



YOUTH GENERAL ASSEMBLY

# ACID CRIMES IN PAKISTAN

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## STATUTORY REVIEW



YGA LEGAL FORUM  
A Project of Youth General Assembly



YGA Business Forum  
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**Youth General Assembly** is an autonomous assembly that has been formed in order to provide a credible platform that instigates a true sense of policy & strategy making, equitable administration and non-customary legislative, public speaking and social issues by empowering enthusiasm in youth for being the future ambassadors and democrats.

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**YOUTH GENERAL ASSEMBLY**

## Table of Contents

### **1. Introduction:**

- 1.1. What are classified as Acid Attacks?

### **2. Protections**

- 2.2. What are the laws on Acid Attacks?

- 2.2.1. Acid and Burn Crimes Act 2018

- 2.2.2. The Acid Control and Acid Crime Prevention Act, 2011

### **3. Reporting of Incidents**

- 3.1. Statistics of reported vs unreported cases.

### **4. Pakistan Penal Code and Other statutes.**

### **5. Role of Organization's in Pakistan dealing with cases of Acid victims.**

### **6. Role of Ministry of Human Rights.**

### **7. Jurisprudence**

- 7.1. Laxmi vs. Union Of India and Ors.

- 7.2. Parivartan Kendra vs. UOI & Ors. (WP (CIVIL) No. 867/2013),

### **8. Conclusion**

- 8.1. Policy Recommendations

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## Introduction

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### **What are classified as Acid Attacks ?**

Acid attacks are a form of violence, in which acid or another corrosive substance is thrown at a person - usually a woman or a girl - with the intention of maiming, torturing or killing them. Acid attacks perpetrated against women and girls are used as a means to permanently scar the survivor they are an extreme form of violence against women and girls. They are used because so much bearing is placed on the physical appearance of women and girls. An acid attack involves the premeditated throwing of acid on a victim, usually on her face. In addition to causing psychological trauma, acid attacks result in severe pain, permanent disfigurement, subsequent infections, and often blindness in one or both eyes. Perpetrators commit acid attacks for a number of reasons, including revenge for refusal of a marriage proposal or other romantic or sexual advances; land disputes; perceived dishonor; and jealousy. While acid attacks are most prevalent in Bangladesh, Cambodia, India and Pakistan, they have also been reported in Afghanistan and in parts of Africa and Europe. Experts attribute the prevalence of the practice in part to the easy availability of acids. Acid attacks are most common in South Asia, where acid is cheap and easily available. 80% of known acid attack victims are female and almost 70% are under 18 years of age.

### **What are the laws on Acid Attacks?**

*Acid and Burn Crime Act, 2018*

*The Acid Control and Acid Crime Prevention Act, 2011*

Acid throwing attacks are extremely violent crimes by which the perpetrators of the crime seek to inflict severe physical and mental suffering on their victims. This form of violence is often inflicted on women. The most common reasons for such attacks are domestic violence, refusal of marriage proposal, denial of sexual advance etc. The acid is usually thrown at the victim's face with the intent of disfiguring the woman in revenge for her refusing the advances of the perpetrator. Racial and cultural reasons include failure of a girl to bring dowry, political rivalries, and land disputes. Such attacks may also take place during robbery. Acid attacks are premeditated because the perpetrator first obtains the acid, carries it with him/her and stalks the victim before executing the act.

The main cause is the absence of proper legislation on acid crimes. Moreover, there is no law to regulate the manufacturing and supply of acids and therefore anyone has easy access to them. The Acid Control and Acid Crime Prevention Act, 2011 (Criminal Law Second Amendment Act, 2011) made amendments in Pakistan Penal Code and Criminal Procedure Code to punish perpetrators of acid crimes by clearly including acid crimes in the definition of hurt. The definition now includes "hurt by dangerous means or substance, including any corrosive substance or acid to be crimes".

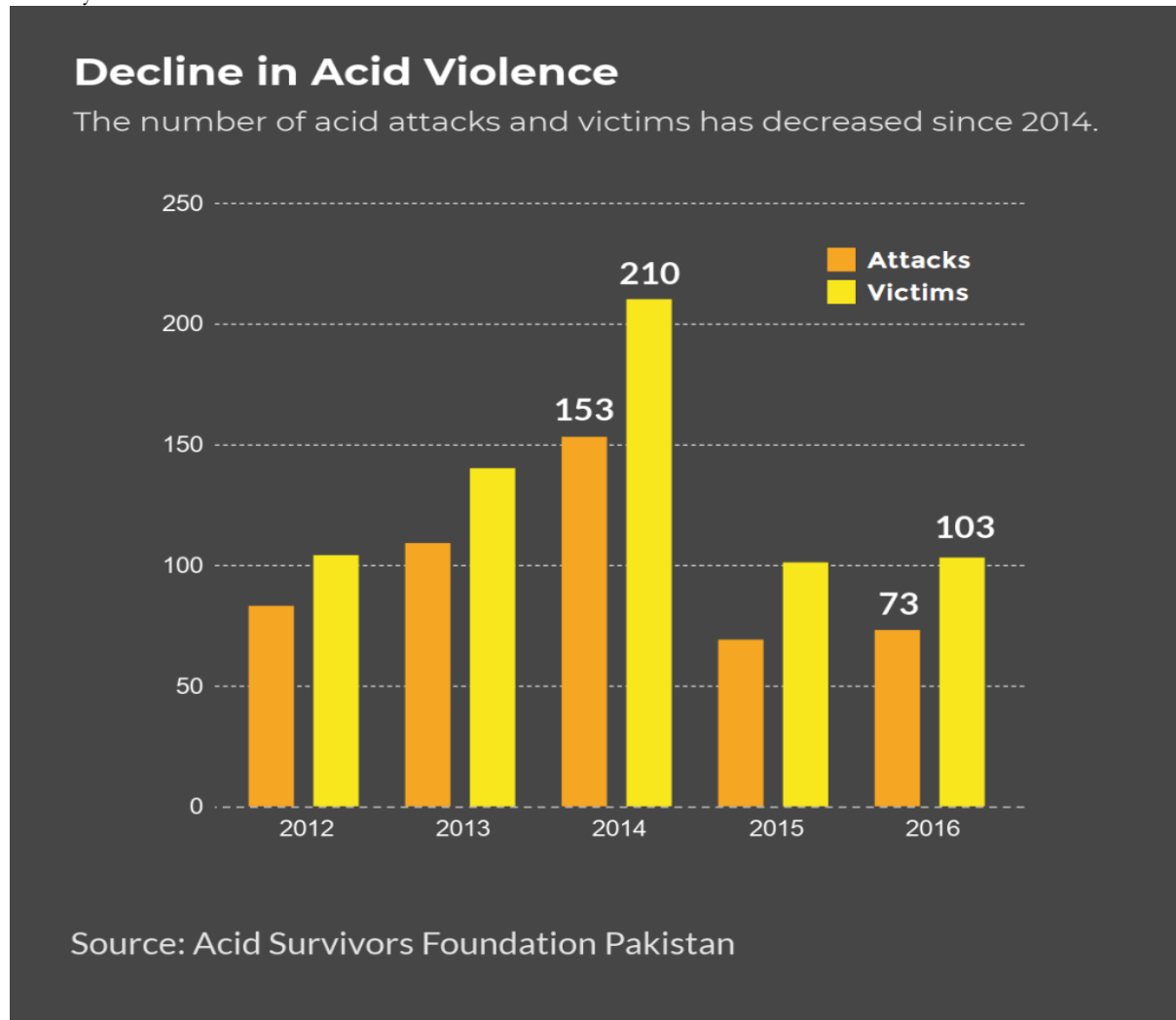
Through an amendment in Section 336-B of Pakistan Penal code, Punishment of offenders under this Act can extend up to life imprisonment.

The Act makes it mandatory for the offender to pay a fine which may not be less than five hundred thousand rupees. There is also a punishment for unauthorized sellers. This is: On first conviction, an imprisonment of one year or a fine of a hundred thousand rupees or both. On second and subsequent conviction, an imprisonment of two years or a fine of two hundred thousand or both. However, this Act alone is not sufficient to prevent acid crimes. It needs to be accompanied by mechanisms for effective investigation and prosecution. In order to ensure that the perpetrator gets punished and the victim gets support, the government should pass the Acid and Burn Crime Bill 2012, which is a follow-up to the Acid Control and Acid Crime Prevention Act. This Act asks the government to introduce and enforce appropriate measures for the prevention, protection, investigation, prosecution and punishment of acid crimes. This means putting in place an effective reporting system and an emergency response scheme that permits and trains investigation and law enforcement agencies to respond to acid violence. The law should also provide for monitoring and enforcement of protective orders, forbidding perpetrators or potential perpetrators from contacting victims and providing shelter where victims may

seek refuge. The proposed law regulates investigation and trial of acid violence and provides free legal aid and medical and rehabilitation services to victims. For a meaningful reduction in acid crimes it is necessary for the state to undertake these suggested measures to prevent commission of the crime and to protect victims.

**Statistics of reported vs unreported?**

Acid burning incidents across the country have decreased by more than half over a three-year period, according to a 2017 report published by the Acid Survivors Foundation Pakistan. “Pakistan is the only country in the world which has decreased any form of violence against women in the past 10 years,” said Valerie Khan, Chairperson ASF Pakistan, referring to the decline in acid attacks. The ASF Pakistan, a non-profit organisation, has worked since 2006 to support survivors of acid attacks with medical and legal help. It has also actively lobbied for legislation to prevent acid attacks. Many believe the ASF has the most comprehensive database on acid violence in Pakistan. According to the ASF report, acid attacks in the country fell down to 73 in 2016 from 153 in 2014 – a 52% reduction.



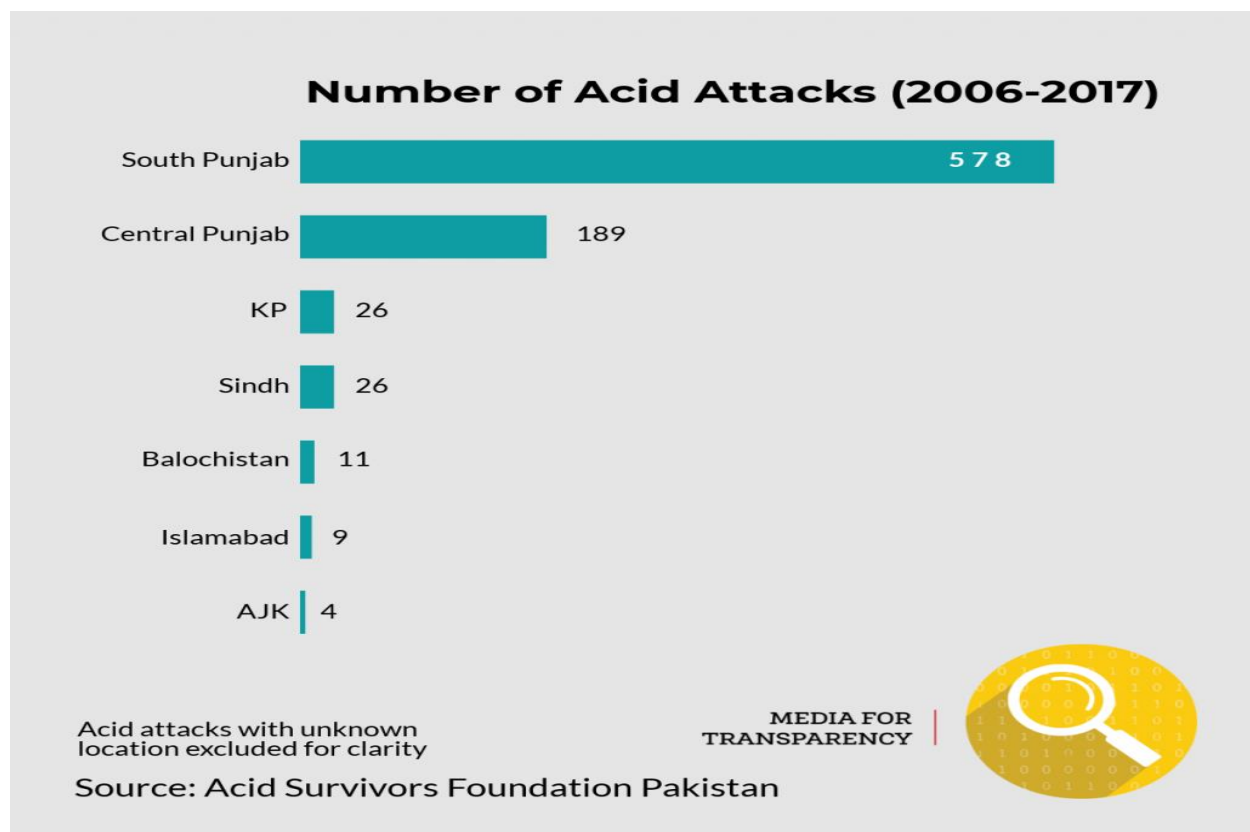
Women have been most affected by acid violence in Pakistan. Around 56% of the 1,375 victims of acid attacks reported between 2007 and 2016 were women, the ASF data shows. Since the ASF relies on a number of sources to confirm reports of acid violence in the country, the gender of victims remains unknown in some incidents due to lack of identifying details. There are 168 such victims in the ASF’s 10-year database. If it is assumed that most of these victims were women, the number of women affected by acid violence could be as high as around 68% overall. In the 73 acid attacks in 2016, nearly 7 in 10 victims were women. The ASF data also indicates transgender persons are beginning to be targeted with acid violence. The 2016 data shows at least one transgender individual in Pakistan was injured in an acid

attack. “We have noticed an increase in the number of (acid) attacks in the transgender community,” Ms. Khan said.

The ASF report states most acid attacks took place Punjab, especially South Punjab, between 2007 and 2016. In fact, the South Punjab region accounts for just over half of all incidents of acid violence during the 10-year period, according to ASF data. The report identified the South Punjab districts of Multan, Bahawalpur, Rahim Yar Khan, and Muzaffargarh as having the highest rates of acid burn violence. It is unsurprising then that Dr. Naheed Ahmad, who heads the burn unit at Multan’s largest public hospital, has not noticed any decrease in acid attacks. The Nishtar Hospital burn unit deals with the emergency and long-term treatment of acid burn violence victims.

“I haven’t seen any positive change in the number of acid victims,” Dr. Ahmad said. “They are about the same as before in Multan.”

Ms. Khan also said Multan is one of the districts with most acid attack incidents. The claim is further corroborated by data provided by the Punjab Commission of the Status of Women. The data shows Multan had the highest number of police cases registered for acid burn violence between 2014 and 2016. Already this year, a man threw acid on his wife in Multan after a domestic dispute in January.



Despite South Punjab, the ASF report suggests the number of acid attacks has been on the decline since 2014. This is remarkable given that the same data shows the number of attacks gradually rising each year before 2015. Such a quick and significant decrease is perhaps a result of successful awareness campaigns and the introduction of an important legislation. A law that worked. The conviction rate of acid burn violence cases in 2016 was 9.58%, which “is largely superior to the average national conviction rate for violence against women” of 0.6% for cases between 2008 and 2014, according to the ASF report. Ms. Khan said the passage and enactment of The Acid Control and Acid Crime Prevention Act 2011, which criminalized acid burn violence, was the major reason for decrease in acid attacks. In accordance with the Act, convicts can face fines of minimum Rs. 1 million along with minimum 14 years imprisonment.

The Punjab government in 2012 ordered its police and prosecution departments to charge perpetrators of acid violence under the Anti-Terrorism Act. Following this development, several acid violence cases in Punjab were swiftly tried in anti-terrorism courts and the accused were given life imprisonment sentences, setting a strong precedent against acid burn violence.

In 2014, Pakistan Muslim League-Nawaz politician Marvi Memon brought forward the Acid and Burn Crime Bill in the National Assembly. This bill, which is now ready to be introduced for voting, criminalizes not just acid burning but all burn attacks, including burning by fire and hot substances. It also includes provisions for speedy trials and severe punishments.

### **Pakistan Penal Code & Other Statutes**

Instead of introducing an exclusive law, the Criminal Law (Amendment) Act, 2011, was enacted in Dec 2011, for punishing those causing hurt to anyone by using a corrosive substance including acid. The law is applicable throughout the country.

Through that Act certain amendments were made in the Pakistan Penal Code (PPC) and Code of Criminal Procedure (CrPC). That Act provides for maximum sentence of life imprisonment and minimum of up to 14 years with fine of Rs1 million for the offence of hurting a person with corrosive substances.

Interestingly, now an offence of causing hurt to a person by use of corrosive substance is a non-compoundable offence as no compromise could take place in it and an accused is charged under section 336-B PPC. However, when an injured person dies of burn injuries, the case is converted to section 302 PPC, which is a compoundable offence and the legal heirs of a deceased victim are empowered to enter into compromise with accused persons. Section 336-B of the PPC states: "Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than 14 years and a minimum fine of one million rupees."

### **Role of main organisations in Pakistan dealing with Acid Attacks**

Acid attacks cause immediate disfigurement, long-lasting medical complications, social ostracism and psychological damage for victims and their families. In Pakistan it is estimated that up to 400 women experience acid attacks every year, most committed by their husbands or in-laws. The Acid Survivors Foundation (ASF) Pakistan is a non-profit organization founded in 2006 with the support of the Acid Survivors Trust International, a UK-based organisation. The organisation aims to support survivors of acid attacks in Pakistan by helping them get medical help and legal support. British aid from the Department for International Development has supported ASF's efforts to eradicate acid violence in Pakistan and promote the rights of acid and burn survivors. According to the Acid Survivors Trust International (ASTI), 80% of acid attack victims are women, making it part of gender-based violence (ASTI, n.d.). Although men are also targeted by attackers, the issue affects women disproportionately and is more likely to occur in societies with pronounced gender inequality (ASTI, n.d.). This practice perpetuates gender inequality and reflects the poor position of women in the Pakistani society, who are at serious risk of attacks at any moment, not only from strangers but often also from their own husbands and family members (ASTI, n.d.).

The UK directly funded ASF from 2008 to 2012 - through this funding ASF was able to provide medical care for survivors, lobby for legislation on acid crime control which was eventually passed and train police, lawyers and medical staff to implement the law.

DFID continues to support ASF indirectly through funding for the Acid Survivors Trust International (ASTI). ASTI works to prevent acid attacks and to help survivors of acid and burns violence in Pakistan and Nepal. Ending all forms of violence against girls and women is a priority for the UK government. DFID is investing up to £25 million over 5 years in a new Violence Against Women and Girls Research and Innovation Fund. This pioneering fund will drive innovation, generate new evidence to understand what works in tackling the root causes of violence against women and girls and support new violence prevention programmes.

Like most social change, reforms against acid attacks in Pakistan are still moving too slow for Pakistani women of today, who are still at a high risk of acid attacks. Women in Pakistan are a minority group, marginalised and discriminated against in the law and in society. ASF Pakistan speaks about how throwing acid in a woman's face is a normalised act of anger and in the patriarchal Pakistani society (DW, n.d.). Women must not be objects to claim and to oppress, and revenge should not be sought from a "disobedient" woman by attacking her face and body with acid. The Pakistani government must start enforcing its laws against acid attacks in order to bring true change and respect for women's rights in the country.

Acid Survivors Trust International (ASTI) is a British registered charity (no. 1154961) and the only international organisation whose sole purpose is to end acid and burns violence. Our mission is to eradicate acid violence and ensure survivors live with dignity and without fear.

Acid violence is a particularly vicious form of premeditated violence, where acid is thrown usually at the face to disfigure, maim and blind, but not to kill. The targets are mostly women and girls.

Acid causes the skin and flesh tissue to melt, often exposing and dissolving the bones below. Survivors face permanent disfigurement and often social isolation - devastating their self-esteem and psychological wellbeing. A survivor needs immediate specialist medical treatment, sanctuary, reconstructive surgery, follow up physiotherapy, counselling and long-term support to rebuild their life. A survivor often requires dozens of surgical procedures. Child victims require extra long-term specialist care from paediatric surgeons (reconstructive and ophthalmic), physiotherapists and counsellors – specialist skills that are often lacking in many countries in which acid violence is prevalent. Most attacks occur in developing countries where this support is not available. Acid attacks have a lifelong, tragic, consequence for its victims and their families.

ASTI was founded in 2002 and now works with a network of six Acid Survivors Foundations in Bangladesh, Cambodia, India, Nepal, Pakistan and Uganda that it has helped to form. ASTI has helped provide medical expertise and training to our partners, raised valuable funds to support survivors of acid attacks and helped change laws

### **Ministry of Human Rights**

Article 25 of the Constitution of Pakistan guarantees gender equality, and empowers the State to make special provisions for the protection of women, including the protection of life, liberty, economic empowerment, and education. The Government of Pakistan has also ratified various international human rights instruments, committed to securing equal rights for women, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Labor Organization (ILO) Conventions No. C-100 (Equal Remuneration Convention) and C-111 Discrimination (Employment and Occupation). CEDAW obliges member States to eliminate all forms of discrimination against women and bring de iure and de-facto equality between men and women. It also obliges States to take all legislative, administrative and other measures to ensure women's enjoyment of economic, political and cultural rights. ILO Conventions No. 100 and 111 provide for equality of opportunity and treatment in all employment related matters including remuneration.

Pakistan has, both at the federal and provincial level, taken steps by enacting legislation to protect women against sexual harassment, forced marriages, denial of inheritance, acid attacks Government has also established the National Commission on the Status of Women under the National Commission on the Status of Women Act (2012) to monitor and facilitate the implementation of laws for the protection of women. Status of women in the country remains poor. Patriarchal attitudes and deep-rooted women and perpetuating their subordination within the family and society. High prevalence of gender-based violence in Pakistan, including high numbers of domestic violence, remains one of the biggest challenges with regard to gender justice and the empowerment of women. In recent years, the legal frameworks to tackle violence against women have been considerably strengthened. While these legislative initiatives are commendable, their impact is undermined by weak implementation.

The 2016 Global Gender Gap Index of the World Economic Forum ranked Pakistan 143 out of 144 countries making it the worst country in Asia. The 2012-13 Pakistan Demographic and Health Survey



(PDHS) found that one-third of ever-married women aged 15-49 had experienced physical violence at least once; approximately 40 percent were subject to various forms of spousal abuse. Critically, 52 percent of those surveyed who had experienced violence had never sought help. Therefore, there is a dire need to address the transparency, accountability and effectiveness of the legal system and duty bearers as well as service providers working with survivors of gender-based violence. Access to justice remains a challenge for women. Also, the low level of participation of women in political and public life, especially in decision-making positions is of concern. Gender inequality is alarming in the field of education, which is characterized by a high illiteracy rate among women, the low enrollment of girls, and their high dropout rate, especially in the rural areas. The prevalence of customs and traditional practices limiting the degree of involvement of rural women in development programmes and preventing them from inheriting or acquiring land and other property remains a challenge. Women make enormous contributions to economies, whether in businesses, on farms, as entrepreneurs or employees, or by doing unpaid care work at home. Economic empowerment of women has drawn many factors together because it presents a case for human rights, a case for development and growth and lastly it presents as a business case. The costs of gender gaps are enormous and bridging these gaps signify potential gains. The aim is higher incomes, better access to and control over resources, and greater security, including protection from violence.

### **Case studies specific to Pakistan on Acid Attacks**

*Laxmi vs. Union Of India and Ors.*

Dated- 10.04.2015

This is basically public interest litigation that was filed Laxmi, a survivor of an acid attack, who drives a campaign against preventing these attacks and runs an NGO named 'Chaanv Foundation' to support the victims and survivors. The victim Laxmi in this case at the age of 15 was attacked with acid in New Delhi, by three men on a bike revenging against her for refusing to marry one of them. Naturally as a result she suffered immense trauma both physically and mentally. No financial help was extended to her by the government for her treatment after seven surgeries. The attackers were charged with attempt to murder (Sec. 307) r/w Sec.120-B (punishment for criminal conspiracy) but later on got bail and to add to the trauma one of the perpetrators wed immediately within one month of getting released on bail. The Delhi HC on appeal upheld the decision of the sessions court and ordered that the accused shall pay the victim a compensation amounting to 3 lakh rupees under clause 1 sub clause (b) of Sec. 357 of the Cr.PC, 1973 ("Order to pay compensation for any loss or injury caused by the offence"). Due to lack of a separate provision to penalize this offence of "acid attack", the perpetrators were charged under Sec. 320 (Grievous hurt), Sec.325 ("punishment for voluntarily causing grievous hurt") and Sec.326 ("causing grievous hurt voluntarily for by dangerous weapons or means") of the IPC, 1860. The quantum of punishment awarded to them was insufficient to avenge the amount of trauma and damage to her physical body and mental health that she had faced. This series of events led her to file a PIL in the apex court expressing grave concern availability of acid in market within minutes and without any scrutiny, lack of legislative provision towards preventing such a heinous offence, and regulation and rehabilitation of the survivors.

The Honourable SC after considering the seriousness of the matter and the vulnerable condition of the victims issued certain guidelines in respect to the first pleading. These guidelines are:

That no person who is a minor shall be allowed to purchase acid. That a buyer has to produce his/her identification card while purchasing acid along with mentioning the reason for buying the same. The same information needs to be given to the nearest police station within a time period of 3 days. That the seller is obliged to submit a report of the stocks of acid before the SDM within a period of 15 days. In case the seller fails to provide such a report the SDM can exercise the discretion to seize such unreported stocks of acid and may impose a fine extending to 50,000 rupees. That in case acid is purchased by any institution, enterprise or lab etc. for the purpose of research, academics, experimentation etc.; the credentials of the same need to be maintained in a register to be submitted before the SDM. That a person should be authorised to safely scrutinise the storage and handling of acid at above mentioned places along with recording the entry and exit of each and every person.

Taking note of the second pleading the Apex court through the “Criminal Amendment Act, 2013” directed for certain changes to be made in the following legislations:

Sec. 326-A was inserted in the IPC, which deals with “VOLUNTARILY CAUSING HURT BY USE OF ACID etc.”

which penalizes a person for causing partial or permanent damage , causing deformity, disfiguring, burn etc. to a part or parts of body of another person,

by throwing or administering acid on that person or by any other means,

With the ‘intention’ and ‘knowledge’ both, that his act is likely to cause injury or hurt.

The punishment of which shall extend to either 10 yrs of imprisonment or for life along with fine.

The fine shall be sufficiently fair and reasonable to meet the medical expenses of the treatment of the victim. [Proviso 1]

Such a fine shall be paid to the victim. [Proviso 2]

Sec. 326-B was inserted in the IPC which deals with “VOLUNTARILY THROWING OR ATTEMPTING TO THROW ACID”-

The punishment for which extends from five till seven years along with fine.

That the term ‘acid’ shall include a substance that has either acid or any other corrosive substance or has burning characteristics sufficiently capable to cause injury, scar, partial or permanent damage to any part of the body [Explanation 1].

That the injury for constituting such an offence needs not to be of irreversible character [Explanation 2].

Sec 114 B was added in the ‘Indian Evidence Act’ by virtue of which a person throwing or in an attempt to throw acid shall be deemed to have both knowledge and intention for causing harm to another person.

Sec 357 A was inserted in the CrPC regarding recompensating the survivors under which :

The state govt. along with the central government shall frame a scheme for compensation.

The quantum of damages to be given to the survivor under the scheme shall be finalised by the legal services authority of the district or the state on recommendation of the court.

The court can make recommendations if it finds the compensation to be inadequate to meet the expenses or in case the offender is acquitted.

In case the offender remains to be unidentified then also the survivor or his/her reliant can move an application regarding compensation in the district or state legal services authority which shall conduct an enquiry within 2 months of receiving the application and accordingly award compensation to the victim.

Such an authority can award unpaid medical treatment to the victim on issuance of a certificate by the officer in charge of the police station or by the magistrate.

Sec. 357 B was added to the CrPC again which makes it clear that this compensation scheme under CrPC is apart and in addition to the fine that shall be paid to the victim under Section 326 A and B of the IPC.

Apart from this court also gave the following directions:

That the victim shall be pain 3 lakh rupees of minimum compensation. That the hospitals are not allowed to turn their back for treating a victim citing the reason for non-availability of medical facilities and on denying treating the victim, such a hospital or medical practitioner shall be made liable under Sec. 357 C of CrPC. The first aid treatment of the victim should be given the first priority. That the hospital which treats the survivor initially shall issue a medical certificate to the victim for the purpose of further reference for treatment. That both state and central govts. shall make effort to streamline the private hospitals as well into treating the acid attack victims.

In spite of framing such stringent laws and directions for rehabilitation of the victims, not much seems to be done by the governments till date. Most of the time the victims are supported by the general public and NGOs, from their treatment till their rehabilitation. After seven years since the amendment a little has been done and the road towards complete execution of these provisions seems to take much longer time to get covered up.

The PIL on Acid Attack Cases. The Supreme Court in its Judgment has directed the Bihar Government to compensate the acid attack survivor with Rs. 10 Lakhs, and her sister to with Rs. 3 Lakhs. C and S, two sisters who belong to the Dalit community from Bihar were brutally attacked with acid on October 21, 2012. C suffered burns on 28% of her body and 90% of her face, following the acid attack. Parivartan Kendra, a women's group, filed a petition with the support of HRLN seeking to ensure that acid attack survivors are properly rehabilitated and are treated with immediate care, sensitivity and skill. It was additionally pointed out that the compensation amount of Rs. 3 Lakhs granted due to the Orders passed by the Supreme Court in Laxmi v. Union of India & Ors. (WP (CrI). No. 129 of 2006) was grossly inadequate, especially when the survivor has suffered serious injuries on her body which is required to be taken into consideration. And that the Laxmi order is not restrictive in deciding the compensation amount.

The Court has additionally directed all the States and Union Territories to consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list. This direction is significant as it will help the acid attack survivors gain an employment by the state under the reserved category.

### **Policy Recommendations**

The primary reason behind the continued occurrence of acid attacks is that there is no control over the availability of acid. The study clearly demonstrates that acid is very easily accessible and available. The prosecution only steps in after the incident and there is no regulation on the sale of corrosive substances despite the 1919 Poisons Act.

No action is taken against the seller of the acid even when there are successful criminal prosecutions, as the law stipulates separate proceedings and procedures under the 1919 Poisons Act can be initiated. The lack of interconnectedness between the criminal prosecution for the offence and the action to be taken against the provision of acid has led to almost all sellers ending up scot-free. Effective implementation of the provisions of the Poisons Act and the Rules thereunder, along with the application of immediate measures to curb the wide availability of acids, are important steps in reducing this type of crime.

In many of the cases prior to the inclusion of special provisions for acid attacks analysed, where there had been a resultant death, the validity of the dying declaration of the victim was questioned by the accused and some of the acquittals were on this account. The delays incurred at every step of the criminal justice system play a major role in reduced punishments. The study shows that an average case lasts anytime between three to five years and this leads to ineffective trials since witness accounts are not very clear with the passing of time, and the leniency shown towards the accused also increases with time. In many cases, there is a delay even at the stage of initiating the First Information Report. In addition, the length and cost of pursuing legal proceedings discourages many victims from coming forwards. It remains to be seen whether the presence of special offences criminalizing acid attacks leads to a better conviction rate. The study of the victim profiles and the motives for the crimes demonstrates that even though men are also victims in some cases, the majority of attacks are against women and are perpetrated by men. These prosecutions need to be fast tracked along with other cases of crimes against women, and clear timelines should be drawn up for the trials, which should be completed in a timely manner.

The absolute lack of compensation in most cases is once again reflective of the lack of a victim friendly atmosphere in the criminal justice system. The authorities need to ensure that proper medical attention is provided and that the costs are covered by the State in addition to the victim being compensated for their trauma and suffering. The challenge lies in converting the symbolic presence of the legislation, rules and schemes into systems that function effectively and consistently by addressing the systemic concerns.

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