

# **Burnt Not Defeated**

**Women fight against  
acid attacks in Karnataka**

A report by

**CSAAAW**

**(Campaign and Stuggle Against Acid Attacks on Women)**

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## PREFACE

The journey from the initial fact-finding days to the publication of this report has been a long one. Besides reminding us that the report is long overdue, this moment is also a time to remember the uphill trek that this has been for all of us since the coalition formation in 2003.

The delay in publishing this report has meant several frustrating moments for the campaign - we have had to repeatedly change the numbers of the acid attack survivors in Karnataka. News of women being attacked by acid in different districts continues to come in. If there was a sense of urgency with which we began the struggle in 2003, that sense of urgency continues till date.

Even as we recognize this, it is imperative that we also emphatically recognize the energy that we have gained from the survivors themselves. Their refusal to be defeated, their sense of determination to continue with life and their strength as they walked with us to struggle for the rights of women everywhere - it has helped us walk that extra step.

We have been very clear from the day we began - we are not in this struggle against acid attacks because we feel sorry for the women who have been attacked. We don't pity them either. We are fully aware that each one of them is a survivor in the true sense of the word. Faced with apathetic government agencies (apathetic at best and overtly patriarchal at worst),

sensationalist media coverage and an over-sympathetic public, we have had to challenge people into action by placing this issue within larger frameworks of women's rights and systemic patriarchal violence. This struggle for us is one that needs to be constructed against the state on one hand and the patriarchal society on another. The road, to disallow the subsuming of the specificity of this issue, i.e. acid attacks on women, and the concrete actions required in this struggle by the larger framework, has been a carefully chosen one. It is perhaps obvious to say that the entire journey has been a huge learning experience for all of us.

There is no doubt in any of our minds that this campaign has been successful on several counts. We have forced this issue to the forefront of the State's agenda when it comes to addressing incidents of violence against women. Right from the police department, the legal justice and state health institutions to other state machineries have been pushed to respond to our demands. We have covered significant ground on several other aspects as well and yet as the oft-quoted line goes, we have miles and miles to go. This report is only a step forward in the campaign - it is a tool as we continue the struggle. There is an unshakeable belief in each one of us that together we can, that women have a right, amongst other things, to a violence-free world. And that this can be achieved through sustained struggles.

## CHAPTER I: INTRODUCTION TO CSAAAW

Campaign and Struggle Against Acid Attacks on Women (CSAAAW) is a coalition formed in early 2003 in Bangalore, Karnataka. As the coalition name suggests, CSAAAW is primarily engaged with campaigning against acid attacks on women and within this primary engagement, it has defined for itself a two-pronged approach - to fight towards a complete halt to acid attacks on women by establishing a recognition that acid attacks are a form of gendered sexual violence and to demand justice for the women who have survived these attacks. Focusing just on either one would have skewered the politics of the coalition and its constituent groups. The constituent groups are based in Karnataka and hence the geographical focus of CSAAAW is limited to the state.

CSAAAW as a coalition has grown - there has been a significant increase in the number of constituent groups from the initial days. Simultaneously, the number of supporters who sustain the coalition from outside by responding regularly to its calls for protest actions and other support activities has risen. It is perhaps necessary to state that though CSAAAW functions entirely as a coalition in its political structure and manner of functioning, it is registered under the Karnataka Society Act as a trust. A brief history of the formation of the coalition is attempted before a detailed discussion of the issue at hand since we believe identifying milestones towards a history of the formation of CSAAAW and placing this within the public milieu is important.

## History of Formation

CSAAAW was initially formed through the initiatives of Mahila Jagruthi (a women's rights organization), Pedestrian Pictures (a media activist group) and several other individual women's rights activists and academicians in early 2003. As stated earlier, the coalition was formed in order to investigate further into reports of acid attacks on women.

The attack on Haseena in Bangalore in 1999 proved to be critical in stirring public attention. Previous to this attack, reports in mainstream newspapers about acid attacks were limited to page 3 crime story sections. Typically, like other news items in the section, these reports were briefs - bare statements of facts mentioning the place, the time of attack and a brief recounting of the police version of the motives for the crime.

The reports in the regional language newspapers of the attack on Haseena, though incredibly sensationalist in nature effectively portrayed the horrors of acid attacks on women. It captured the fact that damage caused by acid attacks was irreparable and it affected women physically and psychologically. Consequent to the media blitz in this case and the sustained efforts of CSAAAW through the years of campaign, reports on acid attacks on women are no longer limited to single column briefs<sup>1</sup>. We believe that Haseena's case captured public attention for two major reasons. First, the attack was horrific in nature - 2 litres of pure sulphuric acid destroyed her body completely and second, Haseena was a middle-class 19 year old. The reports centered mostly on the horrific nature and the injustice of it all suffered by someone that young.

In 2000, within a year of the attack on Haseena, another attack took place in Kanteervanagar slum in Bangalore on Noorjahan. This attack drew the attention of Mahila Jagruthi since they had been working with women in the area. Unaware of the larger implications that these attacks posed for women, Mahila Jagruthi's intervention at the time was limited to interactions with the police to ensure the arrest of the accused.

In 2002, another attack on 16-year-old Shruthi in Bangalore clearly foregrounded the systemic nature of these attacks. With the realization that the increasing frequency of these attacks made it impossible to treat them as isolated incidents, Mahila Jagruthi initiated a study to understand the underlying pattern. In the course of their study, the Mahila Jagruthi team along with other concerned individuals met with the acid attack survivors, doctors, lawyers, psychiatrists, police, and others. A report collating these opinions - *atyachaara, vaaradakshine...eega acid* - published in November 2002, established acid attacks as a violent extension of the existing crimes on women such as rape, dowry deaths. This report formed the basis of an initial campaign initiated by Mahila Jagruthi amongst students and a larger public. The campaign revealed the need for a more extensive engagement with the issue; there were several patriarchal notions and associated implications to the issue that necessitated stronger and more sustained interventions. More importantly, newspaper reports at the time revealed that acid attacks on women were not confined to Bangalore and were taking place across Karnataka.

Interactions between Mahila Jagruthi and Pedestrian Pictures in December 2002 established a need for a broader coalition to engage with the acid attacks on women; this initial coalition comprised, apart from the two above-mentioned groups, academicians, women's rights activists and students. One of the immediate tasks the coalition set itself was to undertake a fact-finding mission across Karnataka to meet with survivors and hence deepen its own understanding. The coalition also determined to interact with government structures at various levels - police stations, public prosecution departments, and public health establishments - in order to deepen its extant understanding of the medical, legal and social implications and to enquire into the state response at all these various levels. The perspective framing the investigation was very specific - a sustained campaign was needed to fight against gendered sexual violence with all its surrounding ramifications and on a more immediate level, the survivors needed support in their battles for life and justice.

The coalition was formalized in December 2003 following an initial phase of



fact-finding which covered several cities and towns across Karnataka.

Since then, through the course of several actions, the coalition has grown significantly to include a larger network of organizations and individual supporters who have responded at critical junctures to take the campaign forward - the list is an extensive one covering legal rights organizations, women's rights organizations, workers rights groups, students' groups, etc.

Outside of the state, CSAAAW's consistent activities have drawn the attention of various women's rights groups and networks. Women's rights activists from Mumbai, Pune, Hyderabad and other places in recognition of the seriousness of the issue (since acid attacks is hardly limited to Karnataka) have initiated the process of documenting these attacks. They have in several instances made these documents available to CSAAAW as well.

### **Perspectives**

Within CSAAAW, we see acid attacks on women as a form of gendered sexual violence. It is in essence a much more horrifying extension of other forms of violence on women such as rape, domestic violence, sexual molestation, etc. Violence against women form expressions of subordination and oppression faced by women systematically in society today. It is only 'the tip of the iceberg, the visible dimension of systematic subordination. But there is the rest of the iceberg that is the firm basis for the tip<sup>2</sup>.' Notions of patriarchy that feed, sustain and justify acts of violence against women constitute a part of that iceberg that remains invisible at first glance. There are of course several other notions that contribute to the subjugation of women and the increasing violence on them - the politics of body and increasing commodification are discussed in detail in a later chapter<sup>3</sup>. The need for these larger connections stems from the impossibility of limiting analyses of violence against women to parochial considerations as individual acts of violence.

### **Report Briefs**

CSAAAW team members traveled to Mysore, Honnavara, Kumta, Chikmagalur,

Gadag, Bidar, Raichur, Hubli, Bangalore and several other places from July - November 2002. They met with survivors and their families, police officers, witnesses, doctors, lawyers, local organizations in these places.

Since 1999, 56 women across Karnataka have been attacked with acid<sup>4</sup>. Despite the increasing frequency of these attacks, efforts to systematically document or enquire into the violence are conspicuous by their absence. The investigation undertaken by CSAAAW emerges then as a significant effort in this direction. It not only offers space for the survivors to present their own narratives but by gathering these voices onto a single platform ensures that the tendency to individualize and treat as disparate voices is removed.

There are several commonalities, which are easily obvious in these narratives - the most significant being that acid attacks on women are a systemic form of gendered sexual violence. Unlike acid attacks on men, these attacks are used as a weapon to silence and control women by destroying what is constructed as a primary constituent of her identity, i.e., her body. It is important then for any campaign against acid attacks to mobilize public opinion towards recognizing acid attacks as a form of gendered sexual violence and more importantly to recognize the patriarchal notions underlying these attacks. Unless public voices rise to contest the continuation of these attacks, the State will continue to remain as a mute spectator or offer vague, half-hearted, charitable gestures to address this heinous form of oppression on women.

This report is therefore an attempt to highlight these commonalities while focusing on the struggles at various levels against this form of gender violence. Analyses of the roles of Government structures, i.e. the law-enforcing agencies such as the police, the law-making agencies such as the judiciary, other associated legal institutions and the ministerial departments and state-instituted agencies such as the State Women's Commission, the media and the medical establishment are presented towards this. The role of family and society is a constant - interwoven as it is into these analyses.

Aside from showcasing the gendered nature of the violence, the report also brings to fore several associated myths - impositions of morality, 'character' sketches, notions of dress, politics of body and its rampant commodification in an era of imperialism and various other justifications offered to condone acts of violence on women. The women's movement has long battled with these questions.

And finally, the report is a chronicle of the struggles that CSAAAW has undertaken to this date in its fight against acid attacks on women. This report, specifically we hope, will provide a momentum for the campaign.

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<sup>1</sup> A subsequent chapter on media (Chapter V), analyses this phenomenon in greater depth.

<sup>2</sup> The Politics of Violence Against Women, Meera Khanna, September 2006.

<sup>3</sup> See Chapter IV, Generic Analyses: Body as a site of violence.

<sup>4</sup> See Annexure I for a detailed list of acid attacks in Karnataka. There were several other cases that were mentioned during the course of the investigations but these incidents have not been included in the list since CSAAAW did not have concrete proof.

## CHAPTER II: TOWARDS DEFINITIONS

### Defining acid attacks

Acids are by nature highly corrosive materials capable of causing irreversible alterations in living tissues on contact. The extent of burns caused by the contact with the chemical is dependent on the nature of the acid, the level of concentration and the duration of the contact. Acids not only burn the outer skin but also have a devastating impact on the underlying tissues and muscles and in some cases, corrode the bone tissue as well. The fluid nature of acids means that the area affected goes much beyond the initial area of contact. As the acid seeps further and further into the underlying tissues, the affected area increases.

Typically acids such as sulphuric acid and hydrochloric acid are considered to be highly toxic and extremely corrosive. Sulphuric acid reacts violently with many metals while even chronic exposure (not contact) to hydrochloric acid may result in lung damage and possibly cancer. Anhydrous hydrochloric acid is corrosive to even stainless steel.

Hydrofluoric acid, one of the strongest acids, is used in germicides, dyes, plastics and glass etching. Its toxicity has been attributed to the fluoride ion, which permeates into the tissue as a result of the penetrating power of the acid. Even at low concentrations, the fluoride ion will cause necrosis of soft

tissues and also cause decalcification and corrosion of the bone.

Phenol is an aromatic acidic solution. It has a marked corrosive effect on any tissue. If it comes into contact with the eyes, it may even cause blindness. On contact with the skin, it usually causes a whitening of the exposed area but no pain. If the chemical is not removed promptly however, it may cause a severe burn and may lead to systemic poisoning.

The chemical burns that result from contact with acid are almost always third degree burns or in medical parlance, full thickness burns. They destroy the epidermis, dermis, the underlying bones, muscles and tendons. When acid affects the eye, the result is usually blindness.

### **Easy availability**

Almost all the acids/acidic solutions detailed above are commonly and easily available. They are used by goldsmiths, housewives, computer parts dealers, car mechanics and servicing agencies, construction units, tile factories, etc. Due to this universal application of corrosive acids, they are available everywhere, with no restrictions of any sort imposed on the sale. Acids of extremely high concentration levels are sold everywhere - from door-to-door vendors selling acids for household purposes to roadside vendors to every single hardware shop.

In several cases of acid attacks on women, the easy availability of acid has proved to be an important factor for the increasing number of attacks on women. The fact that highly concentrated acid is available without restrictions on age or without documenting the identity of the buyer in cities and towns across Karnataka has undoubtedly contributed to its use as weapons to inflict pain.

### **Acid attacks on women**

Though acid attacks are not restricted to women alone, there are fundamental differences between the attacks on men and women, so much so that it is

impossible to brush the two with the same stroke. Acid attacks on women are a form of gendered sexual violence and this consideration is based on several arguments. Acid attacks are not stray or isolated cases of a few women being attacked; rather it is another form of systemic violence against women.

First, acid attacks are used as weapons to silence and control women. They are used to negate a woman's right to exercise her choice, her assertion of independence through an act of refusal, her right to love and not to love, and her right to live a life of dignity. Acid attacks are used by men as a way of asserting their right to control women, their bodies and their sexuality or in other words as a tool of patriarchal violence. When placed within the framework of patriarchal violence, acid attacks on women, as argued earlier, are no different from rape, sexual harassment or sexual molestation. It is in fact an extension of these forms of violence since it leaves a much more permanent scar on women physically, economically and psychologically.

Second, the attempt of an acid attack against a woman is to not only inflict severe pain as punishment but more importantly it is an attempt to destroy a woman's body as this is considered to be central to her identity as a woman. The fact that a woman's identity is reduced to her body which can be possessed or mutilated when denied access is a signifier of the commodification of a woman's body. Body as a site of violence has long since been recognized. This definition of acid attacks on women, as a form of gendered violence, is central to addressing the issues of gender inequality, male dominance and patriarchal values surrounding it. Throughout this report, the use of the terms 'acid attacks' when used in isolation is a specific reference to acid attacks on women alone.

### **World wide footprints**

Deliberate use of acid on women as an instrument of punishment and as a means of exerting control has been reported from countries such as Cambodia, Nigeria, China, Malaysia, Argentina and from the Indian subcontinent. The number of women intentionally attacked by acid in one year in the recent past

in Bangladesh, Pakistan and now India far outnumber those recorded in the other countries. And the numbers have been increasing alarmingly. In 2002, in Bangladesh, 485 women were attacked by acid whereas in Pakistan, in the period between January and September 2003 in the Punjab province alone there were 25 women who survived acid attacks. Given that the physical and psychological impacts on the survivors are severe, these numbers are a matter of serious concern.

In Karnataka too, despite all the recent attention being focused on acid attacks, the fact remains that acid attacks are not new. The first recorded case of a woman being burnt by acid was in 1967. Again this is a reference to the use of acid as a tool to orchestrate patriarchal violence and not to the several cases of accidental burns in industrial conditions and at the workplace. In Karnataka, the first recorded case of an acid attack on a woman was in the early 1980s, when Lata, a sex worker was attacked after she turned down a potential client.

### CHAPTER III: THE SURVIVORS TALK

The initial fact-finding undertaken by CSAAAW in 2003 and sustained through the years has established strong ties with the survivors and their families. Our interactions with the survivors included providing support, whenever required. Many of the survivors sought help in their battles with the police, the prosecutors, the judicial processes, the varied government agencies as they struggled for justice and attempted to answer livelihood questions for themselves and their families.

The narratives below have been collated from a series of interactions and are merely indicative of the traumatic experiences of the survivors. It has not been possible to accommodate all the survivors'



Survivors participating in the public hearing held by CSAAAW on 4 Jan 2004.



narratives in this report though CSAAAW has maintained detailed interactions with each one of them. Several of these interactions reproduced here have been translated from Kannada.

### **Haseena Hussain**

*Haseena was 19 years old at the time of the attack that took place in Jalahalli, Bangalore on 22 April 1999.*

I am the eldest of the two daughters of Hussain and Zeenat. My family encouraged and supported me to pursue my studies in computers along with my degree course, even though my relatives and tradition insisted I should get married. I was working in a firm called Neta Software Company which was run by Joseph Rodrigues. He also worked in the Indian Airforce. The company was running in loss so I quit the job and got a job in another company. Joseph strongly resisted this and asked me to leave my new job and stay and work from home for his company. But I didn't agree, so he got angry. One day, when I was on my way to work, he approached me with two litres of concentrated sulphuric acid in a jug to try and force me back to my old job. When I didn't agree, he poured acid from the top of my head saying "lets see how you will work on computers anymore".

Later on, we found that he had bought five litres of sulphuric acid on the pretext of using it for some computer related work, kept it in his Airforce office, took permission from his office for an hour to 'complete' this job and later went back to office to do the other pending work.

I was completely burnt; my whole face, hands, trunk and thighs were simply falling off. My face transformed into a lump of flesh. I was in a lot of pain due to the burns and pleaded to everyone present there to pour cold water on me. I was rushed to the nearby hospital where they asked me to be taken to a bigger hospital. I was shifted to MS Ramaiah hospital where they administered some basic first aid. They just cleaned my eyes with water after which they refused to give me any further treatment till we deposited one lakh rupees. Later I was shifted to Victoria Government hospital where I was kept without

any treatment for two days. At night when the pain became absolutely unbearable, my mother requested the duty nurses to have a look at me. They refused, asking for some money before attending to me. My mother did not have any money at that time and even though she pleaded and begged them, it was of no use. My father was out of station on work and he could come only after two days. When he did, I asked him to take him to another hospital or to take me home - so I could die peacefully. I was in the ICU for almost 6 to 8 months and was brought home later with unhealed wounds because we did not have enough money to pay for further treatment. I lost sight in both eyes and had to undergo around 13 surgeries to keep my face and limbs functioning. I still need to undergo some more operations but we don't have the money. We have already sold our house and have spent around 9 lakh rupees on my treatment alone.

### **Noorjahan**

*Noorjahan was 25 years old at the time of the attack that took place in Gorguntepalya, Bangalore on 7 August 2000.*

I am a married woman with three children. I was living in Kanteeravanagar, one of the largest slums in Bangalore where I was running a small mobile teashop along with my husband opposite Mahakrupa Acid Company with numerous Garment factories in the vicinity. The business was running well. Mahakrupa Acid Company's owner's son Chand used to harass me and tried to make sexual advances. I sometimes ignored his behavior and sometimes resisted his advances due to which there were often small fights between us. However, persistent in his attempts, Chand insisted that I spent a night with him at which point I lost my patience. I rebuked him and informed my husband about the harassment I was being consistently subjected to. With additional vengeance, Chand resorted to a fatal design. He asked his lorry cleaner, Kumar to throw acid on me. For the first five to six months, no case had been registered either against Chand or Kumar as Chand was quite influential. However, with the members of Mahila Jagruthi protesting against the callous silence of the police, a case was registered against Kumar but not against the main accused

Chand as there were no witnesses against him. I lost one eye and was unable to get proper medical treatment due to paucity of funds. But most importantly I lost my livelihood. In due course, my husband deserted me and now I make Agarbathis to earn some money to support myself and my children.

**Nagamma R.**

*Nagamma succumbed to her injuries three months after the acid attack on 14 October 2000. She was 22 years old at the time of the attack which took place in Haladipura, Kumta.*

Nagamma comes from a poor Dalit peasant family in Hellikere village of Honnavara. She managed to complete her pre-university education in the midst of hardship. While in college she met Shivu who pretended to love her. Taking advantage of the abject poverty that she lived in, Shivu managed to keep her in his house for nearly two years. Her repeated requests for a marriage only fell on deaf ears. Gradually, she realized that she was being harassed. During these two years she was made to realize that it was a local rowdy of the landlords and politicians of the locality that she was living with. She decided to keep away from him. She applied for a job in KSRTC and qualified for it. The prospect of Nagamma being independent angered Shivu who tore the appointment order and beat her very badly. Unable to bear this torture, she left the house and went to her elder sister's house in Kumta, a town nearby. This was a blow to Shivu's ego. Moreover, he felt that this step towards her independence would enable her to get married to someone else. Often he went to Kumta only to threaten her that if she persisted, he would throw acid on her.

When these threats too did not deter Nagamma, he, one day broke into the house through the ceiling at 3 a.m. and threw acid on Nagamma who was sleeping there along with her grandmother and sister's children. Along with Nagamma who was severely injured, the rest of them sustained minor injuries.

She was admitted to a local govt. hospital at Honnavar where she merely received some first aid. Despite the best efforts by her extremely poor family,

she could not manage the extreme costs of the medical aid. Even the available facilities in the hospital were not used effectively to treat her. After three months of prolonged suffering, Nagamma succumbed to the grave injuries.

### **Dr. Mahalakshmi**

*Mahalakshmi was 32 years old at the time of the attack which took place in Mysore on 11 January 2001.*

Dr. Mahalakshmi, a well-known gynecologist in Mysore, ran her own clinic in the city. She was staying in a rented house, the owner of which was a liquor contractor and a goonda. This landlord knew that Mahalakshmi stayed in the house alone along with her 4-year-old daughter. He often tried to make sexual passes at her. Mahalakshmi resisted this and cautioned him to mind his behaviour. On Jan 11, when she was returning from the clinic, the landlord threw acid on her and ran away. What followed was another saga of misery. Mahalakshmi had to try very hard to get not only some reasonably proper treatment, but a job and shelter as well. After consistent effort she was appointed as a government doctor in a primary health centre only due to her merit. She had lost one eye. The surgeries are incomplete due to financial problems.

### **Shanti**

*Shanti was 28 years old at the time of the attack which took place in Panchavalli, Piriyaapatnam taluk, Mysore dist. on 10<sup>th</sup> October 2001.*

I come from a poor family in Panchavalli in Mysore Dist. I was married to Raghu in 1987. From day one, Raghu used to harass me for dowry, which continued even after the birth my two children. I had a diploma in fashion designing, so I was able to work as a teacher in a local tailoring institute. However this did not put an end to the harassment and the demand for more money from my husband. After 14 years of such ill-treatment by my husband, I moved away to my mother's house along with my children. Soon, Raghu pretending to be ashamed of his behaviour, came to me and apologized. He promised that he would take care of me and asked me to come back to his

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house with him. I believed in him and returned home with him only to come back to my mother's house as I realized that my husband had made only false promises.

Raghu did not give up. The very idea of that his wife was living independently troubled him. One night he came home, quarreled with me and then slept with me. In the morning at around 5, when I brought him his morning coffee, he threw some liquid that I later to know was acid, onto my face and neck. I was writhing with burning pain. I was taken to the local Government hospital where I stayed for 19 days with only minimal treatment given continuing to suffer the pain. Consequences were that I lost an eye and an ear (Shanti's earlobe was dissolved entirely by the acid. Further, the acid also seeped into her inner ear leaving her completely deaf in one ear.) and now my neck needs support even while sleeping. Major surgeries are still pending due to lack of funds. I am now trying to survive along with my two children without a proper job or income.

### Shruthi

*Shruthi was 16 years old at the time of the attack which took place in Marenhalli, Bangalore on 22<sup>nd</sup> April 2002.*

I am the eldest of the two daughters of our father, Shankarnarayan who is a tailor and our mother, Gayathri, a housewife. I had just finished writing her 10th exam and was going to computer classes. Rajesh, a 16 year boy and the son of a cobbler, was my neighbor previously consistently troubled me to marry him. I rejected his proposals and had even informed my parents about this. My parents spoke to Rajesh regarding this after which he promised not to trouble me anymore. He even promised to treat me as his sister! But in spite of his promises, he continued to harass me. So my parents decided to change our house and go away from the locality.

On 22 August, when I came to the bus stand after my computer classes, Rajesh was also there. He demanded that I speak to him but I refused. Just when I

was about to board the bus, Rajesh threw acid on my back and side. I was taken to a nearby local hospital where they just poured one jug of water and asked for me to be shifted to another hospital. But in the bigger hospital, there were no empty beds. So I was then taken to another local hospital where I was treated. I lost one eye.

### **Malini**

*Malini was 18 years old at the time of the attack which took place in Hoisallalu village of Moodigere Taluk on 29 May 2002.*

I come from a poor peasant family with very little land. My parents are Ramesh Poojari and Savithri. I had completed my SSLC three years ago and since then I have been working as a daily wage labourer along with my mother. Vinay, the son of Gopala Gowda was a rich and influential local politician and a moneylender. We liked each other and this was a known fact but gradually there developed a rift in our relationship when he started objecting to me getting dressed up or making phone calls or talking to someone else. My parents came to know about this and my mother scolded him. He did not like this and took his vengeance on me by beating me up. A complaint was lodged with the police and after that we both compromised. But in the meantime my parents decided to marry me off to somebody else. He was upset about this and started telling people that because I was beautiful I would find someone to marry and hence he would spoil my face.

Once I was at home with a 7th standard girl as my mother was in the hospital with my father who was suffering from a snakebite. Suddenly Vinay entered the house and threatened me with a knife, and forced me to write a letter saying that I was responsible for my own death. He then poured acid on me but because I turned, it fell on my back. As the acid was not sufficient, and it did not fall on my face, he went out to bring some more. I was terrified. Thinking that he would not leave me alone, I took poison. The girl who was in the house was aghast and she went out and called the neighbours. When people rushed in I was apparently unconscious and was then taken to Moodigere

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hospital. Vinay later turned up with more acid, and was caught red handed by the people there. I was in the hospital for a week.

### **Swapna**

*Swapna was 19 years old at the time of the attack which took place in Gillesuguru village near Raichur on 13 November 2002.*

I am the eldest daughter of Sharanappa, a KSRTC driver and Lakshmi, in Raichur and got married to Veeresh, a KSRTC conductor of Gillesuguru village in early 2002. He had already taken Rs.40,000/- and some gold as dowry but later started demanding for more dowry including a motorbike. My parents were already in debt neck deep and so considering their economic constraints pleaded their inability to meet his increased demand for dowry. But the harassment increased by the day both from my husband and my mother-in-law. On one occasion he even placed a hot iron on my hands.

On November 12 night, when I was suffering from stomach pain my husband gave me some tablets. I suddenly started feeling giddy, fell on the bed and slept. I noticed him going outside the house but nothing else after that. I woke up to find him opening a bottle but by the time I managed to get up and see what it was he had already poured the contents on me. It was only later that I realised that it was acid. I think I was very lucky that I could prevent it from falling on my face. But my chest and stomach were burnt and I had to take treatment for a month.

### **Tara**

*Tara was 28 years old at the time of the attack which took place in Ilkal of Bagalkot dist. on 10 April 2003.*

I am from Gadag and married since 1989 with two sons. My husband was from Ilkal. After my marriage, I completed my TCH course and got a job in Mugunur school in 1994. Even from childhood days, I was appreciated for my creativity, sincerity and courage. I had conducted many extra curricular activities in my

school and was well known even in the district centre. But my confidence and dignity irked my other colleagues like Bhimareddy. When it came to a point where I could no longer put up with my colleague's uncalled for hostility, I brought this to the notice of my husband and my brothers. I even managed to get request transfers thrice only so that I could be away from their hostile and vengeful eyes. But Bhimareddy followed me even there. After a prolonged effort, I got my transfer to Ilkal, where my husband was.

On the last working day, I had gone to sign in Sanklur school where I was on deputation. While returning from the school along with a domestic servant boy, Bhimareddy and another colleague Bhimmanagowda followed us on a two-wheeler and threw acid on me in a secluded place. Some acid even fell on the boy. Another teacher who was returning from the same school along with her husband saw this and took me to the hospital. My family members later took me to a Belgaum hospital, because I was not being treated properly. I have lost sight in one eye completely and I can barely see with the other. I was brought to Bangalore later and have undergone a few surgeries since, which have cost my family and me a lot.

### **Gita Naik**

*Gita Naik was 16 years old at the time of the attack which took place in Banavasi village near Banvasi, Sirsi on 19 September 2003.*

My father ran a pan shop where I used to help him. Indoodhar Basappagowda, an ordinary contractor in the village was a regular customer to the shop. Even though he somehow managed to build a reputation as an honest person he behaved like a rowdy. He had taken a loan of around Rs.2000/- from me some time back and whenever I demanded it back to pay for my further studies, B.Ed in Bangalore, he kept ignoring it. Once when I demanded the money from him again on 19 September, it resulted in a quarrel between Indoodhar and me. People gathered there and he felt insulted. Following this, he decided to take revenge on me and brought acid from a jewellery shop. In the night, at around 9.50 PM, when I was shutting down the shop, he disconnected the



#### Burnt Not Defeated

streetlight and stood in a dark place. When I asked him why he was there at that time, he did not reply and threw acid on me. Soon after, he went back to his house and returned after changing his clothes and tried to help me very innocently. My face is half burnt and so are my hands and legs.

#### Vidyawati

*Vidyawati was 35 years old at the time of the attack which took place in Bidar on 18 March 2003.*

I am married with 4 children running a small stationary shop at Nayakaman in Bidar. It was Holi and the festival was being celebrated with grand fervour on 18 March. At night, at around 9 pm a stranger came to the shop and threw some liquid on me. It took me some time to realise that the liquid was acid and not merely some coloured water. My four small children also suffered injuries during the course of my attack. I was admitted in a Government hospital where I did not receive any treatment even after two days. I was then taken to Hyderabad and was treated in a private hospital where I had to undergo many more surgeries. I had to spend more than Rs. one lakh for my treatment and my family is in heavy debt due to this.

#### Jacquiline Asha

*Jacquiline Asha was 27 years old at the time of the attack which took place in R.T.Nagar, Bangalore on 4 May 2004.*

I am married and have a daughter. I run a beauty parlour in the city quite successfully. The accused has been known to my family and me for over 5 years now and he has been constantly harassing me sexually. In an effort to put an end to this I even tied him a 'rakhee' calling him my brother. However, he continued his harassment and he even used to threaten her over phone. That night, as I was closing my parlour and was heading back home in my Kinetic scooter, two men attacked me with acid which burnt the right side of my neck, shoulder, my chest and back.

### **Pushpavathi**

*Pushpavathi was 26 years old at the time of the attack which took place in Kuduru village of Magadi Taluk, Bangalore Rural on 8 September 2004.*

I am from Chennamanpalya a village near Kuduru of Magadi Taluk. I got married to Narayana Gowda of Kanakapura taluk around 12 years back and have a 10 year old son from him. Within 2 years of my marriage I lost my husband and I am now with my parents. I am a Stree Shakti activist and work with Aksharadasoha. Ramesh is a tempo driver who stayed in the same village as me. When his wife went to her mother's village for delivery, Ramesh used this as an opportunity to harass me. Unyielding to his pressures, I scolded him and continued with my work. On September 8, when I went to invite women for the Stree Shakti meeting at 7:30 pm, Ramesh stopped me on the road and poured acid on the right side of my face. He apparently procured the acid from a rose garden nearby.

### **Elizabeth**

*Elizabeth was 45 years old at the time of the attack which took place in Sadashivnagar, Bangalore on 8 May 2005.*

I am married with two children. My daughter is also married and has children of her own and my son has just got into a job recently and is staying along with me.

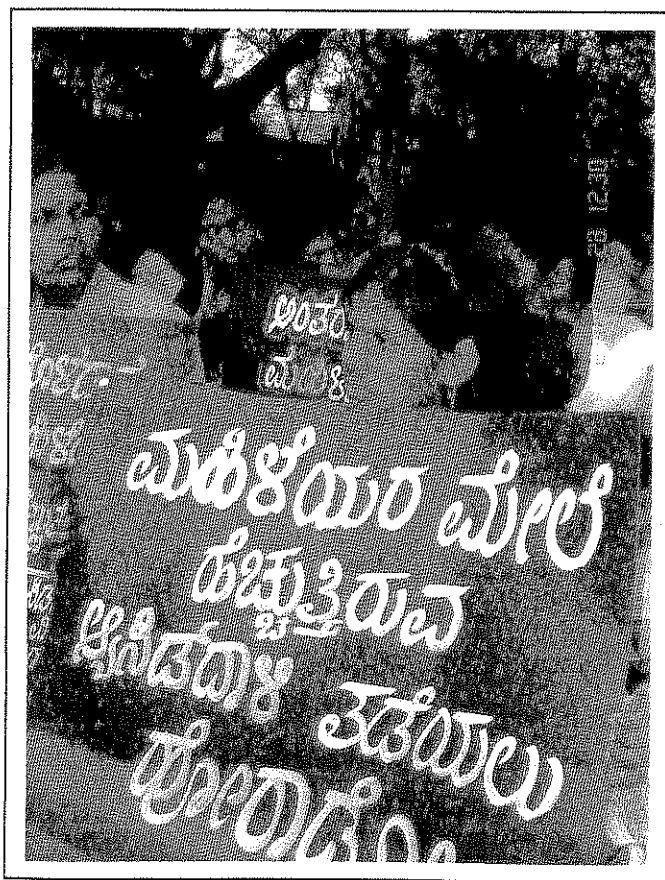
I was working as a superintendent nurse in Hosmat Hospital. Earlier, while I was working at Agarwal eye hospital, I had helped Mehaboob, who was only 13 years then to get an employment there. We have known each other for more than twenty years now. He was an ambulance driver and then was working as a taxi driver.

I had borrowed some money from Mehaboob which I had repaid. Nonetheless, he continued to harass me and even expressed his desire to marry me.

I was deployed as a private baby sitter in Sadashivnagar by my employers Hosmat hospital when the incident occurred.

## CHAPTER IV: GENERIC ANALYSES

CSAAAW interactions with the survivors and rudimentary observations of the circumstances under which these attacks took place clearly reveal several commonalities. Identifying these commonalities towards establishing acid attacks as a form of gender violence precedes detailed contextual analyses. Additionally, it becomes primary for us to understand the nature of patriarchal violence and its oppressive nature to begin a discussion of the political and economic conditions which frame the oppression. All these factors - identifying commonalities, establishing a pattern and understanding the larger context of political and economic conditions - are necessary for us to sharpen the focus of the struggle and strengthen the fight.



The first common feature that emerges is that these attacks (similar to other forms of gender violence) transcended caste and class locations.. The women belonged to different castes and classes that meant that consequently their access to education and jobs also varied. Tara was a primary school teacher from Ilkal, (Bagalkot district), Noorjahan ran a small tea shop in Kanteervanagar slum in Bangalore, Vidyavathi ran a *kirana* shop in Bidar, Shruthi was a school student in Bangalore - the list is a long one.

What becomes immediately evident even from this brief list is that acid attacks are not confined to a single geographic location - the attacks took place in major urban centers such as Bangalore and Mysore as well as in Kollegal (Mysore district), Gillesuguru village (Raichur district), Banvasi village (Uttar Kannada district), Athani (Belgaum district), Kumta (Uttar Kannada district) and several other relatively remote locations across the State. While the diverse spatial locations along with the varying caste and class backgrounds highlight the universal nature of these attacks, there are immense differences in the impact and the effect that it leaves on the survivors.

Women from the rural areas and the lower castes and classes suffer the impact of acid attacks much more. Their access to required medical facilities, legal justice systems or other public benefits is more restricted than their urban middle class counterparts. Geographical isolation, poverty, lack of appropriate medical facilities, collapse of public health systems in the urban and rural areas, minimal public transportation, lack of access to police stations and other legal establishments, lack of awareness - all these are concrete factors which have contributed to a heightened impact of acid attacks on working class women, Dalit women and women in slums and far-flung villages. There are several examples to substantiate the question of access being determined by caste and class locations. Vimala from Athani, Belgaum and Nagamma from Kumta succumbed to their injuries since they were not able to access the required medical facilities at the right time. Noorjahan, who was living in Kanteervanagar slum at the time of the attack, even five months after the attack had not undergone essential surgeries due to shortage of funds. Sharmila

(from KGF) spent the crucial first week following the attack in the KGF Government Health care centre receiving very little medical attention. The doctors at the hospital were giving her the same treatment as other burns victims. In terms of access to Governmental rehabilitation schemes, Gita Naik from Banavasi, has till date been denied the Rs.10000/- granted by the Women's Commission to every acid attack victim in the state since her local Zilla Parishad office site paucity of funds and require her to travel to Bangalore, the capital city to collect her cheque. Such examples exist at every step in every field related to acid attacks and in dealing with the aftermath.

The second important commonality that emerges is that out of the 56 women CSAAAW identified as acid attack survivors/victims, 55 of them were attacked by men they were familiar with. Vidyavathi (Bidar) is the sole survivor who was unable to see her attacker clearly since the attack took place under the guise of darkness. In every other case, the women identified the perpetrators as husbands, neighbours, colleagues, fellow communters who met daily, employers, landlords, regular clients - familiar faces all. As in other crimes committed against women, this familiarity translated into equations of domination and oppression which were inherent in the interactions before the attacks.

These equations of domination and oppression translated into violence - all the women faced violence in different forms previous to the acid attack. The acid attacks took place as a culmination of other forms of gender violence and in response to assertion by the women in some form or another against this continued violence. For instance, Haseena was attacked by her former employer following her refusal to entertain requests to return to her previous employment. Previous to the attack, she had withstood months of harassment and had remained steadfast in her decision to seek employment elsewhere. Yet another clear instance is that of Shanti who was attacked by her husband following her decision to walk out of an abusive marriage. She had endured 14 years of physical violence at the hands of her husband, violence which stemmed initially from her husband's demands for dowry.

The implications of violence, i.e. acid attacks, as a weapon to further silence women who offered resistance lends credence to our assertion that acid attacks on women is a form of gender violence. As mentioned in a previous chapter<sup>1</sup>, women's refusal to accept the subjugation and the violence that accompanies it then becomes the primary motivation for the perpetrators. Acid attacks emerge as a significantly more violent form of oppression on women but not different in its essence from other crimes on women such as rape, dowry deaths, sexual harassment, etc.

Another feature that emerges from CSAAAW investigations is the site of violence. Nearly 80% of these attacks took place in public spaces. The places of attack included public bus stands, roads, workplaces - all outside the boundaries of 'home'. An implication that stems from this is the conventional argument that women who venture unaccompanied outside the safety of their homes are bound to experience violence. This is a self-serving argument that puts public spaces out of bounds for women and holds the woman responsible for the violence inflicted on her in such places. Our society today typically defines public spaces as dangerous, as spaces which can be occupied by women only when absolutely necessary and during certain times of the day, where women have to invisibilise themselves or as a space inhabited by morally degraded women. Typically for working class women whose economic realities are tied to their presence in public spaces such as bus stands, roadside markets, they form a silent undercurrent, refusing to draw attention to themselves. Their presence on the roads and in other public spaces is seen as one that is necessitated by economic compulsions rather than as being in a space that they have every right to occupy. Apart from denying or discouraging access to public spaces for women, the stereotyping of roles for women in these spaces extends to impositions of conduct and dress.

This is not to ignore the fact that the home is a major site of violence against women. Any construction of 'home' as a safe space for women precludes instances of domestic violence, child sexual abuse, marital rape and other forms of abuse and harassment. It has been an important struggle for women

to raise their voices against these forms of harassment, given the importance attached to the institution of family and the consequent reluctance and opposition to address issues of violence on women within these.

A primary question that emerges from this enumeration of different forms of oppression on women is why women face violence at all. Further, it is imperative to ask ourselves the reasons for the escalating instances of violence against women in recent years and to enquire into the increasing violent nature of these oppressions.

### **Theorizing violence**

Violence on women is an expression of the system of oppression called patriarchy. The attempt here to briefly detail the origins of patriarchy is not an academic exercise. Ahead of an esoteric exercise, an understanding of the origins of patriarchy helps contextualize our understanding of the patriarchal values that frame violence on women.

Patriarchy as a value is deeply embedded in our society and any gendered violence faced by women needs to be seen as a retaliatory assertion of patriarchal value systems to maintain status quo. Patriarchy interacts with other existing systems such as caste, class, religion, ethnicity in the construction of social institutions like culture, the state and law to further oppress women. As a women's conference in the 1980s deliberated rightly, 'Violence is inherent in all social structures of society like class, caste, religion, ethnicity etc. and in the way the State controls people. However, within all those general structures of violence, women suffer violence in a gender-specific way and patriarchal violence permeates and promotes other forms of suffering....'

Patriarchal violence then clearly operates in addition to other forms of violence; and to state the obvious is undoubtedly specific to women though the agents of this violence include men and women both. Since patriarchy is a social value system, both men and women are equally influenced by it and help in perpetrating this in varying degrees.

## Understanding patriarchy

Patriarchy exists at ideological and material levels, encompassing the totality of structures of domination and exploitation that affect women's position in society. It is in essence an ideology of women's subordination but in theory and in practice, an understanding of patriarchy ranges from the liberal to socialist to radical feminism.

Patriarchy refers to the rule of the father or the patriarch (a male member of the household or society), who is considered as the head of the family, controls all economic and property resources, makes all major decisions and thereby maintains ongoing control over all members of the family and those related to it. Very clearly, under the patriarchal system the decision-making power and control accorded to women is limited as it establishes male dominance and control over women in society, in general, and within the family. Patriarchy is then an ideology of women's subordination and control which manifests itself in varied ways in various spaces and has a material basis that benefits men.

There are no convergent views on the origins of patriarchy through the annals of history. One stream of thought explains patriarchy as a system that emerged to maintain control over production processes. This perspective also speaks of the existence of a stage in society prior to patriarchy - a matriarchal or matrilineal society, where women had a dominant status. Evidence for such a society is quoted till today citing examples of matrilineal heritage in some parts of India, especially Kerala. Patriarchy then is man-made and can be smashed through structural changes. For others, patriarchy is a natural phenomenon, i.e., it is based on biological differentiation of human beings into male and female categories. It is understood that, patriarchy is universal, God-given, natural and cannot be questioned. Therefore, to change patriarchy would amount to changing nature.

The debates about the origins of patriarchy are endless. It is perhaps more significant to understand the modes of patriarchal control and its institutional manifestations. Since patriarchy is perpetuated through a process of



institutionalisation of the social, cultural and religious practices in society, as well as legitimised through the political, legal and economic systems of society, it leads women to internalise, as well as further perpetuate patriarchal ways of thinking, both in values and behaviour. The system is so complex with interplaying factors such as class, caste, ethnicity and race that it encircles women within its control of exploitation, discrimination and oppression. The institutional manifestations of patriarchy can be seen in family, educational processes and institutions, media (in perpetuating sex-stereotypes), medical health practices and systems, religious structures, legal procedures and violation of women's rights, government and its various areas of control. This perpetuation through institutional structures is kept in place through violence. However, patriarchy is not static, it keeps changing over time with different social, economic and political contexts, and with different castes, classes and race.

### **Body as a site of violence**

In the more recent forms of oppression, women's bodies have emerged as sites of violence - a fact much in evidence in the instances of acid attacks. Acid attacks cause essentially permanent damages to the physical appearance of the women - something that is well known to the perpetrators of the crime. The suggestion here is that use of acid implies intent to destroy what is constructed as the primary identity of a woman, i.e., her body. The gruesome changes to the face and other parts of the body as the acid burns away tissues is a permanent way of both asserting complete control over a woman's body and simultaneously punishing her by attacking the very root of her identity.

It is this reduction (in a sense) of a woman's identity to her body that is called as commodification. By reducing women's bodies to products, objects or commodities that can be sold, manipulated for profit or used as sites to exert domination, commodification as a process achieves super-exploitation and social degradation of women. Imperialist globalization that permeates every aspect of our lives today justifies as well as promotes an institutionalized

approach to the entire commodification process. With its stated mania towards profits generation, women and their bodies too are products which can be consumed or sold. Direct consumption industries such as the sex trade industry or indirect consumption through beauty pageants, sexist advertisements that construct and portray 'ideal' body types and cosmetic fads - all achieve a similar dehumanizing process even as they generate profits for the imperialist ruling classes.

The process of commodification is intrinsically connected with the increasing number of acid attacks. The fact that in society such an extreme form of oppression exists at all is ample evidence of the extent to which the dehumanization process has spread. Further, in the cases of acid attacks on women in Karnataka, there is a sense of ownership and possession that was exercised over the women (and their bodies). This stood clarified in the instance of Shanti, Shruthi, Haseena and several others. Repeatedly, Shanti was beaten up by her husband as he suspected her of adultery. He believed that her appearance drew other men's attention. When she walked out of the marriage with her children and refused to return, her husband used acid to scar her face permanently. It was his way of establishing complete control over Shanti's face and body. If he could not 'possess' her, nobody else could either. Both Shruthi and Haseena reported hearing similar statements from their attackers minutes before the actual attack itself.

The social stigma that these women face today and their peripheral inclusion within society due to facial distortions too is in many ways a reflection of the commodification process of the women and their bodies. Non-conformity to a stated 'ideal' or an appearance outside the 'normal' has led to a certain degree of ostracisation. These concepts of beauty are both forced onto women as well as internalized by many women. The reactions that Tara and Shanti had to face because of their disfigurements from society are exemplary of the ostracization. Tara despite her determination to resume teaching, she was unable to do so since the school children refused to sit in her class. Shanti set up a *kirana* shop but it took a long time to establish the shop since people in

the neighbourhood hesitated coming to the shop because of her disfigurements.

The impositions of an 'ideal' is hardly limited to the bodies of women. They move into spheres of morality, dress and sexuality as well - with the tacit understanding that any woman who dares step outside the framework allows herself to be open to punishment - ranging from sexual harassment on the streets to a much more violent form of punishment, i.e. acid attack. The fact is that women face violence despite the clothes they wear.

When it comes to impositions of morality, acid attack survivors who were sex workers and live band artists found it more difficult to access justice. Society and the various institutions believed 'they got what they deserved'. Public were also ready to sympathize with a middle-class girl ('morally pure') who was attacked but sex workers due to their profession were considered morally inferior. While the police too refused to register complaints in several cases, lots of sex workers themselves refused to approach police stations out of fear of persecution. At several instances, when we traced and contacted sex workers as part of our fact-finding efforts, they refused to speak with us, preferring to remain a part of the shadows. We only have page 3 briefs as indicators that several sex workers and live band artists have survived acid attacks.

It is plainly visible that acid attacks on women are a negation of their basic rights on several counts. In the following chapter, the larger issues that emerge from the findings of the study will be dealt with in some detail along with an examination of the recourses available to women in their fight for justice.

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<sup>1</sup>See Chapter II - Towards Definitions.

## CHAPTER V: SPECIFICITIES

The CSAAAW investigations in 2003 (and through the years) engaged with the specificities of battles that acid attack survivors face with medical health systems and institutions, legal authorities and other state agencies. The media representation, over the years, is another area which deserves a specific discussion since it is an important and influential actor in any discussion of violence on women. Each of these discussions is framed by specific examples and is drawn from the continued interactions that we have had with the acid attack survivors.

### *1. Impact on Health*

The medical repercussions of acid attacks on women are extensive and permanent. The consequences range from the physical to the psychological though the nature and extent of injury is highly dependent on the type of acid used and its concentration level. CSAAAW investigation into the medical implications of acid attacks on women revolved around the assessment of the injuries sustained by the survivors, the responses that they countered as they approached medical practioners in both the public and private health sectors, the availability of required medical facilities and their access to these facilities as well as the politics of 'health' in a neo-liberalized India.

Out of the 56 women attacked by acid across the State, 5 women died from their injuries. Four of these women - Nagamma (Kumta), Zarina (Mysore),

Razia Begum (Bijapur) and Hemavathi (Bangalore) - died because they either received inadequate first aid attention or because of lack of continued access to proper medical attention. Vimala (Athani, Belgaum) died on the spot since the extent of injuries suffered was extensive - acid was poured down her throat as well as on her body. Citing these examples of women who did not survive acid attacks is not to say that other survivors have received or have been able to access the required medical attention.

### First-aid administration

First-aid treatment if administered accurately can significantly ease pain and more importantly prevent further damage. Doctors, interviewed by CSAAAW, have consistently maintained that in the case of an acid attack, the immediate response should be to continuously flush the area with cool clean water. A mere wash with water is also insufficient. To prevent further seepage of acid increasing the affected area, it is important to either immerse the part in water or to pour water continuously for 10-15 minutes. CSAAAW found that for most of the women who survived acid attacks the first-aid treatment was either administered late

### Treatment for acid attacks

Stage 1: Administration of first aid - flush affected part with clean cold water for 10- 15 mins at least. Mandatory hospitalization.

Stage 2: Demarcation of burns area and slow separation from normal skin. During this period, the victim initially has no pain as the acid burns all the nerves too. However, there is a high chance of infection and water imbalance in the body if proper medical attention is not received.

Stage 3: Body attempts to close gaps by pulling skin from the surrounding areas leading to severe deformities. The eyes get pulled open and the mouth is deformed etc., leading to further complications. If any of the wounds get infected, the scarring is worse and on rare occasions the patient may succumb to infection.

Stage 4: Acid burns affect underlying tissue, hence the deformities are complex. Replacement of all lost tissue is not always possible - the texture of facial skin and its easy mobility can never be fully restored. So scarring and deformities are almost always permanent.

or was inaccurate. In several cases, the first-aid treatment led to further complications.

**Delayed treatment** - CSAAAW found that 80% of the time when women were rushed to the nearest hospital after the attack, they were refused treatment. Several private hospitals and doctors refused to admit the women or administer basic first-aid treatment. Reasons cited included lack of required facilities or demands for huge sums of money (Rs. 1 lakh upwards) to be deposited before doctors even touched the women. Invariably this meant that the women had to be shifted from one hospital to another, causing several hours of delay before they could receive first-aid treatment. Haseena, Hemavathi, Shruti, Shanti - all of them faced similar difficulties in accessing medical attention immediately after the attack.

**Wrong treatment** - CSAAAW also found a majority of the women who had faced acid attacks had received incorrect first-aid treatment. Seen along with the instances of delayed treatment, this only meant that the consequences of these attacks on the women's health were more severe. The incorrect administration occurred at two levels - the treatment administered by the people around at the time of the attack and the medical practitioners. In both instances, CSAAAW found that the awareness of first-aid procedures for acid attacks was limited. After



CSAAAW members arguing with the Govt. official during the protest against the death of Hemavathi

Noorjahan's attack, the people around her applied coconut oil to the affected area to wipe the acid off. Hemavathi was covered with a thick blanket when she screamed for help, Shruthi too was wrapped with a jacket as she was taken to the hospital. These are just a few instances that indicate that the public has no information about the correct procedures to follow in case of acid attacks. Unfortunately, the same is true for doctors and medical professionals as well.

Since acid attacks are a relatively new phenomenon, most medical professionals tend to classify acid burns along with other categories of burns and hence follow the same first aid procedures. In Shanti's case, when she was finally admitted into KR Govt. Hospital (Mysore) several hours after the attack, she was put on IV fluids alone for 19 days. The doctors made no attempt to clean the affected parts or to apply ointments to cool the tissues and prevent infection. In Hemavathi's case too, she was assigned to the burns ward in Victoria Government hospital (Bangalore) and was put on IV for over a week. The acid which had fallen on her head as well at the time of attack had not been cleaned at all. As a result of ignoring the removal of hair and the required cleaning procedure, when Hemavathi was finally shifted to another private medical facility, the doctors found that the acid had seeped to her scalp. This complication could have easily been avoided if the doctors had recognized the need to clean the affected parts thoroughly. Hemavathi finally succumbed to the multiple infections, after having spent six weeks in the ICU. Doctors maintain that if she had received proper first-aid and medical attention in the first week after the attack, she would have had a stronger chance of survival. Clearly, the first-aid procedures followed have severe consequences, considerably affecting the lives of acid attack survivors.

### **Access to medical facilities**

CSAAAW found that acid attack survivors in the State could not access the required medical facilities due to two factors - geographical locations and prohibitive costs. The class and caste positions of the women invariably determined their access to these medical facilities.

Isolated locations - As stated earlier, acid attacks took place across the state - in remote villages and small towns across various districts such as Gillesuguru (Raichur), Banavasi (Uttara Kannada), Athani (Belgaum), to slums in Bangalore. Additionally, given the vicious intentions behind the attacks, the places of attack within these towns and villages were isolated areas. Consequently, accessing medical attention - both immediate first-aid and long-term treatment - proved to be an uphill task for most women, since they belong to the working classes and their financial conditions are highly precarious.

We have already discussed the problems that occur from delayed first-aid treatment. Beyond this immediate attention, acid attack survivors need continued medical attention over a long period of time - several years in case of severe disfigurement. Given the current situation of medical facilities in the far-flung districts, they were forced to travel to either government or private health centers in district headquarters and at times, even beyond these towns. Vidyavathi traveled from Bidar to Hyderabad, a distance of around 250 kms for all her surgeries since the Government hospital at Bidar is not equipped to perform the surgical procedures. As is the case with Nirmala who continues to travel from Kollegal to Mysore, Sharmila who travels from KGF to Bangalore, Tara who traveled from Ilkal to Bangalore and several others.

These journeys were undertaken at severe risk to the lives of the women. The wounds from acid burns take months and years to heal completely and during the period are highly susceptible to infections, thereby increasing the medical complications and posing a threat to the lives of the women. The constant traveling in search of medical facilities also took a toll on the financial conditions of the women and their families. Money that was spent on traveling and other related expenses meant that the women could not undergo the required number of surgeries. The experiences that the women shared about the difficulty in accessing medical attention were extremely harrowing.

Prohibitive costs - Access to medical facilities was also determined by the class locations of the women attacked by acid. Life-essential corrective



surgeries are extremely cost-intensive given the inadequate facilities at public health centers and the collapse of the public health system in India. The cost of treatment at private medical institutions runs into lakhs of rupees - for all the women CSAAAW interviewed covering even 10% of the money required for complete treatment was impossible without loans. Prohibitive costs were the single most important factor that determined the women's access to medical facilities. Again, all the women who were attacked by acid had resorted to undergoing operations in stages - as and when they were able to raise the required loan amounts, they opted for surgery. Needless to say, that such deferred treatment had disastrous medical consequences. Eight years after her attack, Haseena still needs to undergo surgery to restore some semblance of normalcy to her face. Noorjahan has been reduced to complete poverty following the attack - her first surgery took place eight months after the attack as she was simply not able to afford it. Seven years after the attack, Noorjahan is still due for several surgeries. She was last seen by CSAAAW members begging at the KR Market bus station (Bangalore) to keep herself and her 3 children alive.

Additional financial burdens occur since most women need to undergo repeated surgeries, as the success rate of operations is quite low. The success of skin-graft operations is dependent on acceptance of the tissues by the body - a situation that is unpredictable given the high rates of infections that usually occur. Shanti had to undergo 4 surgeries to reconstruct her eyelids which had been burnt in the attack.

In our discussions with doctors, it was apparent that the costs of corrective surgery were prohibitive since due to the skill and the equipments required. Most government hospitals - both at district headquarters in the state and in major towns such as Bangalore - had neither appointed and available plastic surgeons nor the medical facilities required to carry out extensive skin-graft operations. In addition, several misconceptions regarding corrective or cosmetic surgeries existed within the medical establishment and in society in general. Cosmetic surgeries are often used by upper-class women in their attempts to

gain the 'perfect' body or face. One particular doctor, interviewed by CSAAAW, noted that the escalation in costs of these surgeries, the absence of trained surgeons and facilities in government hospitals could be traced to the misnomer that cosmetic surgeries are meant to enhance physical 'beauty'.

For acid attack survivors, however cosmetic and corrective surgeries are rarely an attempt to regain their previous beauty. These operations prove to be vital in restoration of eyesight, easing the extreme constriction of the skin caused by the acid, and reconstruction of the nose and other vital organs features, which are necessary for life.

Without exception, every single acid attack survivor CSAAAW met and interviewed stated that they were struggling to access full and proper medical attention. Finances dictated the medical attention they received, reducing them to a state of perpetual insecurity.

### **Psychological impact**

The psychological impact of any act of violence against women is an unrecognized, unaccounted for problem and hence constitutes a significant health issue. Women are assigned roles such as wives, mothers, educators and careers of others even as they shoulder the responsibility as part of the working force. A study of the Indian households undertaken in 2004 across the urban and rural scapes estimated that in one-quarter to one-third of households, women were the primary income earners. The economic pressures placed on women, i.e., poverty, exploitation, overwork, etc., have to be seen along with the social, caste, sexual discrimination and violence they face. Violence against women constitutes a major social and public health problem, affecting women across caste, age, cultural or religious backgrounds and income levels.

Acid attacks because of the severity of the injuries and the disfigurement involved alter the life pattern of the women completely. The permanent scars, loss of vision and other impairments make it extremely difficult for the women to reclaim their previous lifestyle. Public mobility, livelihood and

economic independence are all seriously affected. These, along with feelings of guilt and shame at having experienced the violence and the humiliation of being left with a disfigured or 'ugly' face have serious psychological consequences.

Withdrawal of family and societal support too plays a key role. Tara reported the pain of watching her children pull away in the initial months after the attack because of her scarred face. When she attempted to rejoin her former school in her position as teacher, it was no longer possible as the school children reacted adversely. The sheer magnitude of the problem, widespread stigma and discrimination and the significant treatment gap that exists, necessitates immediate action - to recognize and account for the psychological violence faced by women who survive acid attacks.

### **Some reflections: failing public health sector**

Since India's rampant neo-liberalization policies in 1991 and the excessive intake of loans from the World Bank and other international financial institute loans (IFIs), there have been a series of structural adjustment policies pushed onto the economy. In the name of 'poverty alleviation programmes', these policies have consistently withered away public services in the fields of education, health, food distribution programmes, etc. Within the public health sector in Karnataka too, the impact is obvious. The facilities at government hospitals have disintegrated, with no allocation of funds for improving existing facilities or providing free or subsidized treatment and medicines. Doctors and medical professionals too are not assigned to these hospitals since there is no money available for their salaries. The situation in the district hospitals on both these fronts is particularly serious. On the other hand, the private health sector has seen a boom with several specialty and super-specialty hospitals emerging. These hospitals concentrated in Bangalore and other major towns in Karnataka offer a range of specialized and focused health care, at prices that put them clearly out of reach of the working classes. At the district level and outside of the super-specialty hospitals, several private nursing homes

and institutions have mushroomed as well. With about 80% of India's population dependent on private health care, UNDP declared India as having the one of the most privatized and unregulated health care systems in the world.

The deterioration of the health sector following the withdrawal of the state has affected the disadvantaged sections, women being primary among those. The lack of necessary facilities at public health centers and the related escalation in costs at private health centers for acid attack survivors can be explained against this context. Women bear the brunt of this deterioration since their access to medical help is bound by their class, caste and gender identities. Unable to afford the huge medical expenses, life-saving corrective surgeries are beyond the reach of most of the acid attack survivors. The struggle to live then becomes primary for these women - a fact that demands urgent attention from the private medical establishments as well as the government. It is the responsibility of the government to assure medical services for people without caste, class and gender considerations.

## ***2. Legal complications***

CSAAAW investigation into the legal battles waged by the acid attack survivors ranged from their experiences in police stations (their first contact with the legal institutions) to the courtrooms where verdicts are delivered. The problems that they faced in their struggle for legal justice were manifold - their participation in the legal justice process as women adding to the systemic problems that exist today in the Indian legal justice system. Our investigations of the problems encountered then took place at multiple levels and across a range of institutions - police stations, public prosecution directorates and courtrooms.

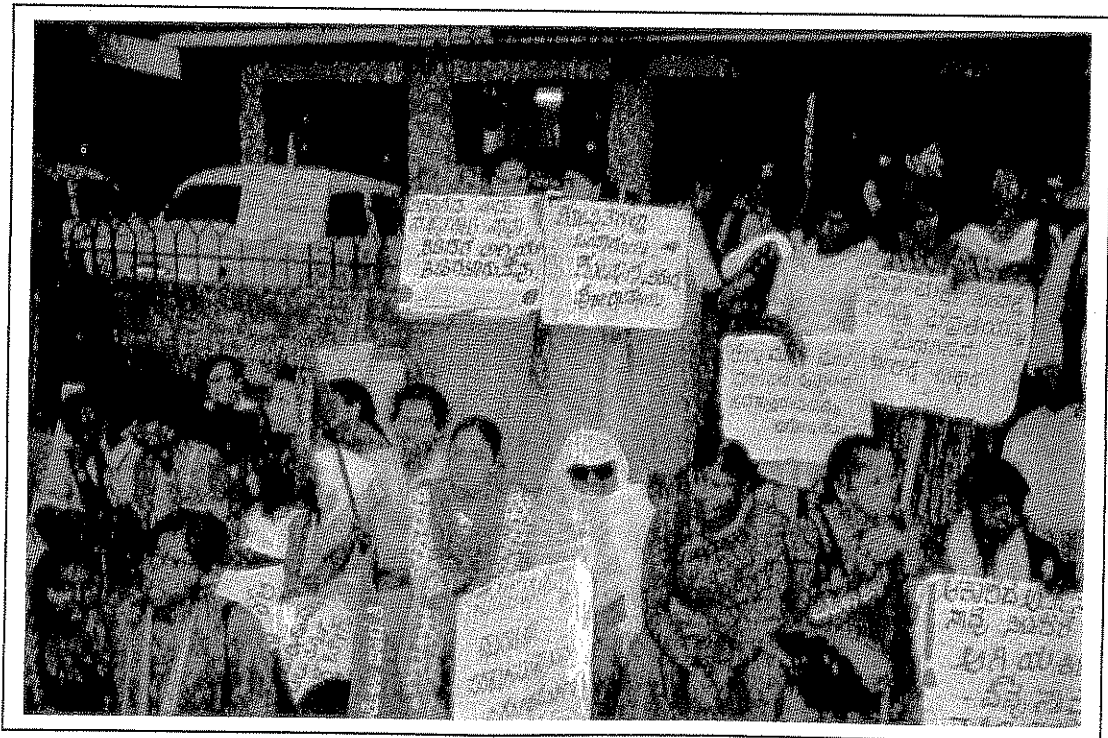
### **At police stations**

The legal justice process begins with police stations - inspectors, constables and station-in-charges are the first people the women encounter as part of this.

#### Burnt Not Defeated

Filing of complaints - For the acid attack survivors CSAAAW spoke with, non-acceptance or delayed registering of complaints at police stations after the attacks took place did not pose to be a problem as acid attacks are too gruesome a form of violence to ignore. There were however several instances when the women themselves refused to approach police stations to file complaints fearing harassment. Sex-workers who faced acid attacks feature prominently amongst those who refused to file complaints and pursue matters against the men who attacked them.

In another instance, the acid attack survivor, Dr. Mahalakshmi, had filed a harassment complaint previous to the acid attack against the accused at her local police station in Mysore. No action was taken in response to her harassment complaint; instead the police had at the time ridiculed Mahalakshmi on her single-woman status. While speaking with CSAAAW, Mahalakshmi also expressed her feeling that the local police had colluded with the accused due to the considerable local influence he enjoyed. As a man of reasonable wealth and associated social standing, he exerted enough power over the local police for



her complaint to be disregarded. Without a doubt, CSAAAW believes that the acid attack on Mahalakshmi could have been averted had the police taken her harassment complaint seriously. The burden of neglect leading to the attack rests entirely with the police station and the local inspector-in-charge.

The sex-workers' refusal to file complaints is another point of discussion. Most sex-workers face police harassment on a daily basis as part of their profession. The police threaten them with false cases in their bid to extort money or sexual favours - the sex workers were vehement in their condemnation of the police and the power they wielded. Given this, for sex-workers who were attacked by acid, seeking police intervention or fighting for legal justice had no real meaning or value.

Both the instances highlighted above - the sex workers' who opt out of the legal justice process and the lack of action in Mahalakshmi's harassment complaint reflect the serious problem that exists in police stations in India - access to justice is invariably bound by class and caste markers and by the social stereotyping of women.

Investigations - Without exception, the survivors detailed police investigations and their struggle against the biases of the police as torturous and an ordeal to contend with. CSAAAW investigations found that the patriarchal attitudes present in our society were deeply entrenched (obviously) amongst the police forces as well. Such strong bias reflected in their investigations of the crime - the woman's sexual history and questions of morality framed the entire process.

The initial recording of the survivors' statements as they writhed in pain and battled for their lives in hospitals immediately following the attack was necessary but yet difficult for the women. In several cases, the statements recorded did not reflect reality - the women had no means of verifying police statements recorded since they either could not read or because their eyes were affected in the attack. CSAAAW noticed that in a section of the cases, the women had intentionally given false statements - these were done under

pressure to avoid 'public disgrace' or out of extreme fear for their lives. In the case of Jayalakshmi from Tumkur, her statement to the police reflected that she alone was responsible since the acid bottle had fallen over by her by mistake while she attempted to clean an upper shelf in the house. We learnt later that Jayalakshmi was under considerable family pressure to not implicate her husband, the real perpetrator, in the crime. Her family were keen to avoid 'public disgrace' and keep family disputes away from the glare of society.

The police investigations that are meant to take place in accordance with the survivors' statements in reality centre around, as stated earlier, the woman's sexual history. Issues of 'morality' and sexual purity frame the questions to the extent that establishing that the woman had a sexual relationship with the attacker and that the attack took place as a crime of passion gains primary importance for the police.

When CSAAAW team members interviewed the investigating officer in charge of D's<sup>1</sup> case, he charged D with instigating the crime through a series of 'affairs' with different colleagues at her workplace. His use of words to describe D's character reflected his belief that D in fact deserved to be attacked by acid since she had chosen to step outside the boundaries of marriage. His sympathies lay clearly with the two men who had been 'wronged' by D - she had chosen to have affairs with one colleague after another and had in the end decided to 'ditch' both of them to return to her husband. The police inspector in his interview was in fact visibly proud of his ability to extract this information through in his own words 'thorough investigations'.

It was obvious to CSAAAW that the entire investigation undertaken by the police and the conclusions that they had reached in this particular instance were based on hearsay ahead of any concrete evidence. D had resolutely denied in her statement to the police (and in interviews with CSAAAW members) the story in entirety constructed by the police and was convinced that the story emanated from her decision to continue working despite being posted in a village situated at a short distance from her own family village.

The fact that D was also good at her job and had received appreciation for her work from district level officers had fuelled the jealousy of her colleagues.

In any case, whatever be the reasons that prompted the acid attack on D, the fact remains that there can be no justification for such a horrific crime to be committed. D's case detailed here is merely an example. In every single instance, there have been questions raised during the course of police investigations about the sexual relationships of the women who survived the acid attacks. This construction by the police of sexual relationships as being primary motives for acid attacks and the woman's participation (or refusal) as being the trigger for the crime is not warranted at all. It in fact places the burden of proving innocence on the women itself. Even if women decide to step outside the society's defined institutions and roles, they have a right to a violence-free life.

IPC sections in charge sheets - CSAAAW investigations showed us that most charge sheets filed against the accused by police stations across the State were under sec 307 of the IPC<sup>2</sup> (apart from other sections like Sec 201 - causing disappearance of evidence, etc.) Under the IPC, Sec 307 is an attempt to murder charge that brings with conviction a sentence of either 10 years or life term. It is a non-bailable offence in most circumstances.

However, in the cases that CSAAAW has followed, not a single perpetrator was convicted under this section in the first round. There was usually no concrete evidence to prove that the perpetrators intended to murder the women, hence leading to acquittals or extremely lenient sentences of imprisonment. Cases booked under Sec. 320 and Sec. 326 of the IPC were more likely to lead to conviction. Sec 320 under the IPC provides for a maximum sentence of life or ten years imprisonment for those convicted of causing grievous hurt while Sec. 326 provides for a maximum sentencing of life imprisonment for those voluntarily causing grievous hurt by dangerous weapons or means. There is a specific mention even of the use of 'corrosive substances' that can prove to be dangerous to the body in this IPC.



Filing of charge sheets under the appropriate sections of the IPC are consequential to the acid attack survivors' battle for legal justice - a fact that perhaps tends to be weighed lightly in police stations whether in major towns and or at the taluk level.

Police harassment - Procedural delays and harassment of the acid attack survivors' by police inspectors in charge of the cases were easily visible to the CSAAAW investigation team members. CSAAAW noted that despite clear and precise statements by the women naming the accused, in certain cases, there were inordinate delays in arresting the perpetrators. These delays were either due to the wealth and social influence of the men or due to exchange of bribes. In certain cases, the caste affiliations between the men and the police inspectors too played a part. Delays in arresting the accused and presenting them before the magistrate courts meant that the women had to face threats to their lives and family members lives to withdraw cases. Nirmala (Kollegal), Swapna (Raichur) - several others received threatening phone calls, direct threats of further acid attacks on them and their family members. In Tara's case, since the attackers and the police inspector belonged to the same caste, the dealings with them were extremely lenient.

Jacquiline Asha faced harassment from the investigating officers since they had accepted enormous bribes from her attacker. The police maintained that he was untraceable and efforts were on to nab him even as Asha continued to receive phone calls from her him asking her to withdraw the case. CSAAAW members were witness to one such harassment of Asha by the police. The police had ransacked her beauty parlour (not the scene of crime; Asha was attacked on the road as she was walking home) in their attempt to 'investigate' the crime. They had further sealed the place and had taken away her two-wheeler. Asha's repeated demands to release the vehicle proved futile. CSAAAW members' intervention with higher police officers recorded an initial denial by the investigating officer of seizure of the vehicle. When persistent threats to take the matter to the Deputy Commissioner of Police were made, the vehicle was brought to the police station in half an hour.

### **Within the court rooms**

Within the courtrooms, acid attack survivors' interactions extended to the public prosecutors fighting their cases, judges and other court officials. Accordingly, the problems they encountered varied. However CSAAAW found that at every stage, patriarchy as a value informed not only their interactions but was visible in courtroom structures, the procedures followed and even in the decisions taken by the judges. Without exception, all the women categorized their courtroom experiences as torturous.

Procedural delays - CSAAAW found that there were major procedural delays in most of the cases - it took several years before a judgement was obtained from the courts - whether these were fast track courts at the magistrate level or the Karnataka High Court itself. Haseena had to wait for five years for the magistrate court in Bangalore to pass its judgement while Shanti's case took just over three years. One implication of such delays is that the witnesses turn hostile - in Haseena's case, given the 5 year gap, out of the 90 witnesses who had come forward at the time of filing the case, only 16 had remained. These procedural delays have only extended the harrowing experiences that courtrooms invariably turned out to be for the survivors. Since acid attacks completely burn the skin and the underlying tissues, the chances of infection are severe. The existing courtroom procedures demand the presence of the survivors to testify and give statements. Given the high risk of infection travelling to and from courtrooms, most survivors choose not to attend proceedings regularly.

The situation is far worse in the districts since the women have to travel from the villages or the taluka hospitals to the district headquarters since this is where the magistrate courts are located. The absence of the survivors (when the cases are finally posted) compounded the problem of procedural delays though it is not possible to attribute procedural delays to this reason alone. The chairperson of the Directorate of Public Prosecution and Litigation (Bangalore) interviewed by CSAAAW admitted that it was impossible with the current infrastructure for more than 6 judgements to be delivered a month at

the magistrate court level.

Even with the institution of fast track courts and with the Government directive that all acid attack cases have to be tried in fast track courts<sup>3</sup>, the situation with regard to quick disposal of cases has hardly improved. The fast track courts have in fact brought with them several additional problems.<sup>4</sup>

Granting of bail - CSAAAW found that out of all the cases of acid attacks which had reached police stations, in only four of them bail had not been granted despite cases being booked under IPC sections which were non-bailable. Though we need to consider the rights of the accused when it comes to deciding on matters of bail, the fact is granting of bail in circumstances such as this prove to be dangerous for the acid attack survivors and their families. CSAAAW noted that all the accused who were released on bail promptly turned to harassing the victims and their families with death threats and with further acid attacks.

There was immense pressure on the victims to withdraw their cases in case of complaints being filed by them or to give false testimonies before the court. In a society, where it takes immense courage for the women who have faced violence to come forward and register complaints, granting of bail and continued intimidation from the accused can prove to be extremely demoralising. In the interactions with CSAAAW, several acid attack survivors including Nirmala, Sapna, Mahalakshmi, Gita expressed immense fear to carry on with life and continue with the required medical attention.

Public prosecutors - The role of public prosecutors in the acid attack survivors' struggle for legal justice is very a significant one for several reasons. Under the current Indian judiciary, in case of criminal suits, the legal representation for the victim is restricted to the public prosecution. Any private legal representative or lawyer can only implead the court and ask to assist the public prosecutor assigned. Further in the case of acid attacks, the survivors being women from largely lower-middle class and working classes, they are

unable to afford private legal representation<sup>5</sup>. Besides, in the initial few months following the attack, the survivors are in no position mentally or physically to pay attention to the legal battles that they need to wage engaged as they are in a more critical battle for life.

Given these two factors, the public prosecution service plays an extremely important role in the battle for legal justice for women. However, it is precisely because of the importance of the role that is required of them that they fail to deliver. CSAAAW found in several cases, the public prosecutors in charge of the cases were insensitive to the plight of the acid attack survivors, misrepresenting or under-representing the trauma that they undergo. As a result, in several instances, key motions, including those seeking court to excuse the presence of the survivors, were not filed.

Second, the public prosecutors being part of the patriarchal society were steeped in these values themselves. Hence the questions framed during the victims' deposition, to the deposition and cross-examination of other witnesses and their participation in the entire process was on the plank of patriarchy. This has had a profound effect on the way the cases are constructed with the assumption of guilt on the women, the questioning of their previous sexual history, construction of the reasons for acid attacks as being heinous crimes committed on the basis of the women's rejection of love and sexual advances, etc.

Third, in certain instances, the survivors complained to CSAAAW that the public prosecutors made no effort to represent them effectively, leading to suspicions of having accepted bribes. In the case of Gita Naik in Banavasi, this was definitely the case. The public prosecutor in charge at the Sirsi magistrate court paid scant attention to her case and at one point even demanded bribes when questioned about the under-representation.

Fourth, burdened as they were with several other cases, CSAAAW found that public prosecutors were absent or had no knowledge that the acid attack case

had been posted for hearing in the Courts. This led invariably to inordinate procedural delays.

These problems assume proportions of immense significance given the centrality of the role played by the public prosecutors in the acid attack cases.

Judgements - In keeping with the patriarchal bias of the entire legal structures so far, the judgements delivered too were smack full of these. CSAAAW found that the judges themselves were completely insensitive to the plight of the survivors.

The judges need to recognise that within the dynamics of power built into the situation of a courtroom, women in general are placed at a furious disadvantage.

The judgements delivered in several cases viewed from a womens' rights perspective have several gaping holes. These gaps are better illustrated with concrete discussions of judgements. To aid clarity, judgements delivered in Haseena's case both at the Magistrate Court level and the High Court level have been discussed in detail. A further achievement through a discussion of judgements at these levels in the same case is to showcase the impact of CSAAAW's legal campaigning within the courtrooms. By the time Haseena's case went on appeal and reached the High Court, CSAAAW campaigning on the issue of legal battle justice had reached a peak. We are certain that this has had an impact within courtrooms as well, on the judges presiding over the cases.

The magistrate court judgement in Haseena's case was delivered on 6 May 2004. The accused, Joseph Rodrigues, was found guilty on two counts - causing grievous injury and attempt to destroy evidence, Sec 326 and Sec 201 of the IPC respectively. The Additional Sessions Court in Bangalore sentenced him to five and a half years Rigorous Imprisonment under Sec 326 and two years under Sec. 201 to run concurrently. During the course of the trial, the accused had spent five years under custody. At the time of delivery of judgement, he had only three months left to complete his sentence. The judgement also

provided for a compensation amount of Rs. 3 lakhs to be paid in a staggered fashion to Haseena. As the judgement was passed after five years since the incident, he had to spend only 3 months further in jail with the rigorous punishment.

The judgement warrants discussion on several counts. This was the second case of conviction in the case of an acid attack survivor in the State<sup>6</sup>. The judgement was also a fairly detailed one betraying completely the biases in the judge's mind though the judgement was supposedly in Haseena's favour.

The judgement was arrived at after the due observance of the law where a significant part of the trial was devoted to prove the fact that the woman is a victim of crime 'beyond reasonable doubt' and that the crime was committed by Joseph Rodrigues, the principal accused and that he was not being falsely



Meeting held after the landmark High Court Judgement in Haseena's case

accused and that Haseena had no previous history of such injuries - all of which rested on the victim as well as the circumstantial evidences brought to bear on the case. While there is no rule in practice that there must be in every case, corroboration particularly in a crime as grievous as this, before a case can be allowed to stand, the testimony of Haseena, (who in this case was also a witness NO. 7), had to be constantly supplemented by the eyewitness account of the watchman who was present at the place of crime.

In his judgement, the judge, Justice Radhakrishna Holla, notes that the Rodrigues had no intention of killing Haseena and that if only she had consented; he would not have thrown acid. The implication here was that there was lesser likelihood of the accused acting the way he did in the event that Haseena had acted as per his directions. Because Haseena did not obey him, the accused poured acid on her. The judgement reads as -

...(A)fter scanning the statement of the Ms. Hassena is seen that earlier to this incident Haseena worked under the accused 1 (Joseph Rodrigues) *who was in love with Haseena*. Due to all these reasons it is seen that accused 1 had come to that place only to clarify with Haseena. It is seen that in the event that Haseena had acted as per his directions, the possibility of throwing acid was much less. It is seen that the accused poured acid on Haseena in the fit of rage for the reason that Haseena did not obey him. It is clear that even though he did not come there prepared with the intention of killing Haseena he would have thrown the acid as she refused to obey his wishes and direction.

Justice Radhakrishna Holla  
in the case of State Vs. Joseph Rodrigues and others NO. 443: 1999  
translated from Kannada

A close reading of the witness depositions at the trial makes it clear that Rodrigues had bought 5 litres of sulphuric acid in the month of November 2003, that is nearly 6 months before the crime and secondly that the vehicle used for crime had a false number plate which had been tampered with.

Rodrigues also carried 2 litres of sulphuric acid in a jug when he approached Haseena - all of these are sufficient to categorise it as criminal intention for the crime. The problematic nature of the judge also became evident when in consideration of the age of the accused, Rodrigues (who was 29 years old at the time of delivery of judgement), decided to reduce his punishment vis-à-vis rigorous imprisonment to 5 years 3 months when he had already served 5 years as an under trail in the jail - "...because Joseph Rodrigues is only 29 years old and has aged parents to look after, there is reduction in term of imprisonment..."

The judgement also displays an extremely negative view of women's sexuality. The criticism arises from the notion of 'love' that the accused claims and the acceptance of the same by the judge situates it firmly in the law's binary logic, Law's claim to truth is based on a binary logic which sets up oppositions like truth/untruth, guilt/innocence, consent/non-consent. This binary logic is completely inappropriate to what may be termed as ambiguities of acid attack. In the criminal law the object is to establish guilt or innocence. In acid cases the establishing of either turns on another pair of opposites - that of being in love not in love. The dualism of whether Rodrigues was in love with Haseena or not is completely irrelevant to women's experience of violence.

Following delivery of judgement and on the basis of significant pressure from CSAAAW and other associated women's groups, the State decided to file an appeal against the Additional Sessions Court verdict in the High Court of Karnataka. It was felt that the compensation awarded and the sentencing were not keeping in line with the grievous nature of the crime.

The High Court judgement in Haseena's case was delivered on 22 August 2006 and reflected considerable shifts from the trial Court's judgements. It unambiguously rejected the accused's pleas for leniency and upheld Haseena's right to justice. The High Court awarded the maximum punishment provided for the offence, punishable under Section 307 of IPC - Rodrigues was sentenced to life imprisonment. Further, the compensation amount awarded was also increased from Rs. 3 lakhs to Rs. 5 lakhs.



This represented significant victory for Haseena and within the larger struggle for legal justice for acid attack survivors and was a landmark judgement. Having said this, CSAAAW has certain reservations in the derivations that the Court chose to make while pronouncing the judgement. Closer reading of the judgement reflects the patriarchal bias that is embedded in the legal processes in the country. Seen from this perspective, the judgement is in fact reflective of the wave of sympathy that is attached to acid attack survivors as women who suffer disfigurement following the attack. This is substantiated in the following lines:

...she was a young girl of hardly 20 years of age with a pretty face and by one stroke the accused/appellant has made her face hideous and also blind in both eyes. By mere look at the faces (before and after the incident) it needs no great imagination to feel, not only her physical but also mental trauma. She cannot come out of the house and walk in the streets with blind eyes, nose, lips, forehead reduced to mangled flesh and thus has become a prisoner in her own house for a lifetime. One has to consider the plight of the poor parents who named their beautiful daughter Haseena (which literally means beautiful) and now everyday they have to look at the mangled face and cry in silence. We can imagine what they may be feeling and wishing that their daughter be rather dead than live with such a ghostly face.

*Justice S.R. Bannurmath and Justice Subash B. Adi  
in the case of State Vs. Joseph Rodrigues and others  
Criminal Appeal no. 1065, 1066 and 1239/2004*

The High Court proceeds to grant Haseena compensation and justice since it feels that the attack has left her incapable of pursuing what it defines as 'revered dream' of every girl. By placing the judgement against this context, the High Court unfortunately underlines the patriarchal value system that constructs women as daughters, wives, mothers and in turn refuses to see women as members of society in their own right. Such ascription is typical of a role stereotyping and consequently places women as forever subservient to men in society. Haseena then has to be compensated not because her life was destroyed but rather because she can no longer play the role of a wife and more importantly mother.

A young beautiful girl who has now to carry along her entire life, the hideous face, who has lost hopes forever of leading normal life including loss of a chance of marriage, the revered dream of every girl, viz., motherhood, for no fault of her and this is only because of the act of the accused.

*ibid. see reference above*

### Some reflections

It is through instances such as these that womens' rights activists have come to feel that even though the law exists to protect the rights, it is often put into effect by men who have no understanding of what a violence means to a woman. The understanding of women's 'right over our bodies' and the implied right over sexuality has come to be a increasingly frustrating and counter productive engagement with the law.

What does it mean for womens' rights activists to insist that formal legal rationality as it exists today should de-limit the contours of a particular experience, and that it should legitimate this experience? Are we not by implication accepting that without such validation, the experience itself has no reality? We need to recognise that legal rationality cannot comprehend the complex ways in which gendered and sexual violence is constituted. While recognising the relative powerlessness and the lack of autonomy that characterise women's relations with men, the point is to question the possibility of addressing this experience in the realm of the existing legal discourse.

Even when justice appears to be done, that when conviction is secured, as it happened in the case of Haseena, the very demonstration through legal discourse of the violation of the women re-enacts and re-sediments patriarchal and misogynist values. In India feminists have begun to view with concern judgements, which take progressive positions on the issue of corroborative evidence in rape trials, but based on notions of women's chastity, and traditions of Indian society. The same may be argued here as well. It is not that the court passively accepts rather challenges patriarchal values.

The seriousness lies in recognising that if it is assumed that tradition-bound Indian society would make 'innocent' women reluctant to false accusations of violence, the same factor can be expected to motivate promiscuous women to hide their promiscuity precisely through such accusations. In other words convictions can be secured only at the cost of turning the case once more on the axis of 'guilt' or 'innocence' of the attacked person. The overwhelming hegemony of law ensures the synonymy of law with justice. If the case were conducted in such a way that the 'right' issues were raised from feminist perspective, and convictions were not secured, would this not prove to society that these values are not right but wrong. It would appear to be impossible to engage with legal discourse except on its own terms. At the heart of any exercise to locate acts of violence within law lies the irresolvable conflict involved in defining the harm of acts of violence so exactly that legal discourse can comprehend it, and so retaining ambivalence that ethical impulse of feminism is undamaged.

In keeping with this understanding of law, the CSAAAW in Karnataka have put up sustained campaigns against the acid attacks, stress the uniqueness of acid attacks to be its *gendered/sexual* character. In practically all the cases, the logic behind the attack come from understating that woman are like objects to be possessed and 'what I don't get nobody should get it'. Further, there is also a component of revenge in the act of attack, which is used as an instrument of oppression. Such an understanding holds that the social autonomy is such that men can attack women but women cannot attacks men with acid.

Social relations are organised in such a way that men may dominate and woman must submit and this relation is sexual. A position corroborated by the available statistics on the issue, which shows that of the 56 cases of acid attacks on women there were as many cases on men. However, in all the cases registered, the attacker is always a man. Thus acid attack is not only a crime of violence against women and thereby stressing the gendered nature, it is also sexual, for there is an explicit harassment, which is sexual in nature that precedes any attack. The understanding here is that acid attack is a form of violence, but a

unique form of violence because of its sexual purpose.

In the post-colonial societies, the establishing of law as the only legitimating discourse has meant that marginalizing and devaluating of other legitimating discourses. As substantial body of scholarship shows for India, the colonial intervention decisively transformed them in line with the requirements of modern legal discourse. This process was not unambiguously emancipatory. In fact, it had devastating consequences for many subaltern sections who were drastically marginalised and discipline by the operation of modern codes of identity and governance. For instance, take the Nayar women in Matrilineal arrangements who lost their rights to property. Similarly, since many tribes have customs which give women more autonomy in marriage than the Hindu Marriage Act does, it can be detrimental to the interests of women in some tribes to have the law supersede tribal custom. Uniformity was imposed which radically transformed indigenous notions of ownership, equity and justice. This is not to valorise pre-colonial communitarian values as egalitarian and just. On the contrary, the community is marked by exclusion along the axis of caste, class, gender and so on. In-egalitarian power relations are the fulcrums on which community turns. Nevertheless, it would be simplistic to assume the neutrality of the modern legal system.

Feminist legal activists in India have consistently pressed for the law and the legal system to consider seriously the experiences of discrimination and gender inequality faced by women both within the legal system and outside. The developments in India vis-à-vis the women's movement and the legal system is used by Agnes to question the consideration of legislation alone as an important tool towards in women's emancipation<sup>7</sup>. In India, through the 1980s, nationwide campaigns by the women's rights and human rights groups resulted in a series of laws being passed towards recognizing the violence faced by women. Amendments in the rape law in 1983, to the Dowry Prohibition Act (1984, 1986), to recognize and include the domestic violence faced by women (1983, 1986), as well as laws such as the Indecent Representation of Women Act, 1986, the Commission of Sati (Prevention) Act, 1988 to mention only a few.

The problem as Agnes pointed out was that some of these demands despite emerging from well-coordinated campaigns were not for systemic recognition of the “power balance between men and women, women’s economic rights...and their status...” Hence, none of the laws offered by the Government addressed the discrimination faced by the women at the hands of the law enforcement agencies and the courts. The procedural loopholes, problems of implementation and that of access for women remained unchallenged areas. Formulations of gender-just laws can only be initial stepping-stones and that to have any significant consequence, these legislations need to be backed by a vigilant executive and judiciary was the argument.

Also, as is often the case, the more stringent punishment put in place due to these laws did not result in increased convictions. And as demonstrated above, they did not definitely result in tackling the violence faced by the women. The public pressure campaign, which had effectively got the legislations enacted, did not extend to the adverse judgements in cases dealing with the same issues. This is best illustrated with regard to acid attacks on women in the Bangladeshi legal system.

### **The Bangladesh experience**

The numbers of women attacked by acid in Bangladesh far exceeds that of India. In 2002, in one year alone, there were 485 recorded cases. This despite the fact that Bangladesh has several stringent legislations in place to deal expressly with acid attacks. The women’s movement in Bangladesh as well considered enactments of new legislation central in the battle to stop acid attacks. As a result of the pressure, there were a series of laws enacted. The first, Women and Child Repression Control Act, was passed in 1995. According to Section 4 and Section 5 of this Act, throwing acid on women is a capital offence, punishable by death or life imprisonment depending on the extent of the physical injury sustained by the woman. In 2002, two additional legislations, the Acid Crime Prevention Act and Acid Control Act were passed to specifically address the issue of availability of acid and acid attacks as a crime against women.

Despite these measures, Naripokko, a women's organization working in Bangladesh estimates that only one in ten attackers stand trial at all. The rate of conviction is also equally low. So far only one man has been sentenced to life imprisonment and the general consensus is that among the factors responsible for the low rate of conviction is the stringent punishment in place. There is an inverse relation that exists between the punishment and conviction – the more stringent the punishment that is demanded, the lesser the chances of conviction.<sup>8</sup> The definitions in the laws have hardly translated into implementation in reality. The numbers of acid attacks in Bangladesh in the past years has seen no significant reduction at all.

### **3. Involvement of State Agencies**

Though the police and legal institutions are state-affiliated machinations posing their own specific complications, the discussion here is focussed on other state agencies which have multiplied the complications faced by the acid attack survivors in their own ways. CSAAAW investigations into the concerned state-run agencies and the problems encountered by the acid attack survivors women covered their interactions with the State Women's Commission and the various ministerial departments including the Ministers themselves. The experiences enumerated here are not exclusive to those faced by the survivors. We have included our own experiences of interactions with these agencies as we walked the paths towards justice for acid attack survivors.

#### **State Women's Commission (SWC)**

CSAAAW interactions with the SWC on the issue of acid attacks on women were initiated immediately after the first phase of investigations which concluded in 2003. There were a number of occasions when CSAAAW members met with SWC officials as part of meetings, discussions across the table in public hearings and protest demonstrations. Through these interactions, CSAAAW has been able to effect a significant (and yet insufficient) attitudinal change. Even as we say this we are very aware that these attitudinal changes are seasonal and dependent on the person steering the SWC. With the change in

the chairpersons, the previous decisions taken by the SWC are either changed or ignored and a round of fresh negotiations needs to be undertaken.

**Lack of response** - When the CSAAAW fact-finding team met the chairperson of the SWC immediately following the investigations in 2003, we found her and others in the institution fully aware of incidents of acid attacks on women in the state. However, when asked about the lack of response, they justified their inaction on this issue saying that as a state agency, they lacked funds and human resources to tackle this issue. And yet, in the same meeting, CSAAAW was offered money to cover the expenses incurred as part of the investigations in return for the inclusion of SWC's name on the investigation report. It was apparent that their talk about sympathy for such victims was in fact a lip service. The SWC remained unaware of its role as a state agency with the authority and the power to effect policy change when it came to issues concerning women.

**Problems of access** - Following a series of meetings and protest demonstrations where CSAAAW submitted various memorandums, the SWC finally constituted an immediate compensation amount dispersal to all acid attack survivors across the state. An amount of Rs. 10000/- in the form of a cheque would be released immediately to all acid attack survivors on the provision of a request letter and accompanying medical certifications. While this scheme provided relief, however minimal, the fact remains that it is accessible only to survivors in Bangalore or nearby cities and towns like Mysore. CSAAAW found that the survivors in other districts centres such as Raichur, Bidar, etc. and in smaller towns such as Banavasi, Ilkal had no way of accessing this compensation amount. According to the government structures in place, the taluka offices function as units of SWC with the zonal officers in charge. When Gita Naik approached her local taluka office for the compensation amount due to her, the zonal officer in charge had no awareness of such a notification being in place. Despite repeated demands and written requests, he refused to issue a cheque saying that he had received no such fund allocation from the SWC. The SWC chairperson in Bangalore too when contacted on the issue expressed ignorance,

stating blindly that the zonal officers were in charge.

### **Ministerial departments**

There are several ministerial departments under whose purview the issue of acid attacks on women falls. These include the Home Department (since law enforcement agencies, i.e. police departments, are included), the Health Department (under whose authority public health institutions function), and more significantly the Women and Child Welfare department which is directly concerned with issues affecting women in the state.

CSAAAW interactions with each of these departments - from the administrative officers level to the ministers in charge of these departments - have reflected their absolute inefficiency in dealing with issues of the people. The lack of understanding and initiative to genuinely address the concerns of the acid attack survivors were very apparent. The fact remains that CSAAAW interactions with these agencies have spanned different political parties. We found no change in attitude or interest in addressing the demands placed forward. If anything remained consistent, it was the words used to express false concern and the procedural blocks to access justice in any form.

When acid attack survivors approached the government officials directly, they faced similar responses. Haseena's father wrote to the Chief Minister at the time (SM Krishna) as well as the then Prime minister (Atal Bihari Vajpayee) seeking compensatory relief and justice for his daughter. From both levels, he received a response that there was no money allocation in the govt schemes for such cases. Mahalakshmi too had similar responses when she approached people in power and concerned bureaucrats.

In response to a recent direction by the High Court of Karnataka, the government has initiated some steps to set up a Committee to look into the matter of rehabilitation of acid attack survivors. The Committee comprises officials from the Department of Health and Family Affairs, Department of Women and



Child Welfare, State Womens' Commission, Home department, Department of Finance and several other state agencies. CSAAAW has been invited to participate in the Committee proceedings as well on the directions of the High Court. The process is a very nascent one and it remains to seen if the Government implements the mandate given to it by the High Court.

### **Some reflections**

All these responses reflect that the state has been only paying lip service about empowerment of women. All though the Constitution assures equality for all the equality seems to be a distant dream for most of the women. State seemed to be oblivious of its role of the duty bearer for provide all its citizens decent and respectable life free of violence and coercion. All the institutions of the state work with the same old archaic values and stereotypes which is prescribed in the larger society which is essentially patriarchal and no way empowering for women.

The above cases are not new and isolated. The Indian women Movement has fought its way through these patriarchal approach of the State. Right from the Mathura case to the recent Banwari Devi case, the State response to violence against women at the best has been callous and male centred.

The male bias of the State is reflected not just in these departments and govt officials listed above but in the overall approach of the State and its policies. Equal education opportunities, safe roads and transport for better mobility of women to access services and opportunities, equal wages, property rights still are unreachable by most of the women in the country. The State legal systems inspite of repeated interventions by the women's group have unable to make the system women friendly. Inherent biases within the laws, long drawn legal process to get justice and biased attitude of judges and lawyers make gender justice a distant dream for many women.

With State policies that have allowed the globalization processes to gain

ground in the country the women are pushed into more vulnerable positions. With cuts in budget for social security areas like health system, privatization of education, market oriented agricultural policies has resulted in large scale loss of live hoods, displacement, migration, increasing unorganized workers etc. Women who are always on the receiving end have got the worst deal out of it. Added to this is the upsurge of rightist forces and communalization of the society, which is resulting in shrinking democratic and secular spaces for women and increasing violence. As Kum Kum Sanghari put it,

The relation of the state to women is patriarchal, undemocratic and class differentiated: the state has persistently defined women in relation to men, used and made labour grids, perpetuated the invisibilization of domestic labour, governed both by land relations and distribution of resources, enforced use of property in ways specially unjust to women, created class and gender inequalities through 'development', reproduced women's economic dependence, co opted many women's initiatives, and now (with the new economic liberalization) withdrawing from the welfarist function (which could have mitigated the patriarchies operating in family, community and workplace).

*Politics of diversity: religious communities and multiple patriarchies*  
*Economic and Political Weekly, Vol 51: 1995*

The escalating violence of women has to be understood in this larger socio economic context. The State has to initiate some major affirmative steps towards creating an atmosphere where women can assert and realize their rights with out the fear of backlash. The social and cultural context in which women can assert their rights have to change where there is no fear of violence. To make such a shift possible the State has to show its political will to respond to the substantive rights of women more positively. It is only then acid attacks or any other form of violence can be addressed and curbed.

The policies that State has introduced has not been able to empower women in any way. Issues of wages, mobility, safe roads, health care, education and property have still remained untouched by the state. There has been hardly any proactive role from the institutions of state. Whatever the rights that women access today has come from struggle that women's movement has been fighting for all these years.

#### 4. Media as an Actor

During the course of CSAAAW investigations, media and the representations in it emerged as a significant influential actor. There were several linkages with the issue at various levels - thus defeating the usual binary relationship which holds media as an agent that aids perpetration of violence against women.

In the initial phases of the coalition formation, news papers proved to be critical in drawing the attention of the members to the phenomenon of acid attacks in Karnataka. Following a slightly wider coverage about the attack on Haseena in 1999, the newspaper reports for the next few years consequently confined themselves to single column briefs about the attacks on women. These briefs coming as they did under the purview of the crime beat reporter were scant mentions of the place and time of incident and a brief speculation of the cause of the attack.

As the process of the investigation unfolded, these newspaper briefs, and often the journalists filing these reports, proved to be invaluable sources of information for CSAAAW. This is not to overshadow the realization that these reports were still extremely biased and sensationalist in nature. The focus remained trained on speculations and questions involving the women's previous sexual history.

Sustained efforts by CSAAAW as part of its campaign to address acid attacks as a form of gendered sexual violence meant a shift in the newspaper reports and their coverage of acid attack reports. With the coverage of a series of protest actions by CSAAAW including the dharnas, rallies and the public hearing, there was a shift in the perception of the survivors and in the representation of the attack. Considerations of the survivors as women who had suffered a horrific crime meant a shift in perception away from the image of the woman who was primarily responsible for an unspeakable crime that triggered the violence.

The frequency of headlines such as 'horrific attack leaves a mangled mass of flesh' reduced with increased space allocation (no longer were reports limited to single column briefs) and a deeper investigation into the attack. The coverage of CSAAAW actions along with the attacks themselves provided much needed balance - acid attacks were increasingly represented as another form of violence that often followed domestic violence, sexual harassment, dowry

harassment, etc. The attempt here is to recognize a change in trend in the newspaper coverage of acid attacks rather than to glaze over the problems caused by continued misrepresentation in certain cases.

Another significant trend that emerged with the slew of reports following Haseena's attack was the generation of public sympathy and pity for the survivors whose lives had been irrevocably altered by the attack. Ravi Belagere's ..... as an organization initiated efforts to create a wave of public sympathy, translating this towards financial contributions to support the medical costs incurred by Haseena. In this effort, the constructions of Haseena as a docile and innocent 19 year old were stressed upon ahead of capturing her innate strength. This showcase while generating much needed financial support superseded Haseena's determination to fight against the injustice that she had suffered. Similar efforts were visible following the attack on Shruthi where extensive coverage on Udaya TV, a local Kannada television, generated significant public contributions. It is important to note that access to such sympathy creation media channels were limited to survivors based in Bangalore. Women from the villages and small towns were eclipsed by this trend entirely.

The discussions about the shifts in the reporting were bound largely to the newspapers and the print media. Television channels, as mentioned in Shruthi's case, continued to showcase these attacks as part of crime beat shows such as 'Crime Story' and 'Crime Diary'. These shows are exaggerated accounts with a clear focus on sensationalizing the entire incident and gaining viewership. The women who survive the attacks are reduced to mere players in the game for TRPs - CSAAAW noted significant problems not only in their attempted reconstruction of the incident, but in their presentation at times of the women as innocent girls who had suffered a huge tragedy to women with questionable moral character who had incited the man to violence through their actions. The resulting objectification of the survivors through the sensationalist representation and the justification of the crimes bring with them a perhaps explicit set of problems.

In addition to these crime beat television shows, CSAAAW noted that several Kannada language television serials and films presented incidents where women protagonists were threatened, or

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at times attacked by acid, if they failed to follow the stated demands. These demands usually revolved around reciprocation of love and surrendering to the 'hero's' professions of undying love - the threat of violence used as a weapon to extract love and sexual favours is a motif that has appeared frequently. That there is a direct relationship to these representations in media and the increasing violence faced by women in our society is apparent with the accounts of several acid attack survivors including Shanti and Gita.

Shanti clearly stated that her husband, the perpetrator of the crime, was fascinated with the Kannada film 'OM' and used to spend hours daily listening to the dialogues of the film on an audio cassette. OM, directed by Upendra, was a runaway hit, packed with sex and violence. It ultimately proved to be a watershed in the history of Kannada cinema spawning several other similar films. The film clearly depicted the modus operandi of an acid attack with the woman being punished for not obeying orders. Rajesh, the perpetrator of the crime on Shruthi, explicitly told the police in his statements that he had been influenced by Upendra's films.

In yet another incident which establishes this direct link, CSAAAW team<sup>†</sup> members found that the attack on Gita in Banavasi took place a few days after a popular tele-serial *Chandrika* broadcast an episode where a woman character is attacked by acid again for not obeying the man. Equally significant were the statements made by the people in Gita's village where the attack took place that they were not able to administer the essential first aid to Gita following the attack since the serial did not depict any such scenes. While there were clear outlines of the perpetration of the attack, the steps that were essential to save the survivor were omitted.

The problematic representation of women in the media is not restricted to explicit depiction of crimes against them. It takes on a multitude of forms as it strengthens patriarchal stereotyping and objectification of women thereby justifying violence on women. The ascription of beauty ideals and the blatant consumerist ideology that is communicated through different forms of media also need to be seen as component vehicles of the existing socio-political capitalist scenario. Media, defined in its populist sense, is after all a direct reflection of contemporary political conditions and is used as a propagatory tool to further the agendas set by agents by ruling political classes.

An often simplistic derivation that emerges around discussions of media representation of

patriarchal violence and stereotypical presentations of women is the demand for state intervention through censorship rules. This is at best a simplistic and at worst a goal that confuses rather than achieving desired objectives. If we see media as a vehicle that carries forward the ideological positions that it functions within, then state intervention to negate the negative representations of women can never be achieved completely since the state and the media work in tandem. Systemic changes both in the construction of media and the society in general are the only ways in which misrepresentation of women and the violence they suffer can be negated.

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<sup>1</sup>We have avoided mentioning names in this particular instance since our intention is not to sensationalise aspects of any survivor's life.

<sup>2</sup>Following a public hearing conducted by CSAAAW, the then police commissioner, S. Mariswamy, had issued a directive to all police stations to book cases of acid attacks on women under IPC.

<sup>3</sup>Following the public hearing conducted by CSAAAW in January 2004 and the sustained pressures through a series of other protest programmes, the government issued a directive to try all cases of acid attacks on women under the fast track courts.

<sup>4</sup>CSAAAW intervention at the High Court stage meant that lawyers, part of the CSAAAW network, assisted public prosecutors in a few cases.

<sup>5</sup>These problems include hasty investigations by police, perfunctory consideration of the evidence presented, inadequate cross-questioning of witnesses, etc., which lead to judgements that ultimately go against the women. CSAAAW also found that most judgements delivered by fast track courts in the acid attacks cases went on appeal further bringing into focus the ineffectiveness of these courts.

<sup>6</sup>The first conviction took place in the case Chennamma Deve Gowda, the ex-PM's wife in 2002.

<sup>7</sup>Protecting Women against Violence? Review of a Decade of Legislation: 1980-1989, Flavia Agnes.

<sup>8</sup>This was visible even in the cases of acid attacks in Karnataka - booking offences under the IPC sec 307 or the Attempt to Murder charge did not bring forth convictions whereas cases

## CHAPTER VI - CONCLUSIONS

In the four years of its existence, Campaign and Struggle Against Acid Attacks on Women has covered significant ground towards achieving the two objectives that it set out for itself. As stated initially, CSAAAW efforts took place along the axis of seeking justice for the survivors while simultaneously looking to fight sustained battles to ensure acid attacks as a form of violence are erased.

In the struggle for justice for the survivors, the State was the primary target. CSAAAW was united in its understanding that the State has to assume complete responsibility for providing the survivors the required medical facilities and ensuring legal justice. It is also undeniably the duty of the State to support the survivors' efforts to rebuild their lives. In the words of Shanti, "A child born today carries on its head the burden of the loans taken by the State supposedly on its behalf. If that is true, then it is the duty of the State to protect and support each and every citizen, especially in circumstances such as ours."

The society that we are a part of with its various manifestations of patriarchal values is the target in our fight to erase a value system that justifies and actively abets violent attacks on women. It is this value system that builds, sustains and justifies the construction of women as objects and as subservient

beings. Our struggles have targeted these value systems and their manifestations - seeking to destroy the dynamics of power even as we create spaces for assertion for women.

Given the two directions, CSAAAW has had to adopt different methods of struggle. In our interactions with the State, we have confronted them directly, taking the struggle to the streets amongst the people whose voices strengthened and supported our struggle. We have had several protests, demonstrations, rasta rokos as we demanded that the State recognize this issue and take action. At every step, we have pressurized the State and its agencies to accept our memorandums, listen to our demands and take action based on these. Through our confrontations with the State, we have forced the issue of acid attacks on women onto the agenda of several State agencies. Not only has the State now set up a specific Committee to address the various demands, CSAAAW too has emerged as a recognized voice.

Interactions with the society in our efforts to fight value systems has to take on a more deep-rooted and multi-pronged approach given that the struggle in this case is a long-term one. CSAAAW's identification of acid attacks on women as an extension of other forms of violence, one that takes place in conjunction with other forms such as dowry harassment, domestic violence; etc. necessitates a sustained struggle. We have regularly

#### Our demands:

1. The survivors have to be provided all the required medical facilities - both first aid and long term surgical assistance - that is essential for them to continue with life. The State has to assume complete responsibility for this.
2. Cases should be booked under Sec. 320, Sec. 326 amongst others that is pertinent to the case, since cases booked under Sec. 307 have proved to be inconclusive and lacking in evidence. The police and the judiciary should be more sensitive to the survivors needs.
3. Availability of acid and the concentration levels have to be regulated immediately to prevent future crimes.
4. The State has to provide necessary rehabilitation to the survivors in case they are unable to do so themselves.



had detailed interactions with a cross-section of audience, from college students to lecturers to bank employees to working class men and women. Using the medium of film, we have taken the voices of the survivors and the struggle exemplified by them into classrooms, lecture halls, slums, auditoriums in our attempt to battle mindsets. Given the larger agenda of fighting violence on women, it is difficult to map immediate achievements. What is clear however is the increasing number of individuals and organizations who have stepped forward to identify with our struggle.

It is perhaps obvious to say that our struggle continues. More specifically, with the appointment of a Committee by the State on the directions of the High Court, CSAAAW's efforts are directed towards seeking time-bound decisions that will benefit the survivors. The usual trajectory for most Government appointed Committees is to remain trapped within unnecessary procedural and self-imposed problems, resulting in either delayed action or at worst non-implementation. CSAAAW then has to play a dual role - as a steering group, which ensures that the Committee's decisions benefit the survivors, and as a pressure group to ensure that this Committee takes the required decisions and implements the same. In other spheres, within police stations and courtrooms, with medical institutions, fighting embedded patriarchal values and ensuring that women irrespective of class and caste differences can access justice remains a priority.

On another level, there is a specific need to unite all the voices which have risen against this heinous form of violence. Unless there is a united effort to fight against violence, there will no significant shift towards equal rights for women. We also recognize that such battles for equality need to be waged in every sphere where women face violence to even conceptualize a systemic change.

## Annexure I:

## LIST OF ACID ATTACKS ACROSS KARNATAKA

No. of victims	Date & Year	Name	Age at time of attack	Place of attack
1	22 April 1999	Haseena	19	Jalahalli, Bangalore
2 & 3	1999	Two live band artists (names withheld on request)	..	Bangalore
4	7 Aug 2000	Noorjahan	25	Goreguntepalya, Bangalore
5	14 Oct 2000	Nagamma (deceased)	..	Haladipura, Kunta Taluk, Uttara Kannada
6	11 Jan 2001	Dr. Mahalakshmi	35	Mysore
7 & 8	21 Feb 2001	Chennamma and her daughter-in-law	..	Haradanahalli, Hassan
9	10 Oct 2001	Shanti	30	Panchavalli Piripiyapatnam Taluk, Mysore
10 & 11	Nov 2001	Two live band artists (names withheld on request)	..	Bangalore
12	14 Feb 2002	Prema	..	H durga, Tumkur
13	29 May 2002	Malini	17	Hoisallalu, Mudigere taluk, Chikmagalur
14 & 15	16 July 2002	Shalini & her aunt	..	Vijayanagar, Bangalore
16	22 Aug 2002	Shruthi	16	Marenahalli, Bangalore
17	13 Nov 2002	Swapna	19	Gillesuguru, Raichur
18	Dec 2002	Unknown (based on news paper report)	..	Rajagopalanagar, Bangalore
19	Jan 2003	Unknown (based on news paper report)	..	BEML Layout, Bangalore
20	9 March 2003	Bibi Hazeera (deceased 2004)	..	Tilak park, Tumkur
21-25	18 March 2003	Vidyavathi & her four children	35	Bidar
26	10 April 2003	Tara	28	Mugunur, Ilkal Taluk, Bagalkot
27	30 Aug 2003	Thippamma	..	Chikkanayanahalli, Huliyar Taluk, Tumkur
28	Aug 2003	Kaveri	22	Bangalore

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29	19 Sept 2003	Gita Naik	19	Banavasi, Uttara Kannada
30	25 Sept 2003	Jayalakshmi	...	Tiptur, Tumkur
31	Oct 2003	Unknown (based on newspaper report)	18	Kundapura
32	2003	Razia Begaum	35	Bijapur
33	2003	Zarina (deceased)	20	Mysore
34	Feb 2004	Vimala (deceased)	40	Athani, Belgaum
35	April 2004	Unknown (based on newspaper report)	25	Belgaum
36	April 2004	Nirmala	40	Kollegal
37	3 May 2004	Jacqueline Asha	27	Bangalore
38	8 Aug 2004	Pushpavathi	26	Kuduru, Magadi taluk, Bangalore Rural
39	9 May 2005	Elizabeth	45	Sadashivnagar, Bangalore
40	2005	Salma	..	Kalasipalyam, Bangalore
41	2005	Unknown (based on newspaper report)	..	Sira
42	28 March 2006	Hemavathi (deceased)	27	Bangalore
43	8 April 2006	Sharmila	14	Robertsonpet, KGF
44	19 July 2006	Savitha	23	Girinagar, Bangalore
45	October 2006	Shanti alias Sunitha	..	Chennamanhalli, Ramanagara Taluk, Bangalore Rural
46	31 Jan 2007	Fathimabi	45	Bangalore
47-56	...	Sex workers (names withheld, attacks took place over the last 5 years)	..	K.R.Market, Bangalore

## ANNEXURE II: MEDIA REPORTS

*These are only a fraction of the reports that have appeared in the English language newspapers and magazines. We have chosen a few that chronicle the struggle effectively.*

### **A. Acid Test For Being Women**

By Ammu Joseph

16 August, 2004

The Hindu

Bride-burning. Widow-burning. Female infanticide. Pre-natal sex selection. And now acid attacks: the latest addition to India's — and South Asia's — hall of infamy.

Nearly 280 women were killed and 750 injured through acid attacks in Pakistan in 2002, according to Human Rights Watch. The Acid Survivors Foundation (ASF) in Bangladesh recorded 485 such attacks in 2002 alone; it is estimated that at least 864 women, 412 men and 14 children had acid thrown on them there in the four years up to 2003. In both countries, cases appear to be increasing at a rate of 40 to 50 per cent every year.

There are no comparable nationwide figures for India. However, the largest and most populated nation in the region, with a high prevalence of various forms of violence against women, is unlikely to get left behind in the race.

The Bangalore-based Campaign and Struggle Against Acid Attacks on Women (CSAAAW), for example, has investigated 35 cases of acid attacks over the past five years in Karnataka alone. And this does not include the latest incident, which took place in the State capital in mid-July 2004, partly because the victim and her family have opted not to go public with their trauma. According to CSAAAW activists, with many cases remaining unreported for fear of further violence as well as social stigma, the number probably represents no more than the tip of the iceberg.

Increasingly common

Media reports from different parts of the country over the past few years

suggest that the acid attack phenomenon is becoming increasingly common and widespread, with neither class nor caste nor creed nor any other variable serving as protective barriers, and with triggers ranging from unrequited love and marital discord (often over trivial matters) through family feuds and property disputes to enforcement of social diktats of various kinds.

In January 2004, three working women travelling in a local commuter train in Mumbai were seriously injured when acid was thrown in through a window. A July 2002 newspaper report from Kanpur claimed that at least half a dozen cases had come to light in that part of the country over the previous seven months, even though only two had been registered with the police. And, of course, acid attacks made national headlines in 2001 when members of an obscure militant group in Kashmir followed through on their threat of violence against unveiled women by throwing acid on four young women in Srinagar. Although men, too, have been attacked with acid, women are disproportionately represented among the victims of this form of violence.

CSAAAW, a coalition of organisations and individuals across Karnataka, hopes to forge alliances with groups elsewhere that share their concern about violence against women in order to focus attention on this particularly monstrous crime. In their analysis, acid attacks constitute an exceptionally cruel addition to the long list of violent crimes against women, including rape, dowry-related and other forms of domestic violence, pre- and post-natal elimination of female children, and sexual harassment. A nationwide attempt to collect and collate information may yield a more complete picture of the prevalence and nature of such attacks in India.

Of course, numbers are significant only to the extent that they can be used to convince the public and the authorities about the seriousness and pervasiveness of the crime, and the need for special measures to deal with it. What is extraordinary about acid attacks is that they are clearly and cruelly calculated to permanently disfigure, debilitate and, eventually, destroy the person at the receiving end, both physically and psychologically.

The malicious intent is clear from the fact that most attacks are directed primarily at the face and result in terrible damage and distortion. The consequent defacement drives many victims underground in the face of ridicule and rejection, and makes it difficult for them to function in society. Most women find themselves abandoned by their husbands and sometimes, tragically, even alienated from their children, who find it difficult to come to terms with their mothers' unrecognisable faces. With few employers willing to hire people with such visible deformities, the majority find it difficult to earn a living even after they regain their capacity to work. At the same time, many are solely responsible for their children, and all of them have to deal with greatly increased healthcare needs and the prohibitive cost of essential medical treatment.

The multiple, diverse and long-term consequences of acid attacks ensure that most victims endure lifelong trauma in one way or another. It is not for nothing that such attacks are categorised among the grossest violations of human rights to surface in recent times.

Take the case of Hasina Husain, an attractive, smart, educated, Bangalore-based young woman who was just 20 when a former employer threw acid on her face and hands in 1999. A member of the defence forces, moonlighting with his own business, the man had been harassing her after she quit her DTP operator's job in his failing company and began working in another firm. The acid burnt a hole in her head, dissolved her lips, nose and one of her earlobes, welded one side of her neck to her shoulder, transformed the shape and colour of her face, and left her blind in both eyes. Her fingers were also fused together.

Five years, 18 surgeries and Rs. 6 lakhs worth of treatment later, her face is still disfigured and she has not been able to get back to normal life, especially work, mainly because her sight has not been restored despite three corneal implants. She requires several more surgeries but they have been indefinitely postponed due to financial constraints. Meanwhile, her attacker, Joseph Rodrigues, is now a free man, recently released after having spent

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just five years and three months in jail and paying a fine of Rs. 3 lakhs for the crime that devastated Hasina's life.

Still, Hasina's case has made history as the second one in the State to result in a conviction; the first involved former Prime Minister Hardenahalli Dodegowda Deve Gowda's wife and daughter-in-law, who were attacked with acid by a relative in 2001. The many other women whose cases CSAAAW has been involved with – among them Noor Jahan, Shanthi, Tara and Shruthi – have not come even thus far in their quest for justice.

The good news is that several survivors have been brave and strong enough to join in the struggle against acid attacks. Some of them shared their experiences at a public hearing held in Bangalore in January 2004, which launched the campaign. They have also told their stories in a documentary film, "Suttaru Solloppadavaru (Burnt not destroyed)", directed by Sanjana C.B. and Usha B.N., which is being widely used to create public awareness of the problem. Another bit of good news is that the campaign has prompted many members of the public to not only join the struggle but also contribute in different ways towards ameliorating the situation of survivors.

The way out

However, according to CSAAAW activists, the fight for the rights of survivors as well as the prevention of future attacks has to be waged on several fronts, ranging from the legal to the social. They are exploring the question of whether or not a comprehensive law is required to deal with atrocities against women, including acid attacks. Bangladesh enacted legislation to deal with acid crimes in 2002. They are also examining the possibility of reducing the easy availability of cheap, corrosive acids through more strict regulation of the production, transportation, storage, sale and use of such hazardous substances.

Although they have had some success in persuading the police to register such cases as "attempts to murder" and not just "causing grievous hurt", they find that investigations are all too often inadequate and flawed. And, as

in other gender-related crimes, the investigative and legal processes tend to focus on the character and behaviour of the victim rather than the perpetrator. They believe the police as well as lawyers and judges need to be sensitised if more such gender-related crimes are to be brought to trial and to eventually result in conviction, which is seen as a vital aspect of prevention. The campaign has also revealed the urgent need for more informed and sensitive responses from healthcare professionals, not to mention families, friends, employers, colleagues and society as a whole.

However, they say, the greatest challenge is to build public opinion against such crimes and to create a consensus within civil society that upholds the principle of zero tolerance for violence.

## **B. CRIME AGAINST WOMEN**

By R.K. Raghavan

January 17 - 30, 2004

Frontline -Volume 21 -issue 02

A mere legal approach by way of special laws and enhanced punishment cannot check increasing atrocities on women. The community as a whole has a crucial role in this regard.

A FEW days ago, there was an unusual public gathering in Bangalore that discussed a live issue of great import to all civilised citizens. Organised by the Campaign and Struggle Against Acid Attacks on Women (CSAAAW), it provided a forum for victims to narrate their poignant stories. (One estimate puts the number of acid attacks on women in Karnataka in the past five years at 27.) What they said before a distinguished panel that included the State Minister for Women and Child Development, the Bangalore Police Commissioner and a former High Court Judge could provoke a serious national debate.

I have heard of rape victims coming forward to share their experience in order to tell other women how to guard themselves against potential



predators. I have seen this on television in the United States several times. This is, however, the first time I have come across an instance of women acid-attack victims going public to educate us, if we need to be educated at all! Insensitivity to gender discrimination is a national malaise, and I must compliment the CSAAAW organisers for their bold and imaginative experiment. I believe strongly that such unorthodox methods to project acute social problems cannot be frowned upon, morbid as they might appear to be, in a country that has a low literacy rate and where religion and social practices place the woman at a disadvantage.

Two revelations on the occasion were significant. First, most of the aggressors were known to the victims - as husbands, neighbours, colleagues or former employers - a phenomenon that characterises rapes as well. Secondly, acid attack victims seldom found sympathy after the trauma. They had to go from pillar to post, seeking assistance for medical attention and subsequent rehabilitation. I am not at all surprised at this, because it is more than a reasonable guess that a majority of such victims come from the lower strata of society and who have little means to take care of the enormous medical expenses required for restorative surgery.

A CSAAW representative complained of inefficiency, apathy and ignorance on the part of the police, doctors and the judiciary. However sweeping the criticism may seem, those of us who know how the system works in our country are inclined to go along with it, if only to explore possibilities of at least marginal improvements in the system.

Two recommendations - free treatment at government hospitals and a special law to deal with atrocities against women - made at the meeting are worth reflection. Can I add a third one? Will plastic surgeons in the country come forward to perform surgery free of cost to women victims of acid attacks? The numbers are manageable, and I am sure there are many doctors who are enlightened and are willing to respond to such calls of distress.

I am not at all sanguine about the impact of any special legislation to tackle the menace. It is fashionable to demand new laws without any thought on why existing ones have proved inadequate. The Indian Penal Code is a masterly document drafted and promulgated nearly 150 years ago. It has stood the test of time, and with minor amendments, proved itself to be a valuable mechanism to come down on traditional crime. And remember, violence against women has been with us for centuries. It is a shame that many of us are smug that the spread of education and the election of women to important public positions would take care of the evil. We need a revolutionary change of mindset before we can start making an impact.

According to the National Crime Records Bureau's preliminary estimate for 2002, crimes against women dropped by nearly 7 per cent. The number of rapes, which hovered around 16,000 during the previous two years, came down to less than 15,000 in 2002. The Delhi Police has a slightly different tale. As per their report for 2003 released a few days ago, while heinous crime declined by 8 per cent, rapes went up by 6 per cent.

(Not many of us would forget the rape of a Swiss diplomat last year, near an auditorium staging an International Film Festival in New Delhi, which attracted a lot of media attention. It did not do any good at all for us as a nation that prides itself on having five women Chief Ministers.) Here I must compliment the Delhi Police for their honesty in admitting something that could be politically explosive and cause immense damage to their professional reputation.

We must at the same time remember that a police force can hardly protect an unsuspecting woman from her own uncle, cousin or neighbour who has gained her confidence. Repeated surveys have proved that a substantial number of such crimes are committed by those known to the victims, because easy access facilitates aggression perpetrated in the close preserve of a home. (According to the Delhi Police Commissioner, those hauled up for rape during the past year included 46 close relatives, such as grandfathers,

fathers, brothers-in-law, uncles and cousins.) This does not for a moment downplay what the police can do to prevent violence against women or investigate attacks thoroughly so as to successfully prosecute offenders in a court of law.

It is the police who can impart a sense of security among women. Ultimately, as I have always maintained, it is the fear of crime more than its actuality that haunts us all the time. I feel happy whenever I see uniformed policemen near women's colleges. The tactic of having the police in plain clothes near campuses has also paid dividends in catching eve-teasers. However, what about rural women who do not have such protection? This is a problem that outstrips all logistics that the police can command. Except on special occasions, there is very little that the police can do. It is not surprising therefore, that crime against women in rural areas is at its worst, and rarely does it surface. An attempted sati in rural Rajasthan or the rape of a Dalit woman in the remote corners of Madhya Pradesh or Uttar Pradesh does hog newspaper headlines occasionally, but it does not trigger a social upheaval or a criminal justice exercise. This is the dilemma that we face while tackling a

horror that has huge implications for the future of womanhood in this country, especially if you keep in mind that we have perhaps the largest number of female infanticide cases.

Where there are resources in the form of a concentration of police manpower or prying investigative journalists, as in the case of a city or town, violation of the rights and privacy of women is under fair check. Where the police are thinly spread and the media find it difficult to get access to information, women are in real danger. This is where social controls and enlightened vigilance on the part of persons who hold non-governmental positions assume importance. They take the place of law enforcement agencies that are unable to give enough attention in areas where they just do not have a presence.

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Closely allied to acid attack is the equally despicable crime of rape.

Presumably, a few acid attacks are sequel to frustration at rejection of sexual overtures. An ensuing rape is also not uncommon. Indisputably, rape is as devastating as an acid attack on which the law of the land should come down heavily. It should be the endeavour of the criminal justice system and society as a whole to ensure that no case of rape, however influential its perpetrator may be, goes unreported. Thereafter, the effort should be that it is investigated properly and all facts are presented to the court in as efficient a manner as possible. Instead of concentrating on this process, the red herring of enhanced punishment for the rapist has been dominating our public debates. This is an unpardonable distortion, especially in our country where the criminal justice system has lost its credibility almost totally.

Let us first make punishment a certainty to the wrongdoer before considering pushing up penalties. A certainty of penalty is much more deterrent than the prospect of a capital sentence. It is here that one is appalled by the fact that during 2001, of the 11,735 rape trials completed by courts all over the country, as many as 8,669 (76 per cent) failed either as clean acquittals or discharge.

There cannot be a sadder commentary on the whole process of bringing offenders to book. I do not want to apportion blame for this pathetic situation. While the police no doubt come out of this in poor light, the lower judiciary has also not exactly distinguished itself. Some acquittals have been highly questionable.

THIS is why I was delighted recently to read a report of the Supreme Court overturning a rape acquittal by a High Court. In this case, a master had been acquitted by the High Court on charges of raping his maidservant about 18 years ago. The apex court quashed the acquittal and sentenced the man to seven years rigorous imprisonment. (The acquittal was mainly on the ground that the victim had, even before the assault, lost her virginity.) What the court said in passing its orders was eloquent to the core. I cannot help quoting the court at length in order to highlight the most refreshing change

of stance of the judiciary in favour of rape victims:

"Rape is not only a crime against the person of a woman, it is a crime against the entire society.... Courts are therefore expected to deal with sexual crimes against women with utmost sensitivity.... A socially sensitised judge is a better statutory armour in cases of crimes against women than long clauses of penal provisions containing complex exceptions and provisions.... An unmerited acquittal encourages wolves in society."

The judgement will have to be read in conjunction with another by the apex court in 2002, upholding the conviction of a police constable. Ruling that an identification parade was not a sine qua non in such cases, the court was emphatic that minor contradictions and insignificant discrepancies should not influence a court. Defective investigation was at best a ground for extra caution than an outright rejection of the prosecution story.

Not very different in tone was the apex court pronouncement in yet another case of 2002 when a two-Judge Bench held that a conviction could be based on the sole testimony of a rape victim. Here, the victim was an eight-year-old girl, and the apex court took exception to the High Court seeking corroboration to a child's statement. ("Seeking corroboration of her statement before relying upon the same, as a rule, in such cases, amounts to adding insult to injury.") Justice S. Rajendra Babu of the Supreme Court struck a similar note recently (while speaking at a workshop in Gulbarga on law and women) when he said that the victim's statement immediately after the incident was paramount, and those made subsequently to the medical examiner and the police were of less significance.

Readers should, therefore, be bewildered, as I am, that despite the categorical stand taken by the highest court of the land in placing the maximum reliance on the statement of the victim and the circumstances surrounding the episode in question, so many rape cases fail at the trial stage itself. It is this that needs a thorough study rather than how to make

the penalty for rape more severe.

Where law enforcement agencies are unequal to a task, it is the community that should rise as a man to fill in the breach. We see this happening during major communal riots when a few enlightened members belonging to the aggressor community organise themselves and move swiftly to protect the minorities. We did get reports of such kindness at the height of the Gujarat carnage in 2002.

I, therefore, see a clear role for non-governmental organisations in protecting women. We have a large number of them in India. They have no doubt been quite active. What impact they have made on guarding women against crime is unclear. I am, however, told that there is a definite case for their stepping up efforts in rural India. This can happen only if they shed their urban baggage, especially language. Nothing works better than speaking to the target audience in their own tongue.

The message that has to be conveyed to women in the villages is that the best protection comes from their own vigilance and alertness and a courage to publicise atrocities through the village elders and elected officials of the panchayat.

This exercise can at best be supplemented by the police who, I must admit, are yet to display the measure of sensitivity expected of them. Inspiration and drive need to come from the higher echelons. Nothing else will transform the general apathy of the police to gender justice.

### **C. ACID VICTIMS GRAPPLE WITH DISFIGURED LIVES**

By Maithreyi M R

Sept 16 2003

DH News Service BANGALORE

She was a confident, articulate, good-looking and popular teacher. Till the school headmaster erased it away with a splash of acid.

The headmaster of Mugunur Primary school near Ilkal, in Bagalkot district could hardly digest Thara's popularity. Unable to bear the headmaster's constant harassment, Thara sought a transfer from the school.

It was the last day of her deputation to a school in Ilkal. She was signing the register when the headmaster and his aide accosted her. Before she knew why they were in the town school instead of Mugunur, the hot, burning liquid was all over her.

The incident happened on April 10, 2003. Thara received no medical attention until six hours after the incident. Worse, till today the police have not taken a written complaint from Thara. And the two culprits, though put behind bars on May 1, are now out on bail!

Aren't acid attack crimes non-bailable? Thara is not interested in the issue. "I'm not interested in the past. It's the future I'm worried about. I have two children to think about. I have lost one eye and can see partially in the other. I received an assistance of Rs 10,000 from the Teachers' Association, but we have spent over Rs 2 lakh so far. And there are more surgeries to go. Tell me what you can do for my future," demanded Thara from the fact-finding team that approached her last month.

The team, comprising members of the Mahila Jagruthi and Pedestrian Pictures, had visited Thara as part of their fact-finding operation.

Thara is yet to go through more corrective surgeries but the acute shortage of money is her greatest concern.

In another case, in Bidar on Holi day, Vidyavathi met with a similar fate. Mother of four, Vidyavathi ran a 'kirana' shop, while her husband worked as a helper.

When some liquid splashed on her face on the night of Holi, she assumed it was colour and wiped it over her head with her hands. The result was horrific. She claims she does not know who did it and why. Neither do the police have a clue.

So far, she has spent over Rs 4 lakh for her treatment. Her little son's legs have also been disfigured in the incident. Her daughter had to discontinue her studies after the incident. Unlike Thara, who was willing to speak, Vidyavathi and her family were hesitant, revealed the fact-finding team to Deccan Herald. Part of Vidyavathi's face is now fully disfigured. Though her chest and neck are severely affected, she continues to wear a tight blouse. Steeped in loans amounting to lakhs, Vidyavathi is determined to work hard and pay back every penny.

It is the same story with Shanti in Mysore. A much abused wife, Shanti was completely shaken when her husband attacked her with acid. Today Shanti, who worked as a tailoring teacher, is at the crossroads. Her face and parts of her body have been severely disfigured. Only one eye and a ear are functional. She has to permanently wear a collar, even when she sleeps.

Seeing her disfigured face, her children initially refused to come near her. Her husband was arrested and is currently in jail.

Stationed at the Kamala Terminal Care in Mysore, she is running from pillar to post in search of self-employment. The Rotary Club has come forward to give her assistance for setting up a phone booth, but she is yet to find a place for that. "I'm willing to work but I'm yet to receive the required assistance," mourns Shanti. "All I want is to have my children with me. Right now I do not have the economic strength to look after them."

It's true that Shanti has many well wishers to provide her moral support. But, how long can she or for that matter Thara or Vijayalakshmi be mentally strong without any money in hand? A little assistance from the government



and the public can go a long way in helping them put together the shattered pieces of their lives.

#### Spiralling attacks

Over the last few years, cases of acid attacks have spiralled across the State. When Mahila Jagruthi and Pedestrian Pictures set out on a fact-finding mission, the number of cases they encountered was appalling.

Months ago, in Hoysalalu vil lage in Chikamagalur district, a young shopkeeper threw acid on Malini, whom he apparently loved. In 2001, Nagamma from Haladipura village in Uttar Kannada district succumbed to injuries sustained from an acid attack from her companion Shivu. Several cases, like Zareena's in Mysore, have died with the victims in the hospitals. Some have not even reached the police stations.

Several others like Haseena, Noorjahan, Shanti, Thara, Vidyavathi and Shruti are fighting tooth and nail to get justice. It is time the government woke up to this horrific form of attack on women.

#### D. THE 'ACID TEST': WILL GOVERNMENT REGULATE SALE OF DEADLY CHEMICALS?

By Bageshree S. and M.V. Chandrashekhar

The Hindu

Monday, Feb 05, 2007

- ◆ *All the victims have been women*
- ◆ *They continue to battle medical complications*

Bangalore: When we ask for a litre of acid, the person behind the counter of a chemicals shop at Raja Market in the heart of the old city casually

enquires: "For what purpose?" We tell him it is for cleaning paint stains in a new building. He measures out a litre from a big barrel into a bottle. A sniff from the bottle's cap bores through our nostrils. It is hydrochloric acid (HCL) and the fumes that waft above the liquid suggests that it is concentrated and deadly. The barrel from which it comes has neither the name of the acid or its level of concentration.

There are laws in the country that do not allow an ordinary citizen to buy a gun across the counter. Shockingly, there are none to restrict access to concentrated acid, an even more deadly weapon that maims, disfigures, and sometimes kills. It is being increasingly used against women.

Following yet another acid attack case in Bangalore last week, *The Hindu* did a random check on the availability of acids in the city and found that buying hydrochloric acid is as easy as buying a bar of soap, particularly in areas such as Nagaratpet, Ragipet and Raja Market. A litre of acid is priced anywhere between Rs. 16 and Rs. 25.

About 60 cases of acid attacks (mostly using HCL and sulphuric acid) have been reported since 1999 in Karnataka. All the victims have been women.

#### Disfigured for life

While many attacks have resulted in slow and painful deaths, cases like that of Haseena (in April 1999) and Shruti (in October 2001) have resulted in young women getting disfigured, maimed and confined to homes for life.

They continue to battle medical complications as acid seeps into the body and harms internal organs over an extended period of time. "We do not know the full-blown picture on the first day in acid cases. In fact, acid victims never recover as fully as flame victims," says Satish H.V, a consultant plastic surgeon who has treated three acid victims in Mysore district.

But none of this has compelled the authorities to put checks on retail sale of acids. There are no rules right now on regulation except the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (which was amended in 2000), which apply only to industrial situations.

Gopal Hosur, Joint Commissioner of Police (Crime), admits that there are no mechanisms such as regular inspections and stock-checking for acid sales, unlike in the case of explosives. But such laws, he argues, are not

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“practical”. “People can always use acid in vehicle batteries. How do you control that?” he asks. Making laws, he says, might in fact result in “making the system more corrupt”.

Deterrence should come in the form of stringent punishment and simplifying the criminal procedure involved in trying acid cases, he says.

But one of the principal demands in a Public Interest Litigation (PIL) filed by the Campaign and Struggle Against Acid Attacks on Women (CSAAAW) – besides stringent punishment for the perpetrator of the crime and rehabilitation of the victim – is effective control over production, storage, distribution and concentration level of toxic acids. Mallige of CSAAAW asks how any responsible democracy can cite difficulty in regulation as an excuse for not framing laws. “Even Bangladesh has special laws to regulate acid sales,” she says. Bangladesh, incidentally, has a high rate of acid attack crimes against women.

#### Haseena case

In the landmark verdict in the Haseena case, the High Court took a serious view of acid attack cases and said that a comprehensive package should be worked out to treat and rehabilitate the victims. Efforts are on now to formulate a committee to monitor the process. But as far as controlling sale of acids goes, there is no action so far.

### ANNEXURE III: ACID ATTACKS ACROSS INDIA

*These are only a few of the numerous cases of acid attacks on women across India. Our attempt here is to showcase that acid attacks on women are by no means specific to Karnataka.*

#### **Mumbai:**

On January 30, 2004, there was an incident of an acid attack on women in Mumbai when as a local train was pulling out of the suburban Bandra Station, the acid thrower, a young man, aimed it at a young girl who was getting into a compartment. Only instead of the intended victim, the acid fell on three women commuters and a male commuter. There have been a number of such cases in the last decade only in Mumbai. Aruna is an acid victim who was attacked by a goonda in her locality, again for rejecting his advances. Deepti Khanna, a college student, has been scarred for life in a case of mistaken identity when acid was thrown on her by hired goondas as she was standing at a bus stop. All these girls had to undergo multiple cosmetic surgeries to restore some semblance of their faces..

#### **Orissa:**

On 8<sup>th</sup> November 2001, Babita Behera, a 22-year-old PhD student from Ravenshaw College, Cuttack, faced an acid attack says only very strong punishment can prevent such crimes in future. The Orissa government has borne all expenses for Babita's treatment. Babita is suffering from severe burn injuries after a colleague Manoranjan Sahu threw sulphuric acid on her for refusing to talk to Sahu.

On 17<sup>th</sup> September 2000 Poonam Singhal daughter of a small time businessman in Bhawanipatna on her way to college was chased by three youths who poured acid on her face and body. Her mistake was refusing to involve romantically with one of the three youths. With 90% burn injuries, the acid attack had completely disfigured her face. She is still under treatment for her injuries even four years after the incident. Recently, in the second week of November, the lower Court in Orissa passed the Judgement pronouncing ten years of rigorous imprisonment for three youths along with a fine of Rs.25000/- . The three would serve additional three years jail term if they failed to furnish the fine. The verdict has not made Poonam happy, she has announced to appeal to the Orissa High Court and the Supreme Court to reject the lower Court's verdict and pronounce a much harder punishment for the culprits.

**Bihar:**

Acid attacks seem to have increasingly become an easy option for criminals in Bihar. It was a Black Monday on 18<sup>th</sup> November 2002, for Prema Devi and her daughter Rubi when two men entered their home in Konwarchhitalpatti village and flung acid on them. Two days earlier, Rubi claims, one of the main accused Mahesh Sahni, a panchayat member, had tried to rape her. Rubi's father, Ram Swaroop says the attack is basically over land. The panchayat member had wanted his daughter, who is already married, to remarry hoping to grab his half-acre of land as dowry.

## **Seven injured in Delhi acid attack**

PTI, New Delhi, October 24, 2005

Seven members of a family were injured when a man threw acid on them in a north Delhi area on Sunday night, police sources said.

The attacker, who appeared to be deranged, entered the house of the victims in Arya Nagar area around 10 pm and threw acid on them. He has been arrested, the sources said.

The victims, including women and children, have been rushed to a nearby hospital.

## **Girl loses eyes in acid throwing incident**

PTI, Kanpur, July 1, 2005

A teenaged girl lost her eyes when a youth allegedly threw acid on her face in Chaman Ganj police circle on Friday, police said.

According to reports youth Vasim, a worker in a shoe factory, was engaged with Sabina and had been pressurising the girl for an early marriage. He picked up Sabina from her house yesterday and asked her to runaway with him if an early marriage was not possible.

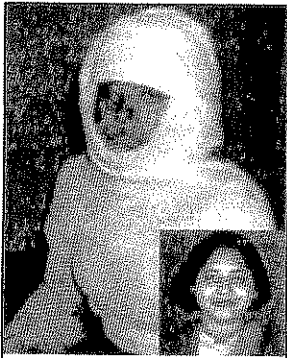
On refusal of his proposal, Vasim came to Sabina's house this morning while she was sleeping outside and threw acid on her face. The accused later managed to escape.

Sabina's father took her to hospital where doctors said that the girl had lost her both eyes.

Police have registered a case of attempt to murder against the accused, police added.

## Man gets six years RI for acid attack

by Tore Groenne November 20, 2004



After almost six years and 15 surgeries, Aparna Anil Prabhu is yet to completely recover.  
(Inset) What she looked like before the attack

"The past has been pure hell. I am still trying to come out of it." This is all Aparna Anil Prabhu, a resident of Kandivali, could say after hearing the court's verdict on the person who had hurled acid on her six years ago.

Peering through the dark glasses, which she uses even at night, Aparna said that she would reserve further comments till she saw the court judgement.

A sessions court yesterday convicted Sunil Kashikar, a chartered accountant, in the case of acid attack on Aparna on March 11, 1999, and sentenced him to six years rigorous imprisonment (RI).

Additional sessions judge P S Paranjape, who held Sunil guilty under Section 307 (attempted murder) of the Indian Penal Code, also ordered him to pay Rs 5 lakh as compensation to the victim.

According to the prosecution, Aparna's face and body was badly scarred as a result of the attack. She has recently undergone a cornea transplant and a cataract surgery.

Aparna's mother Archana observed that such judgements would help to reduce similar crimes. "The judgement will support my daughter at least mentally," she said.

At the time of the attack, Aparna used to stay in Malad (her attacker lived in the vicinity) and worked with a tele-marketing company. Sunil, then a final year student in chartered accountancy, had been trying to woo Aparna since she was in school.

He would harass her on the street and inundate her with crank calls. He even proposed marriage to her, which she rejected.

On the day of the incident, Sunil dogged her with another proposal of marriage, outside her office at 15th Road, Khar. Aparna ignored him and walked on. Infuriated, he threw sulphuric acid on her.

Aparna ran into her office, screaming for help. Her colleagues took her to Bhabha Hospital in Bandra. Meanwhile, onlookers caught the culprit and handed him over to the police.

He was charged with attempted murder and was later released on bail. He

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went on to complete his degree. Meanwhile, Aparna spent more than four months in various hospitals for treatment. She has undergone 15 surgeries in Masina Hospital at Byculla and has still not recovered completely.

During the trial, the prosecution examined 10 witnesses against Sunil, the most vital being Aparna's testimony. The prosecution also questioned the victim's mother Archana, Aparna's colleague Seema Makani, and her doctors Vinod Kumar Siroya, Sunil Keshwani and Santosh Revankar.

## ANNEXURE IV

### Report of the Public Hearing held on 4 January 2004

Panelists: Motamma, Minister, Women and Child Welfare  
Marisamy S., Commissioner of Police, Bangalore  
Justice Ko. Channabasappa (Retd.), High Court of Karnataka  
Vijaya S., film critic, writer, activist  
Hemalatha Mahishi, lawyer, High Court of Karnataka

Campaign and Struggle Against Acid Attacks on Women (CSAAAW) is a coalition comprising several organisations, academicians, lawyers, journalists, women's rights activists, students and other concerned individuals from across Karnataka. CSAAAW a registered trust, was formed subsequent to a fact-finding mission carried out by Mahila Jaguthi (a mass based women's organisation working in several districts of Karnataka) and Pedestrian Pictures (an independent media activists' group, committed to using media to initiate action on various social issues. As part of this fact-finding teams travelled to Raichur, Bidar, Gadag, Chikmagalur, Honnavar, Mysore, Sirsi, Hubli and met the 'victims' and their relatives, police officials, State Commission for women and many others and gathered relevant details.

The fact-finding team noted that 27 women since 1999 in Karnataka (whom we could contact) had been attacked with acid and also that the numbers are increasing steadily. CSAAAW, which was formed in this process, aims to campaign for the prevention of such attacks and recognition of acid attacks as a form of gendered violence. It is our contention that violence on women as a form of patriarchal dominance has found expression in many ways - sexual, abuse, dowry harassment, female infanticide, sexual harassment at the work place, caste violence...Even as women struggle against these odds and many more forms of violence continue, we are faced with another horrific crime of acid violence. Acid attacks are not limited to any caste, class, religion, profession, urban/rural or other such categories.

Astoundingly the report reveals that all these women were bold and trying to carve out their lives independently and the men who attacked were not strangers but those whom they knew quite well like husbands, employers, colleagues, neighbours, men they were harassed by constantly on the streets.



### Burnt Not Defeated

The three day campaign organised by CSAAW, had a demonstration of human chain, a film show "Burnt not defeated" documentary on Acid attacks, and concluded in a public hearing of the acid attack victims on 4 January 2004, at Senate Hall, Central College, Bangalore. Usha, from Pedestrian Pictures, greeted the audience with an observation the public hearing aimed at providing a platform for the victims so that their cries are at least heard by the public and the authorities.

Dr. Vijaya, feminist thinker and film critic, spoke at length different faces of harassment of women. Within the frame of religion, there has been general sanction of revivalism. What does this mean to women? The revival of Sati? Of the systems that have vacated the presence of women from the social frames systematically? She recalled the instance of the Seer of Puri Samsthaana endorsing the sati practice in the name of religious approval. From the instance of Kuduremothi to the present day, there has been a spate of atrocities with the so-called religious sanction against women, and now with this call for religious and cultural revival, what atrocities await women, she wondered.

In the domain of politics, the situation is no better. From the instance of disrobing Jayalalitha to the recent one in which Manjula committed suicide on account of harassment by the fellow politicians, the message made clear is, "beware, this is the man's world", she remarked.

Family is the primary site of all violence against women. When the Indian women have come a long way in standing up for their basic rights, there has been a severe blow by the Hindu fundamentalists. Showing a woman with a tonsured head and in sanyasini's robe immediately after she has come to power is an attempt at glorifying certain anti-woman practices. The revivalist project of the fundamentalists conveniently nurtures two images of woman. While one is that of (mild) Seeta, the other is that of Durgi. At the time of demolition of Masjid, the one who is glorified as a Durgi, is transformed into a Seeta later at the patriarchal will of politics.

In the paradigm of progress, women's presence is effaced, she felt. While tourism has enhanced the supply of virgins to the foreign clients, the 'call centres' where the girls are initially lured by the packages have only caused disillusion later by their ruthless demands. Night shifts, changed Ids, disrespect for different skills, fierce competition, heartless 'hire

and fire' practice—all have been responsible for such disillusion. Female infanticide is an extension of the utilitarian attitude of patriarchy, she observed.

In the world of media, only the mask of anti-woman's stance is different. The costume-man, the make-up man, the errand boy—all wear different masks of the same face. If the woman doesn't comply, there are ways to put her down—give her a too tight swim-suit that tears and make her beg you for another, or drop a 'loose-motion pill' into the coffee or the buttermilk she drinks, or think of some novel methods—. The dragging of a 1 minute rape scene to 1 hour on the sets, the artist who donated her voice to the screams of a rape scene wherein she was made to scream at the loudest for hours, are just the tip of the iceberg even for a film critic and an insider like me, she said. The newspapers aim at increasing their saleability alone and not their social accountability. Hence less weightage to the atrocities against women, she observed.

The judiciary, a vital organ of the social fabric—when has it been sensitive to women? Even in the 'famous' Banwari' case, the perpetrators of rape were given a clean chit merely because they were all 'old, respectable, upper-caste men' and hence 'not capable of committing such a heinous crime'!

In this scenario, how do we negotiate with acid attack threats? Speculating on the easy availability of acid, she felt the fetish for easy solutions like 'brisk' cleaning of toilets, 'within- no- time' removal of stains promote the 'utility' value of acid. And the easy availability has made Acid a common new tool of aggression against women. There should be new Law to deal with this new form of atrocity, but will our powerless 'Lords' who have failed to ban 'potable' insecticides like Pepsi and Cola, will ever develop the political will to regulate the sale of acid?—she wondered

Dr. Sharada Ravikumar, a senior practicing lawyer, proposed a set of legal guidelines towards dealing with this horrible crime. Though the crime is recognized as 'attempt to murder' and hence supposed to be non-bailable, we see more violations of it than the practice, she felt. Regulating the sale of acid, non-bailable arrest of the perpetrators, confiscation of his property and benefits that should be handed over to the victim, capital punishment or lifelong imprisonment, the wages during imprisonment to be benefited by the victim, were some of

the measures emphatically proposed by Sharada.

In the afternoon, the public hearing session had 7 victims with 4 victims on the dias. Mallige from Mahila Jagruti cautioned not to limit the number of victims to the ones present. Each of them should be taken for representing atleast 10 such victims, she pointed. For there have been 30 cases reported for the past 5 years, and there have been many unreported, she observed. The 'folly' with these women was they tried to be self-reliant, and the acid-attack was aimed at intimidating and silencing them, she said. The victims come from different walks of life. From the 16 years old Shruthi, a victim of eve-teasing to Dr. Mahalakshmi, a medical officer, there is a range of victims, she observed .

There was a unanimous cry against the apathy of the state from the victims' side. Shanthi said that she was prepared to shout at the top of her voice anywhere and any number of times that the state has been terribly indifferent to the fate of the victims. Why is morality made an issue to justify these offences and whose notion of chastity is this? – she wanted to know. We have been reduced to the state of scarecrows. Even if I try to run a small shop for my living, do you think people come to the shop of a scarecrow?—she asked. These cowards who throw acid and disappear have no guts to sit and sort out the problems, how should they be made to know what this suffering is if not they are thrown acid back upon them or through capital punishment?— she questioned. I had dreams in my eyes, and all my dreams have been wiped out with one stroke, and do I deserve this?—Shruthi wanted to know. My employer, an officer in Indian Air Force, who threw acid on me is supposed to defend the nation, how well does he do it?—Hasina wondered. Had the police acted upon the complaint in time, my landlord wouldn't have come again to my clinic and thrown acid on me—Dr. Mahalakshmi observed. The police who have either refused to register an FIR or counseled the victim to sort out their 'domestic' problem within the four walls of home since after all it was one's own husband who had thrown acid, the medical system which denied even the primary treatment, the judiciary which makes ruthless demands like the physical presence of the victims at the time of every hearing, the state which says that there has been no clause to recognize the acid-attack victims—have all been unimaginably apathetic to us, they felt.

The single voice in which they pleaded “ Kuuthu thinnolla, dhudidhu thintheevi, namagondhu dhaari maadi kodi” (We don't want to be dependent parasites, we want to work and live

independently) made it clear that theirs was a modest demand. By and large, along with the deep scar that the acid attack has left on the face, mind and the body of these victims, the consequential apathy of the supposedly welfare state seems to have equally or more contributed to the deep shock in them.

It was time to listen to the representatives of power centers. Motamma, minister for the welfare of woman and child, theoretically acknowledged that the acid attack was the new form of aggression and control. The minister elaborated at length on how important it was to change the minds of people and teach them humanity. However, when asked what kind of accountability and redressal can the victims expect from the government, she said that it was time for framing a new law pertaining to this issue. When Dr. Hemalatha Mahishi asked whether it was not possible to create a special fund for the immediate medical needs of these victims, she remarked that it was possible and the govt. should take up this issue. She promised that the state would look into setting up special women courts to deal with these cases along with regulating the sale of acid.

The police commissioner, Marisamy, acknowledged that this was a heinous crime and the state should certainly increase the term of imprisonment for the perpetrators. He assured to look into the apathy on the part of the police in acid-attack cases.

Sri. Ko. Channabasappa, Hemalatha Mahishi, Dr. Vijaya proposed a set of plausible guidelines towards framing a bill called "Atrocities against Women (Prevention) Act", which takes cognisance of this new form of violence against women. While they all unanimously acknowledged that this violence, which reduces



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the victims to living corpses, was worse than killing, they felt that the state should come up with a law that not only punishes the perpetrators, but also rehabilitates the victims. Towards the punishment measures which if effective are also preventive measures, they felt that even the capital punishment being inadequate, perhaps lifelong imprisonment would be a fit measure. With not just the medical treatment being made available to the victims, even the rehabilitatory measures should also be the responsibility of the state-they argued.

Based on the Jury's recommendations the demands are: -

- ◆ Separate Act to prevent such atrocities against women which should be all comprehensive so as to include- Fund to be created to look into the medical expenses incurred, Compensation and Rehabilitation measures to be given by the Government to the victims; Imprisonment for life.
- ◆ Frame a law to regulate manufacture, transport, possession and use of Acid to prevent easy access to the same.
- ◆ Cases should be tried in special courts with a special prosecutor.
- ◆ Immediate ban on songs, scenes, or dialogues in the small screen and films, which depict the *modus operandi* of the use of acid as a weapon of control against women.

A memorandum placing these above demands is to be submitted to the Government. We are also inviting all those individuals and organisations in Karnataka who are concerned with this issue to join us in this struggle and help us in our endeavour.

*A report from CSAAAW- Campaign and Struggle Against Acid Attacks on Women*

## ANNEXURE V

### Excerpts from an act against acid attacks on women in Bangladesh

*Bangladesh National Parliament passed a law on 17 March 2002 promulgated with the aim strongly preventing acid crimes. We have pasted below some excerpts of the same act. More details are available with Naripokko, Bangladesh. Further details are available with [convenor@pradeshta.net](mailto:convenor@pradeshta.net)*

1. **Primacy of the law:** Whatever be the contents of any other law currently in operation, the clauses of this law will be in action.
2. **Punishment for causing death with acid:** If any person causes the death of any other person with acid, then the aforementioned person will be punishable with the death penalty or imprisonment for life and an additional fine of Taka 100,000 maximum.
3. **Punishment for causing injury with acid:** If any person causes injury to any other person with acid, such that the face, breasts or sexual organs are damaged or destroyed, then the said person will be punishable with the death penalty or imprisonment for life and an additional fine of Taka 100,000 maximum.

Any other organ, gland or part of the body is damaged or destroyed or the victim is injured in any other part of the body, then the said person will be punishable with imprisonment upto fourteen years but not less than seven years, and an additional fine of Taka 50,000 maximum.

**Punishment for throwing or attempting to throw acid:** If any person throws or attempts to throw acid on any other person, then even if the concerned person does not suffer any physical, mental or other harm, the perpetrator will be punishable with imprisonment upto seven years but not less than three years and an additional fine of Taka 50,000 maximum.

**Punishment for assisting in committing crime:** If any person assists in the commission of any crime under the purview of this law and if the crime is committed or attempted to be committed as a result of such assistance, then the person providing assistance will be punishable with the same penalties as for committing or attempting to commit the crime.

**Payment of Compensation to the victim:** The fine payable under this law, in accordance with the current laws, will be obtained from the convicted person or his current assets or the assets left during the time of his death, in case of his death, and will be payable to the legal

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heirs of the person whose death has been caused by the commission of this crime or in cases, the victim who has been harmed physically or mentally or in the case of her death, to her legal heirs.

This act then goes on with the procedure to collect fine and compensation and then details into the investigation of the crime.

*Investigation of the Crime:*

1. The investigation of any crime committed under this act will be conducted by the concerned police officer and will have to be completed within 30 days of receiving information about the commission of the crime or the ordering of the investigation by a magistrate.
2. If it is not possible to complete the investigation within the time mentioned in sub-section (1), in that case if the investigating officer can show sufficient reason to satisfy the tribunal that in the interest of justice the time for investigation may be extended, then the tribunal can extend the time for the investigation for a maximum period of 15 days