita, 2023. This paper raises the question as to whether the continuing debate between corrective (penal) and preventative strategies regarding acid violence is grounded on the adequacy, or else, of corrective provisions in the BNS. This study totally analyses through relative and doctrinal methodologies, statutory law, judicial precedents, and the applicable criminological propositions of deterrence. It places Indian legal responses within a wider transnational environment, drawing on relative perceptive. The lesser part of the analysis is to be devoted to survivor recuperation and about differing the aspirational ideals of law with the practical challenges of victims, similar as systemic neglect, inadequate medical care, lengthy processes for compensation, and social ostracization. The exploration therefore aligns statutory provisions with their perpetration and hence demonstrates the gap between justice in proposition and justice in practice. It's thus set up that although the corrective provisions have handed stronger legal frame under BNS, they're still shy in the absence of inversely strong preventative- acquainted mechanisms similar as strict regulation of trade of acid, community alert, and comprehensive survivor-centered recuperation programs. The study thus concludes on the note that rehabilitation needs to be considered as a basic constitutional right under Article 21 and only that holistic, survivor-acquainted strategy, incorporating discipline, forestallment, and rehabilitation will achieve real justice over acid violence cases.

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II. KEYWORDS

Acid Attacks, Bharatiya Nyaya Sanhita, 2023, Deterrence, Prevention, Rehabilitation, Law in Action, and Victims Rights.

III. INTRODUCTION

Crimes against women are increasing with every passing day. Acid attacks, or vitriolage, constitute an especially severe form of violence, which impacts women and girls predominantly, though men can be victims as well. “Acid” shall mean and includes any substance which has the character of acidic or corrosive or burning nature, that is capable of causing bodily injuries leading to scars or disfigurement or temporary or permanent disability.²

What has contributed to the use of acids (usually sulfuric, nitric, or hydrochloric acid) is the relative ease of access to corrosive substances, coupled with deeply ingrained patriarchal norms. It can also be witnessed when used as a tool for retaliation in cases such as rejected marriage proposals, unwanted sexual or other advances, domestic disputes, or property related matters. What distinctly sets acid attacks apart from other crimes is its enduring aftermath.

Victims and survivors are left with perpetual and everlasting injuries which are often disfiguring in nature, and the psychological and sociological suffering is equally profound. What comes in addition to these is the social stigma attached to visible scars that can persist for life, including the isolation and suffering experienced by victims. The consequences, physical, sociological and psychological, are enduring and multifaceted, which affects the survivors even long after the initial incident.

According to the National Commission of India acid attack is “any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfiguration to any part of the body of such person”.³ The Law

² National Commission for Women, *Prevention of Offences (by Acid) Bill, 2008*, ch 1, § 3(1)(a)

³ National Commission for Women, *Prevention of Offences (by Acid) Bill, 2008*, ch 1, § 3(1)(b)

Commission of India has also defined an acid attack, as a form of violence against women where the perpetrator splashes a person or object with acid in order to deface or kill them.⁴

*According to Section 326B, Explanation 1 of the old statute of Indian Penal Code, 1860 Criminal Law (Amendment) Act, 2013 acid includes, "any substance which has acidic or corrosive character of burning nature, capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability."*⁵ In the new law of Bharatiya Nyaya Sanhita, 2023 which came into force on 1st July, 2024 and replaced Indian Penal Code, 1860, according to Section 124 Explanation 1 and 2, "acid" includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability. For the purposes of this section, permanent or partial damage or deformity or permanent vegetative state shall not be required to be irreversible.⁶

Acid attacks in India have cast a long, troubling shadow over the nation's social landscape. These incidents, which seem to be surfacing with alarming regularity in recent years, have provoked widespread public outrage and deep concern. The gravity of the situation demands comprehensive intervention and meaningful social reforms and only legislative measures are no longer sufficient. The call for transformative change within both policies and societal attitudes has become increasingly urgent.

IV. CONCEPTUAL FRAMEWORK OF ACID ATTACKS

Acid attacks constitute an atrocious form of violence, largely committed against women. These acts are advised and premeditated and induce a perpetual physical, cerebral and social detriment to victims. Despite the existence of strict legal frameworks that intend to address acid attacks, enforcement remains relatively inconsistent and the support systems for survivors are frequently insufficient.

⁴ Nyaaya, *What is Acid Attack?* (16 Dec 2022) <https://nyaaya.org/legal-explainer/what-is-acid-attack/>

⁵ *The Indian Penal Code, 1860*, § 326B, Explanation 1.

⁶ *The Bharatiya Nyaya Sanhita, 2023*, No. 45 of 2023, § 124, Explanation 1 and 2.

Addressing this multifaceted issue requires not only legal responsibility but also comprehensive forestalment strategies and flexible survivor- centered approach to facilitate genuine rehabilitation and societal reintegration of the victims. Acid attacks are purposeful and premeditated in nature. They aim at injuring, impairing and ruining lives of the victims. The crime generally targets women and is therefore a gender-based crime. It not only impacts the victims but also their physical, internal and social image.

The victims face social as well as economical marginalization including unemployment, inhibition in marriage and acceptance. These attacks affect the quality, security and equal opportunities of the victims. The acids used are corrosive in nature and beget unrecoverable damage. In addition to this, the victims also face medical and rehabilitative challenges to which the access to also another conspicuous issue.

The causes and provocations behind the perpetrators of acid attacks are known to everyone. Foremost, it's embedded to the patriarchal stations imbibed in our society and used as a means of discipline to women. The most common reasons for attacks on women and girls are the turn down of marriage, the denial of coitus, and the sexual rejection of men and boys. It's an expression of control over women's and girls' bodies. Sexual jealousy and desires also play an important part.

The primary provocations behind similar acts tend to be embedded in particular and interpersonal conflict. Also gang- related battles and broader patterns of plannings contribute to these incidents. Property controversies whether over land, livestock, housing or other means can also provoke similar conduct. The capstone of all these factors shows how complex and multifaceted the nature of the provocations behind this felony is. Acid attacks have everlasting and irreversible harsh impact on the victims. According to Bharatiya Nagarik Suraksha Sanhita, 2023 under Section 2(1)(y) a “victim” means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the guardian or legal heir of such victim.⁷

⁷ *Bharatiya Nagarik Suraksha Sanhita, 2023, § 2(1)(y).*

As the survival rates of the victims are high, the tormenting effects could be seen throughout their lives. Some of the effects include the physical injuries, defects, burn marks on the skin. With this pain comes other cerebral counter accusations ranging from disregard, anxiety to depression. The victims face social as well as economic marginalization including unemployment, inhibition in marriage and acceptance. The survivors are fairly impacted as well because the attack affects their quality, security and equal opportunities under the constitution and the moral rights law.

The survivors deal with delay in procedures, asleep examinations by the probing authorities and low conviction rates of the perpetrators. Courts in India have established numerous guidelines through judicial pronouncements in regard to compensation, medical care, and limiting the deals and purchase of acids. Yet, in prosecution, enforcement and real life, access to these measures remain specially out of reach to numerous.

V. LEGAL FRAMEWORK ON ACID ATTACKS IN INDIA

Acid attacks in India have, unfortunately, become a recurring subject in the national media. The lack of statutory framework, prior to 2013 was a critical shortcoming. Instead, these cases were prosecuted under general provisions of the Indian Penal Code, 1860 namely, Sec. 320- "Grievous Hurt", Sec. 322- "voluntarily causing grievous hurt", Sec. 323- "punishment for voluntarily causing hurt", Sec. 324- "voluntarily causing hurt by dangerous weapons or means", Sec. 325- "punishment for voluntarily causing grievous hurt" and Sec. 326- "voluntarily causing grievous hurt by dangerous weapons or means" It wasn't until the enactment of the Criminal Law (Amendment) Act in 2013 that acid attacks were formally recognized and dealt with as a separate offence.⁸ This statutory reform marked an important step forward in accepting the gravity and complex nature of this crime.

A. Pre-BNS Legal Provisions

226th Law Commission Report in 2009 proposed the addition of new sections in the IPC specifically for acid attacks, better regulation of acid deals,

⁸ M. Das and S. Banik, 'A Study on Acid Attack in India and Its Impact' (2019) <https://www.jetir.org/papers/JETIR1901194.pdf>

and comprehensive recuperation and compensation schemes for victims.⁹ The Justice Verma Committee also recommended that acid attacks must be classified as a separate crime under the Indian Penal Code. The Committee opined that the offence should not be clubbed under the provisions of grievous hurt which is punishable with 7 years imprisonment under the IPC. It noted that the offence was addressed in the Criminal Laws Amendment Bill, 2012 which is currently pending in Parliament. The Bill prescribes a punishment of imprisonment for 10 years or life. It recommended that the central and state government must create a mechanism to compensate victims of crimes against women.¹⁰

1. Section 326A IPC

The intentional use of acid with the intent to cause permanent or partial harm, deformity, disfigurement, burns, or incapacity is forbidden by Indian Penal Code, 1860 under Section 326A¹¹. The minimum punishment under this provision is 10 years in prison, with a maximum sentence of life in prison and a fine to be given to victim for the medical expenses.

2. Section 326B IPC.

Under Section 326B¹² of the Indian Penal Code, 1860, it is prohibited to voluntarily throw or attempt to throw acid with the intent to cause permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to a person. The minimum term for the criminal is five years in prison; however, the maximum sentence is seven years in prison and a fine.

3. Section 357-B CrPC

Compensation by the state government shall be given to the victims and it must be in addition to fine which is liable to be paid by the offender under under section 326A of the IPC, 1860 according to Section 357 B¹³ of the Criminal Procedural Code, 1973.

⁹ Law Commission of India, *Reports* <http://www.lawcommissionofindia.nic.in>

¹⁰PRS Legislative Research, *Justice Verma Committee Report Summary* <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary>

¹¹ *The Indian Penal Code*, 1860, § 326A

¹² *The Indian Penal Code*, 1860, § 326B

¹³ *The Code of Criminal Procedure*, 1973, § 357B.

4. Section 357-C CrPC

Section 357 C¹⁴ of the Criminal Procedural Code, 1973 provides for treatment of victims of acid attacks and states that all hospitals shall provide for the first aid and free medical treatment to the victims and bound them to inform the police immediately about any such incidents.

In the landmark judgment of *Laxmi vs. Union of India and Ors.* [2014 SCC (4) 427]¹⁵, the Supreme Court laid down some guidelines. After considering the gravity of the matter and the vulnerable condition of the victims issued certain guidelines in respect to the first pleading. These guidelines are¹⁶:

1. That no person who's a minor shall be allowed to buy acid.
2. That a buyer has to produce his/ her identification card while buying acid along with the reason for buying the same. The same information needs to be given to the nearest police station within 3 days.
3. That the dealer is obliged to submit a report of the stocks of acid before the SDM within a period of 15 days. In case the dealer fails to give such a report the SDM can exercise the discretion to seize the unreported stocks of acid and may put a fine extending to 50,000 rupees.
4. That in case acid is bought by any institution, enterprise or lab etc. for the purpose of exploration, academics, trials, research etc.; its credentials need to be maintained in a register and to be submitted before the SDM.
5. That a person should be authorized to safely scrutinize the storehouse and administration of acid at over mentioned places along with recording of the entry and exit of each and every person.

In addition to these guidelines, the hon'ble court also laid down

¹⁴ *The Code of Criminal Procedure, 1973*, § 357C.

¹⁵ *Laxmi v. Union of India*, (2015) Supreme Court of India

<https://www.casemine.com/judgement/in/5790b247e561097e45a4e2a3>

¹⁶ Aashayein Judiciary, *A Landmark Judgment on Guidelines laid down by SC for Acid Attack Survivors and for Regulation of Rules Regarding Availability of Acid for Sale* (2024) <https://www.alec.co.in/judgement-page/a-landmark-judgment-on-guidelines-laid-down-by-sc-for-acid-attack-survivors-and-for-regulation-of-rules-regarding-availability-of-acid-for-sale>

that victims must be given a minimal compensation of Rs. 3 lakhs with Rs. 1,00,000 disbursed within 15 days and the remaining Rs. 2,00,000 within two months.

B. The Poisons Act, 1919

This act aims to consolidate and amend the law regulating the importation, possession and sale of poisons. Based on the order of Hon'ble Supreme Court in 2013, the Ministry of Home Affairs issued an advisory to all states on how to regulate acid sales. It framed the Model Poisons Possession and Sale Rules, 2013 under The Poisons Act, 1919. It required the states to frame their own rules based on model rules, as the matter fell under the purview of states.¹⁷ The case of *Parivartan Kendra v. Union of India* (2016) 3 SCC 571¹⁸ also became a landmark case as it reinforced the Laxmi guidelines. The Supreme Court emphasized on the necessity for better support for the victims of acid attack including higher compensation, free medical treatment and their rehabilitation in this judgment. In the case of *Simran @ Meena Khan Vs. State*, 2016¹⁹ the High Court of Delhi, enhanced the sentence of the accused from five to ten years of imprisonment. The court also directed additional compensation to the victim and mandated the state to provide medical treatment and rehabilitation support.

C. Provisions under the Bharatiya Nyaya Sanhita, 2023 relevant to acid attacks

Previously, the offence of acid attack was addressed under the "grievous hurt" provisions of the IPC. Following the landmark Laxmi case (2013), the Criminal Law (Amendment) Act of 2013 introduced sections 326A and 326B under IPC, to specifically target acid attacks. With the introduction of the Bharatiya Nyaya Sanhita, 2023 which replaced the old act of IPC, these provisions have been retained. Though they appear with updated sections and minor changes in the wordings, the core intent and protections remain largely consistent under the statute.

¹⁷ Shankariasacademy, *Law on Acid Attacks in India | Current Affairs* (17 Dec 2022)

<https://www.shankariasparliament.com/current-affairs/law-on-acid-attacks-in-india>

¹⁸ *Parivartan Kendra v. Union of India*, Supreme Court of India

<https://www.casemine.com/judgement/in/5790b3f3e561097e45a4e4d6>

¹⁹ *Simran @ Meena Khan v. State*, Delhi High Court (2015)

<https://www.casemine.com/judgement/in/57b47ac9bc416857b539ee0b>

1. Section 116 of BNS, 2023 (Grievous Hurt)

The following kinds of hurt only are designated as "grievous", namely:-- (a) Emasculation; (b) Permanent privation of the sight of either eye; (c) Permanent privation of the hearing of either ear; (d) Privation of any member or joint; (e) Destruction or permanent impairing of the powers of any member or joint; (f) Permanent disfiguration of the head or face; (g) Fracture or dislocation of a bone or tooth; (h) Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits.²⁰

2. Section 118 of BNS, 2023 (Voluntarily causing hurt or grievous hurt by dangerous weapons or means)

(1) Whoever, except in the case provided for by sub-section (1) of section 122, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to twenty thousand rupees, or with both.

(2) Whoever, except in the case provided for by sub-section (2) of section 122, voluntarily causes grievous hurt by any means referred to in sub-section (1), shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.²¹

3. Section 124 of BNS, 2023 (Voluntarily causing grievous hurt by use of acid, etc)

(1) Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt or

²⁰ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, § 116

²¹ The Bharatiya Nyaya Sanhita, 2023, § 118

causes a person to be in a permanent vegetative state shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine: Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.²²

Explanation 1. – For the purposes of this section, “acid” includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2. – For the purposes of this section, permanent or partial damage or deformity or permanent vegetative state shall not be required to be irreversible.

Section 116, 118 and 124 of Bharatiya Nyaya Sanhita, 2023 directly address acid attacks, continuing the scheme of the old law of IPC but with clearer and wider ambit. The language used in BNS is broader like “acid or other corrosive substance” which reduces the loopholes. The new statute also retains mandatory minimum punishment to ensure deterrence. It glides smoothly onto a victim centric approach which reflects a restorative justice element as well. However, the BNS does not significantly advance preventive or rehabilitative measures, leaving gaps in areas like strict regulation of sale and purchase of acids, effective enforcement of compensation schemes by government and rehabilitation guarantees to the victims.

VI. JUDICIAL PRONOUNCEMENTS ON ACID ATTACKS

The judiciary has played a pivotal role in recognizing acid attacks as a distinct and aggravated offence. The judiciary through the judicial pronouncements has taken an

²² *The Bharatiya Nyaya Sanhita, 2023, § 124*

active stance by specifically identifying acid attacks as a serious offence and recognizing its gravity and not merely classifying it under general categories. Judicial acknowledgment of the seriousness of these crimes through precedents, combined with a surge in public interest litigation, led to notably stricter legal measures. Essentially, judicial activism has played a crucial role in both legal recognition and the practical response to acid attacks.

A. State of Karnataka by Jalahalli Police Station vs. Joseph Rodrigues S/o V.Z. Rodrigues (2006)²³

This was a landmark case as it was the first time that a compensation which was quite a large sum was given to the victim to meet the medical expenses including that of plastic surgeries. However, no compensation was awarded for the consequences of the attack such as loss of income etc. In this case, the accused threw acid on the victim's face. The liquid splashed on her face and produced some redness (erythema) on the skin over a part of her face involving her eye-lids. There was no corrosion of the skin or other disfigurement. The accused was convicted for causing hurt under Section 323 of the IPC and a little fine of Rs. 300 along with 15 days imprisonment was awarded. This sort of punishment for acid attack is in itself a mockery and does not take into consideration the gravity of the crime and its after effects.²⁴

B. Laxmi v. Union of India, (2014) 4 SCC 427

This is the Landmark PIL. The Supreme Court of India mandated that state governments provide a minimum compensation of Rs 3,00,000 to victims, with Rs 1,00,000 to be disbursed within 15 days of the incident or as soon as authorities are made aware and the remaining Rs 2,00,000 within two months. This timeline is non-negotiable and intended to ensure prompt support. In terms of victim care, private hospitals are required to offer treatment free of charge. If any private institution refuse, the responsibility falls to the state government to arrange necessary care. Hospitals cannot deny emergency care on the grounds of lacking specialized facilities; initial

²³ State of Karnataka v. Joseph Rodrigues, (2006) 2 SCC 747.

²⁴ AdvocateKhoj, *Cases Relating to Acid Attack in India* (2024)

<https://www.advocatekhoj.com/library/lawreports/inclusionofacidattacks/8.php>

assistance must be provided, with transfer to more advanced centers occurring only after stabilization. Furthermore, Section 357C of the Code of Criminal Procedure permits legal action against hospitals that refuse treatment. Finally, the sale of acid must be prohibited nationwide. Each state and union territory is tasked with enforcing this ban at the local level, ensuring that regulatory measures are not merely symbolic but actively implemented.²⁵

C. Parivartan Kendra v. Union of India (2016) 3 SCC 571²⁶

This case also became a landmark case as it reinforced the Laxmi guidelines. The Supreme Court emphasized on the necessity for better support for the victims of acid attack including higher compensation, free medical treatment and their rehabilitation in this judgment.

D. Maqbool v. State Of Uttar Pradesh And Another (2018)²⁷

The Court clarified that the degree or severity of injury is not the determining factor. Whether the harm is minor or severe, as long as it matches the types specified under Section 326-A and results from the use of acid, Section 326-A is applicable. This decision expressly overruled previous High Court judgments such as Laddu Ram (2017 SCC OnLine Raj 4134) and M. Siluvai Murugan (2018 SCC OnLine Mad 2332) – which had linked the application of Section 326-A to the injury being classified as “grievous.”²⁸

E. Simran @ Meena Khan Vs. State, 2016²⁹

In this case the High Court of Delhi, enhanced the sentence of the accused from five to ten years of imprisonment. The court also directed additional compensation to the

²⁵ Lawful Legal, *Laxmi v Union of India (Landmark Judgment) – A Case Analysis* (23 Jan 2025) <https://lawfullegal.in/laxmi-v-union-of-india-landmark-judgment-a-case-analysis/>

²⁶ *Parivartan Kendra v. Union of India*, Supreme Court of India (2015)

<https://www.casemine.com/judgement/in/5790b3f3e561097e45a4e4d6>

²⁷ *Maqbool v. State of Uttar Pradesh and Another*, 2018 SCC OnLine All 1007

²⁸ Casemine, *Analysis of Section 326A IPC* (13 May 2025)

<https://www.casemine.com/in/column/analysis-of-section-326a-ipc/view>

²⁹ *Simran @ Meena Khan v State (NCT of Delhi)*, 2016 SCC OnLine Del 4089.

victim and mandated the state to provide medical treatment and rehabilitation support.³⁰

F. State of Maharashtra v. Ankur Panwar, 2016 SCC OnLine Bom 5676³¹

This case is also called Preeti Rathi acid attack case. In this case, the court took a firm stand against acid attack, and said that it is one of the “rarest of rare” acts deserving the harshest penalty. Considering the brutality of the crime and its societal impact, the Court imposed the death penalty, along with a ₹5,000 fine, to the victim’s family. On further appeal, the Bombay High Court affirmed Panwar’s conviction under IPC Sections 302 (murder) and 326-B (voluntarily causing grievous hurt by acid). However, it commuted the death sentence to life imprisonment for the remainder of his natural life, and pointed that the convict’s a youth (23 years old) and there is a possibility of reformation and rehabilitation. The court poignantly noted, “while the crime is important, the criminal is equally important in the sentencing process.”³²

G. Piyalli Dutt v. State of West Bengal, 2017³³

Piyali Dutta was a victim to an acid attack in 2005 and applied for compensation from the Chief Secretary of West Bengal. Despite her application, she was refused. The matter was then taken up by the West Bengal State Legal Services Authority, which denied her claim on the ground that the provisions in the IPC and CrPC relating to compensation for acid attack victims were introduced only after 2005, and hence she was not entitled to any benefits under them. However, the Calcutta High Court rejected this narrow interpretation and emphasized that victims of acid violence cannot be denied compensation merely on the basis of the date of the attack. Upholding the principle of victim-centric justice and the right to rehabilitation, the Court directed the Authority to pay compensation to the victim, thereby reinforcing

³⁰ *Simran @ Meena Khan v. State*, Delhi High Court (2015)

<https://www.casemine.com/judgement/in/57b47ac9bc416857b539ee0b>

³¹ *Lawnn.com, State of Maharashtra v. Ankur Panwar* (25 Dec 2018) <https://www.lawnn.com/state-of-maharashtra-v-ankur-panwar/>

³² Bhumika Indulia, ‘Acid Attack Case: Attacker’s conviction upheld but death penalty commuted’ (21 June 2019) SCC Online <https://www.scconline.com/blog/post/2019/06/21/bom-hc-acid-attack-case-attackers-conviction-upheld-but-death-penalty-commuted-holding-him-to-be-of-young-age-and-not-beyond-reformation>

³³ *Piyali Dutta v State of West Bengal, 2017 SCC OnLine Cal 14943.*

the right to relief and rehabilitation flows from the constitutional guarantees of life and dignity under Article 21.³⁴

Initially, acid attacks were treated as just another criminal offense, but now courts are open to acknowledgement this offence as exceptionally severe and damaging. There's a noticeable focus on measures that prioritize victims. Their rehabilitation, compensation schemes, and stricter control over sale and purchase of acids is becoming central to the legal reforms. Hence, it is clear that both deterrence and support for victims are critical components of any effective response.

VII. PUNISHMENT V/S PREVENTION DEBATE

The offence of acid attacks in India brings into clear emphasis the tension between punishment and prevention in our criminal justice system. The Bharatiya Nyaya Sanhita, 2023 has undoubtedly strengthened the punitive framework by mandating stringent sentences, including imprisonment extending to life, coupled with compensation for survivors. The persistence of acid attacks despite strict laws and sanctions shows the limited deterrent capacity of punishments alone, since many perpetrators still act impulsively under social and emotional triggers rather than rational cost-benefit calculations.

Prevention, therefore, is of critical importance. The Supreme Court's directions through judicial pronouncements for regulating the sale of acid, alongside measures such as licensing, police awareness, community vigilance, and gender sensitization, signifies the need to reduce crime rates rather than merely responding to them. Thus, an effective response to acid attacks cannot solely be based on penalties but it requires a holistic integration of punishment with preventive strategies, ensuring deterrence against the crime, reducing access to corrosive substances, and protecting the constitutional guarantees of dignity and life.

The Bharatiya Nyaya Sanhita, 2023 (BNS) maintains and reinforces a punitive approach earlier established under the old statute of Indian Penal Code by prescribing harsh and strict punishments for acid attacks. The statute provides for a minimum

³⁴ *Realizing Reliability of AI in Dealing with Acid Attacks in India*, JETIR
<https://www.jetir.org/papers/JETIR2405005.pdf>

imprisonment of ten years, extending upto life imprisonment, along with fines that are directed towards compensating the victims.

The retributive justice principle, which is based on the moral conviction that criminals should receive punishment in proportion to the harm they have inflicted, is reflected in this legislative mandate. Because acid attacks result in lifelong incapacity, irrevocable physical disfigurement, and psychological distress, severe punishment is justified as a reaction considering the gravity of the act.

This retributive framework has been supported by court rulings, such as in *State of Maharashtra v. Ankur Panwar*³⁵, which classified acid attacks as crimes that fall into the "rarest of rare" category, where the death penalty has even been awarded. Such rulings emphasize on how courts perceive acid attacks not only as an offence against an individual but as an assault on the public morality.

While the principle of retributive justice often calls for severe punishment, constitutional proportionality acts as a necessary check, ensuring that sentencing does not become excessive. Higher courts frequently adjust overly harsh sentences from trial courts, reducing them to life imprisonment in order to balance public outrage with respect for human dignity and constitutional values. The framework of BNS incorporates compensation to the victims and strict fines, acknowledging the ongoing financial, social, and medical burdens that the victims endure. Through this, the statute introduces a restorative aspect to the otherwise retributive approach. Through the harsh penalties, the BNS affirms both the need for victim-centric justice and signals towards the state's unequivocal condemnation of acid attacks.

Nonetheless, depending solely on retributive justice raises important questions about its deterrent effect of the existing laws. The effectiveness of harsh punishment in preventing such crimes remains debatable, suggesting that a more comprehensive approach, one that also includes preventive and rehabilitative strategies, may be required to achieve true justice.

³⁵ 2016 SCC OnLine Bom 5676.

Deterrence presumes that the fear of punishment deters individuals from committing crimes in the future. Strict and stringent penalties such as long-term imprisonment and fines and penalties may reduce acid attacks in theory. Yet, empirical evidence in India suggests that despite harsher laws post-2013 amendments, the incidence of acid attacks has not dramatically declined.

The ongoing prevalence of these cases clearly suggests that relying solely on harsher punishments doesn't effectively deter offenders. Many individuals who commit such acts don't pay much heed to the legal consequences. Instead, their actions often stem from other sources. While strict laws may serve as a symbol of acknowledgement of the gravity of these crimes and might instill some level of apprehension in the minds of common man, their actual impact on deterrence of such crimes is largely dependent on whether laws are enforced consistently, convictions are in proportion, and justice is delivered timely. Without these components in place, simply increasing the intensity of punishment is unlikely to achieve the meant deterrent effect.

VIII. PREVENTIVE MEASURES

While punishment addresses the repercussions of acid attacks, prevention aims to stop crime before it occurs. The effectiveness of penalties under the Bharatiya Nyaya Sanhita, 2023 has been in question due to no significant decline in the number of incidents despite rigorous provisions in our laws. Prevention complements punishment and offers a sustainable model of crime control in the fight against acid violence.

A. Strict regulation of sale of acids

The regulation of acid sale in India does not primarily depends on one single statute but from numerous judicial directives and administrative rules. After the landmark case of *Laxmi v. Union of India* (2013, 2015) several legal and regulatory frameworks came in force like *Poison Rules, 2013 (amendments under the Poisons Act, 1919)*, In which after the Laxmi judgment, States amended their Poisons Rules to include acid within the definition of "poison." Another provision includes that the vendors must maintain a record of acid sales, with buyer's photo ID and residential proof. Sale of acid to a person below 18 years has also been prohibited. Though the *Explosives Act, 1884* &

Explosive Substances Act, 1908 (ancillary application) are primarily for explosives, certain corrosive substances (including concentrated acids) fall under regulated categories, which require compliance with storage and handling norms. In addition to these statutes, in the landmark case of *Laxmi v. Union of India* (2013, 2015), the Supreme Court also issued some important directives, like-

1. No over-the-counter sale of acid without proper records
2. Sale only to individuals with a legitimate purpose (e.g., laboratory, industrial, educational use).
3. Mandatory photo ID, address proof, and declaration of purpose before purchase.
4. Vendors must inform police about suspicious purchases.

Under the new law of *Bharatiya Nyaya Sanhita*, section 116 & 118 and 124 criminalize the offence of causing grievous hurt or disfigurement by corrosive substances and provide harsh punishments (10 years to life).

While BNS focuses on punishment rather than sale, its severity and harshness complements well to the regulatory laws by amplifying the seriousness of acid-related crimes.

B. Police Vigilance

Local police have a very important role in ensuring acid regulation is not just on paper. In accordance with the guidelines in *Laxmi v. Union of India* (2013), police officials are needed to execute surprise visits to vendors, check licenses and records, inspect for illegal hoarding and ensure that acid is sold only for genuine industrial, laboratory, or household uses. Police surveillance not only implements compliance but also creates an aspect of responsibility among vendors, thus minimizing the chances of illicit sales that commonly result in abuse.

C. Sensitization Campaigns

Preventive justice also calls for changing the social attitudes which legitimize or downplay acid violence. Awareness drives organized through schools, colleges, community centers, and media outlets can prove to be a life-altering process. Such

drives draw attention to both legal punishment for offenders under the BNS and the victims' lifelong agony, thus orienting public opinion against acid violence. The Supreme Court, in its ongoing mandamus in some judgments has laid stress on running mass sensitization campaigns to support penal laws.

D. Gender Sensitization

Acid attacks are closely related to patriarchy, rejection-based violence, and male entitlement. These underlying causes should be addressed in schools, colleges, and workplace through educational programmes and by imparting values of gender equality, respect for others, and consent. The National Commission for Women (NCW) and the various state women's commissions have suggested the incorporation of gender-sensitization modules into curricula as a long-term solution to prevent such crimes. These programs intend to discourage would-be offenders at the psychological level.

E. Rehabilitation Schemes

Realizing that survivors of acid attacks have timeless medical and socio-economic problems, the government has launched many schemes for free medical treatment, reconstructive surgeries, and compensation to victims. For example, the Victim Compensation Scheme under Section 357A of the CrPC (now retained under BNSS, 2023) pays compensation, while some states such as Delhi, Uttar Pradesh, and West Bengal have also declared special survivor packages. Skill development and vocational training programmes are also important for reintegration of the victims so that they can become independent and lead a dignified life.

F. Victim Support Mechanisms

Imparting real justice involves establishing a holistic support mechanism for the victims. Legal aid cells to aid in trials, representation in courts, psychological counselling services to deal with trauma, self-esteem and depression, and job opportunities to provide long-term rehabilitation are part of it. Several NGOs such as Chhanv Foundation, Stop Acid Attacks campaign and the Ministry of Social Justice & Empowerment have joined hands to form networks that provide varying forms of legal and emotional support to survivors. Integrating these mechanisms into state

policy is necessary to convert survivor assistance from charitable-based aid to a statutory entitlement based on constitutional protections under Article 21.

It can be said that preventive measures not only reduce occasions and opportunities for the commission of crime but also target its root causes like social attitudes of the people, easy availability and accessibility of acid, and poor awareness. Thus, prevention complements punishment and offers a sustainable model of crime control in the fight against acid violence.

IX. LAW ON REHABILITATION OF SURVIVORS

*The Acid Control and Acid Prevention Rules, 2013*³⁶, were established by the central government under the authority of the Environment (Protection) Act, 1986. These rules strictly regulate the sale, purchase, and storage of acid, mandating that sellers maintain detailed records of all acid sales and verify the identities of purchasers. Furthermore, the *National Policy for Treatment of Rare Diseases, 2021*³⁷, officially recognizes acid attack injuries as a rare disease category. As a result, victims are eligible for free treatment under the *Rashtriya Arogya Nidhi scheme*, thereby removing some of the financial barriers to medical care. In terms of policy framework, the Ministry of Home Affairs has introduced a *compensation scheme specifically for acid attack victims*.³⁸ This scheme covers medical expenses, compensates for loss of income, and provides support for rehabilitation.

The Ministry of Social Justice and Empowerment has also implemented a variety of *rehabilitation initiatives*, including financial assistance, vocational training, and psychological counseling, to support the recovery and reintegration of survivors. Additionally, the Ministry of Women and Child Development has established *One Stop Centres* across India. These centres offer comprehensive support, including medical, legal, and psychological assistance, to acid attack victims in a single location. Public awareness is another key element of the government's approach. Through collaborations with non-governmental organizations, *various campaigns and awareness*

³⁶ *The Acid Control and Acid Prevention Rules, 2013*

³⁷ *National Policy for Treatment of Rare Diseases, 2021*.

³⁸ National Commission for Women, *Annual Report 2008–09*, Annexure 4
<https://ncwapps.nic.in/AnnualReports/200809/Eng/Annexure4.pdf>

programs³⁹ have been launched to educate the public about the seriousness of acid attacks and the importance of prevention.

In summary, India has developed a multifaceted legal and policy framework aimed at both preventing acid attacks and supporting victims' rehabilitation. Nevertheless, effective implementation and increased public awareness remain critical challenges in addressing this issue comprehensively.

The government of India has launched various programs, policies and schemes in order to cater to the victims of acid attacks for them to receive assistance, rehabilitation, and treatment. Some major government schemes in India for victims of acid attacks include: *The Central Fund for Victim Compensation (CVCF)*⁴⁰, where the acid attack victims are eligible for compensation by the government to cover the rehabilitation expenses, loss of wages, and medical bills as well. This fund is operated by the Ministry of Home Affairs, the Central Victim Compensation Fund, which provides financial assistance to the victims of all crimes, including acid attacks. *Nirbhaya Fund*⁴¹ has been created by the Government of India to offer fundings and grants for the initiatives that strengthen the safety and security of women.

These programs aim at helping acid attack survivors by providing them with counseling, vocational training, and rehabilitation. *Ujjawala Scheme* launched by The Ministry of Women and Child Development's is meant to retrieve, rehabilitate, and reintegrate commercial sexual victims, and victims of exploitation and human trafficking. The funds and services provided under this program can be beneficial to acid attack victims who were trafficked or exploited. The subscribers to the government sponsored *The Pradhan Mantri Suraksha Bima Yojana*⁴² can avail accidental death and disability insurance protection.

³⁹ PIB, *Legal and administrative framework to check acid attacks* (2025)

<https://pib.gov.in/newsite/PrintRelease.aspx?relid=114012>

⁴⁰ Ministry of Home Affairs, *Victim Compensation Fund Guidelines* (2017)

https://www.mha.gov.in/sites/default/files/CVCF_revised_27072017_0.PDF

⁴¹ Data.gov.in, *Year-wise Budget Allocation under Nirbhaya Fund (2013–14 to 2024–25)*

<https://www.data.gov.in/resource/year-wise-details-budget-allocation-under-nirbhaya-fund-2013-14-2024-25>

⁴² Pradhan Mantri Suraksha Bima Yojana, Ministry of Finance

<https://financialservices.gov.in/beta/en/pmsby>

The policyholders of this yojana will get insurance compensation in case of an acid attack-related death or permanent disability. For victims of an acid attack, a number of state governments provide *free legal assistance and counseling*⁴³ to help them navigate the judicial system and seek justice against the culprits. State legal services authorities have instituted legal assistance cells and clinics that offer guidance in the filing of formal complaints, pursuing criminal cases, and claiming compensation under relevant statutes.

Through several other schemes by the government, including reservation quotas for government jobs and incentives to private sector companies to recruit individuals with disabilities, the government facilitates career opportunities for victims of acid attacks. Various other programs on Entrepreneurship and skill development are also offered in an effort to empower victims to become self-reliant. The government has established and emphasized on the operation of *shelters and rehabilitation centers* across India for acid attack victims, providing them with a safe and supportive environment to heal.

These centers assist victims in overcoming the trauma of the assault and returning to society as functioning members through medical care, counseling, vocational training, and social support services.⁴⁴ The scheme of “*The Punjab Financial Assistance to Acid Victims Scheme*” was launched by the Department of Social Security and Women & Child Development, Government of Punjab in the year 2017. The objective of the Scheme is to provide monthly Financial Assistance to females who have been rendered 40% disabled due to acid attack. This scheme is fully state sponsored.⁴⁵

Under such schemes, acid attack victims with disabilities can avail financial assistance, skill development training, and assistance in entrepreneurship. These government run schemes and programs play a significant role in enabling acid attack victims to

⁴³<https://cdnbbsr.s3waas.gov.in/s325c08ba53006ff57306395a81da24638/uploads/2025/02/202502041708354718.pdf>

⁴⁴ S. Sharma, *Acid Attacks in India: Unveiling Layers of Injustice and the Path to Rehabilitation* (IJIRL) <https://ijirl.com/wp-content/uploads/2024/03/ACID-ATTACKS-IN-INDIA-UNVEILING-LAYERS-OF-INJUSTICE-AND-THE-PATH-TO-REHABILITATION.pdf>

⁴⁵ *Punjab Financial Assistance to Acid Victims Scheme*, Myscheme.gov.in (2025) <https://www.myscheme.gov.in/schemes/pfaavs>

rebuild their lives and integrate back into society by providing them with the help and assistance that they so badly require.

X. INTERNATIONAL HUMAN RIGHTS FRAMEWORK

Acid violence constitutes not only a grave criminal offence under domestic law but also a violation of internationally recognized human rights.

A. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)

CEDAW puts an on the States to eliminate all forms of discrimination against women and to protect them from gender-based violence.⁴⁶ The CEDAW Committee's General Recommendation No. 19 (1992) and No. 35 (2017) explicitly recognized gender-based violence as a form of discrimination.⁴⁷

B. UN Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)

These principles emphasize the victims' rights to get justice, seek restitution, compensation, and assistance.⁴⁸ They also include medical, psychological, and social support, underscoring States' duty to avoid re-victimization through hurdles in the procedures.

C. Universal Declaration of Human Rights (UDHR, 1948) & International Covenant on Civil and Political Rights (ICCPR, 1966)

Both the international declarations guarantee the right to life, liberty, and security of people (UDHR Art. 3 and ICCPR Art. 6)⁴⁹ and prohibits cruel, inhuman, or degrading treatment (ICCPR Art. 7).⁵⁰ Acid attacks clearly fall within these protections.

⁴⁶ *Convention on the Elimination of All Forms of Discrimination against Women*, 34/180 (18 Dec 1979)

⁴⁷ CEDAW Committee, *General Recommendation No. 19* (1992); *General Recommendation No. 35* (2017).

⁴⁸ UNGA, *Basic Principles of Justice for Victims of Crime and Abuse of Power*, 40/34 (29 Nov 1985).

⁴⁹ *Universal Declaration of Human Rights*, UNGA 217A (III) (10 Dec 1948), art 3; *International Covenant on Civil and Political Rights*, (16 Dec 1966), art 6.

⁵⁰ ICCPR, art 7.

D. International Covenant on Economic, Social and Cultural Rights (1966)

The ICESCR recognizes the right to health (Art.12) and to work (Art. 6).⁵¹ Survivors' access to reconstructive surgeries, rehabilitation, and livelihood support are integral to these rights.

E. UN Declaration on the Elimination of Violence against Women (1993)

This declaration defines gender-based violence as rooted in structural inequality and obliges States to prevent, investigate, and punish acts of violence against women,⁵² thereby imposing a duty of "due diligence" on India with respect to acid violence.

XI. RECOMMENDATIONS/SUGGESTIONS

To effectively address the offence of acid attack, the reforms must focus on many areas. The following recommendations are proposed:

1. There must be a Uniform National Acid Sale Control Law. Such a law will control the sale of acid in all the states of the country and greatly minimize chances of misuse.
2. There should be a centralized rehabilitation fund. Such a fund will require prompt distribution to medical, legal, and reintegration support services.
3. It should also be a basic requirement that all government hospitals provide psychological counseling. Survivors have unique and tough emotional and mental challenges that must be addressed.
4. Reservation policies for higher education and employment must be introduced to enhance the socio-economic empowerment of survivors. Such empowerment will support survivors in their quest to live with dignity.
5. Proper monitoring of the welfare of the survivors of acid attacks by the National, or appropriate, State Commissions for Human Rights periodically will increase accountability. Such monitoring will improve the effectiveness of existing measures and bring to light any new issues that need to be addressed.

XII. CONCLUSION

⁵¹ *International Covenant on Economic, Social and Cultural Rights*, (16 Dec 1966), arts 6, 12.

⁵² UNGA, *Declaration on the Elimination of Violence against Women*, 48/104 (20 Dec 1993).

Punishments under Bharatiya Nyaya Sanhita, 2023 are symbolically strong, but it does not effectively deter acid attacks. True deterrence requires a complete approach that combines retributive justice, prevention strategies, and rehabilitation. The gap between law on books and law in practice is most visible in the struggles of survivors who remain unseen by the justice system.

The fight against acid violence is not just legal; it is also social and cultural. Until we tackle patriarchal attitudes, the easy availability of acid, and the neglect of survivors, punitive measures alone cannot bring about justice. Without legal infrastructure coupled with effective enforcement, advocacy, and compassionate assistance to the victims, the aspiration for justice and human rights will persist unattainable.

Our nation needs a survivor-centered approach that includes punishment, prevention, and rehabilitation to turn justice from a legal promise into a reality that people experience. Therefore, the future approach to acid violence must encompass not only the punishments to the perpetrators but also the restoration and empowerment of the victims.

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