

# **Legal Reform to Combat Sexual and Gender-Based Violence**

## **PART IV**

### **Vitriolage (Acid Attacks)**

**CENTRE FOR POLICY ALTERNATIVES**

**NOVEMBER 2020**



The Centre for Policy Alternatives (CPA) is an independent, non-partisan organisation that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

No. 6/5, Layards Road, Colombo 5, Sri Lanka

Tel: +9411 2081384, +94112081385, +94112081386

Fax: +9411 2081388 Email: [info@cpalanka.org](mailto:info@cpalanka.org)

Web: [www.cpalanka.org](http://www.cpalanka.org)

Email: [info@cpalanka.org](mailto:info@cpalanka.org)

Facebook: [www.facebook.com/cpasl](http://www.facebook.com/cpasl)

Twitter: [@cpasl](https://twitter.com/cpasl)

## **Acknowledgments**

This report was researched and written by Khyati Wikramanayake with assistance from Kushmila Ranasinghe. Comments on earlier drafts were provided by Dr Paikiasothy Saravanamuttu, Bhavani Foneska, and Charya Samarakoon. The report was edited by Pasan Jayasinghe and formatted by Ayudhya Gajanayake.

## Contents

<b>Acknowledgments</b> .....	<b>2</b>
<b>Contents</b> .....	<b>3</b>
<b>Introduction</b> .....	<b>4</b>
What is vitriolage?.....	4
Severity of the act of vitriolage.....	5
Common motives for vitriolage.....	7
<b>Can it be punished under existing law?</b> .....	<b>8</b>
<b>Comparative legal responses</b> .....	<b>10</b>
<b>Recommendations for legal and policy reforms on vitriolage</b> .....	<b>14</b>
Legal reforms .....	14
Policy reforms.....	15

## Introduction

This report explores areas for legal reform relating to vitriolage, or acid attacks, in Sri Lanka. It is a non-exhaustive analysis of the phenomenon of vitriolage with the aim of identifying how law and policy can respond to it. The report recommends legal reforms to address vitriolage and policy recommendations to supplement successful legal reform.

This report is Part IV of a series of papers by the Centre for Policy Alternatives (CPA) providing recommendations for law reform to combat sexual and gender-based violence (SGBV). Part I examines existing laws that need reform, and why law reform in this area has been slow. Parts II and III examine the need to introduce specific laws for the criminalisation of online sexual violence and female genital mutilation, respectively.

### *What is vitriolage?*

Vitriolage, or acid attacks, are defined as *'a premeditated form of assault involving the throwing, pouring, or administering of acid, or other similarly corrosive substance, on an individual, with the intention to seriously maim, disfigure, torture, or kill'*.<sup>1</sup> It is a phenomenon present in many societies, but historically little steps have been taken to prevent it and hold perpetrators accountable. While numbers vary regionally, vitriolage disproportionately affects women at the global level<sup>2</sup> and is considered to be a form of gender-based violence.<sup>3</sup> The severity of the harm it causes, coupled with the ease of accessing the weapons used for it, require strict laws and regulations being put in place to prevent its occurrence.

Incidents of vitriolage are frequently reported in Sri Lanka. On January 11, 2020, eight people were attacked with acid following a dispute in Kegalle, and it is reported that two of them were left blinded.<sup>4</sup> On July 8, 2019, a woman was attacked with acid in Kaleliya and was badly injured; the motive for the attack was reported to be an affair the victim was allegedly

---

<sup>1</sup> Cambodian Acid Survivors Charity, 'Breaking the Silence - Addressing acid attacks in Cambodia', May 2010, available at [https://web.archive.org/web/20131219010314/http://www.cambodianacidssurvivorscharity.org/docs/breaking\\_the\\_silence.pdf](https://web.archive.org/web/20131219010314/http://www.cambodianacidssurvivorscharity.org/docs/breaking_the_silence.pdf)

<sup>2</sup> Bipasha Baruah and Aisha Siddika, 'Acid attacks are on the rise and toxic masculinity is the cause', *The Conversation*, August 14, 2017, available at <https://theconversation.com/acid-attacks-are-on-the-rise-and-toxic-masculinity-is-the-cause-82115>

<sup>3</sup> United Nations Commission on Human Rights Resolution 2003/45, April 23, 2003, p. 2, available at [http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN\\_4-RES-2003-45.doc](http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2003-45.doc)

<sup>4</sup> 'Eight hospitalized over acid attack in Kegalle', *Newsfirst.lk*, 12<sup>th</sup> January 2020, available at <https://www.newsfirst.lk/2020/01/12/eight-hospitalized-over-acid-attack-in-kegalle/>

involved in.<sup>5</sup> On July 7, 2019, a woman and her daughter in Godapola were the victims of an acid attack; the perpetrator who committed suicide thereafter was evidently motivated by a 'relationship issue'.<sup>6</sup> On June 6, 2019, a man resident in Payagala succumbed to his injuries from an acid attack, in which his wife and domestic aide were suspects.<sup>7</sup> On February 14, 2019, a woman and her daughter in Rathkekulawa were attacked with acid while they were sleeping, and the mother succumbed to her injuries. The daughter testified that her father, who was recently separated from her mother, was involved in the attack.<sup>8</sup> Many of these cases of vitriolage are instances of gender-based violence.

### ***Severity of the act of vitriolage***

While in many cases vitriolage is neither fatal nor intended to be so, it may nevertheless cause grave disability and leave a lifelong physical, psychological and social impact on the victim.<sup>9</sup> Physically, it can result in chronic pain and severe disfigurement, as the kinds of acids used in vitriolage attacks (for instance, sulphuric acid) causes the skin and sometimes even bones to melt. These burns and scars, which may leave a victim unrecognisable, are also likely to last a lifetime.<sup>10</sup> Acid attacks often target the face of the victim, and can cause blindness, and the burning of lips or nostrils, sometimes sealing them closed and making communication difficult for the victim. In certain cases, vitriolage may even restrict mobility of the victim.<sup>11</sup> Inhalation of the vapour can also result in severe breathing problems, as well as other internal injuries.<sup>12</sup>

Psychologically the impact can be devastating, too, with victims being driven to psychosis and even suicide in the worst cases. Victims can also face post-traumatic stress, depression, insomnia and the fear of facing the world.<sup>13</sup> Socially, victims may be driven into isolation due

---

<sup>5</sup> 'Mistress of bakery owner the victim of acid attack', *Daily Mirror*, 8<sup>th</sup> July 2019, available at [http://www.dailymirror.lk/print/front\\_page/Mistress-of-bakery-owner-the-victim-of-acid-attack/238-170666](http://www.dailymirror.lk/print/front_page/Mistress-of-bakery-owner-the-victim-of-acid-attack/238-170666)

<sup>6</sup> 'Man consumes acid after throwing it at woman and two children', *Republic Next*, 8<sup>th</sup> July 2019, available at <https://www.republicnext.com/politics/man-consumes-acid-after-throwing-it-at-woman-and-two-children/>

<sup>7</sup> 'Retired lady teacher allegedly kills husband', *Daily Mirror*, 6<sup>th</sup> June 2019, available at <https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20190606/281818580326962>

<sup>8</sup> 'Woman dies, daughter injured in acid attack while asleep', *Ada Derana*, 15<sup>th</sup> February 2019, available at <http://www.adaderana.lk/news/53263/woman-dies-daughter-injured-in-acid-attack-while-asleep>

<sup>9</sup> Solotaroff, Jennifer L., and Rohini Prabha Pande, 'Violence against Women and Girls: Lessons from South Asia', *South Asia Development Forum*, Washington, DC: World Bank, 2014, p. 56, available at <https://openknowledge.worldbank.org/bitstream/handle/10986/20153/9781464801716.pdf?sequence=1&isAllowed=y>

<sup>10</sup> 'Encyclopedia of Domestic Violence and Abuse: Volume 1', Edited by Laura L. Finley, *ABC-CILO LLC*, 2013, p. 4.

<sup>11</sup> Human Rights Watch, 'What hell feels like: Acid Violence in Cambodia', February 4, 2019, available at <https://www.hrw.org/report/2019/02/04/what-hell-feels/acid-violence-cambodia>

<sup>12</sup> Ibid, 'Encyclopedia of Domestic Violence and Abuse', page 4

<sup>13</sup> Ibid, Solotaroff, Jennifer L., and Rohini Prabha Pande, 'Violence against Women and Girls: Lessons from South Asia'

to their trauma and may face negative social and economic consequences, such as being unable to obtain education or to find employment.<sup>14</sup> They may also have to grapple with marginalisation and the cultural stigma attached to their altered appearance.<sup>15</sup>

In 2006, the Supreme Court had to decide on a case involving vitriolage, in the case of *Bandara v. Attorney General*.<sup>16</sup> In that case, the victim who had been attacked with acid had died from his injuries within 24 hours, and two young children who were near him had been injured as well. The High Court had convicted the accused of murder, however, the defence, in their appeal to the Supreme Court sought to have the conviction overturned on the basis that it was only bodily injury that was intended from the attack, and thus there was no intention to cause murder. While the Supreme Court upheld the conviction for murder, the case raises questions as to the nature of the intention with which vitriolage is committed.

Unlike other forms of hurt or grievous bodily harm; when deciding to embark on a crime of attacking another with acid, the perpetrator does so knowing the severe lifelong trauma that the victim will have to face, and the sheer enormity of the consequences.<sup>17</sup> This demonstrates the depth of the malice that a perpetrator has when committing such a crime. The actual consequences of the act also make it different to other crimes. The impact can be devastating and lifelong, in many ways preventing the victim from living a normal life thereafter. Recovery for victims of vitriolage may also entail an extensive and often costly process of specialist treatment, corrective surgery and counselling.<sup>18</sup> These serious consequences are almost trivialised when they are categorised as ‘causing bodily harm’, as the impact is life altering for the victim, with the damage being permanent.

Hydrochloric, sulphuric and nitric acids are often used to commit vitriolage.<sup>19</sup> Unlike other offensive weapons, acids are easy to access, and are often contained in substances used for commercial or industrial purposes and sometimes even in common household cleaning substances.<sup>20</sup> While accessing a weapon such as a gun is usually difficult and comes with

---

<sup>14</sup> Ibid

<sup>15</sup> Ibid, Human Rights Watch, ‘What hell feels like: Acid Violence in Cambodia’.

<sup>16</sup> *Bandara v. Attorney General* [2006] 2 Sri LR 1

<sup>17</sup> For example, see the story of Sanjaya Sandaruwan – ‘Acid attack victim wants a new lease of life’, *Daily Mirror*, 3<sup>rd</sup> March 2020, available at <http://www.dailymirror.lk/print/news-features/Acid-attack-victim-wants-new-lease-of-life/131-184186>

<sup>18</sup> Acid Survivors Trust International, ‘A worldwide problem’, available at <https://www.asti.org.uk/a-worldwide-problem.html>

<sup>19</sup> Avon Global Center for Women and Justice at Cornell Law School and the New York City Bar Association, ‘Combatting acid violence in Bangladesh, India and Cambodia’, 2011, p. 12, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1861218](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1861218)

<sup>20</sup> Ibid, p. 12

certain checks, acid can be accessed far more easily and have an equally, or more devastating impact on the victim. However, the potency of acid as a weapon often goes unrealised. While some countries have moved to restrict the sale of acids, in Sri Lanka it remains easy to access. When reforming the law relating to vitriolage, it is thus important to address not only punishing the offence, but also the regulations on the sale of acids used in these attacks to address the problem before the fact.

Finally, vitriolage is often committed by persons whom the victim already knows.<sup>21</sup> This may result in reluctance to report incidents of vitriolage or take legal action due to fear of reprisal.<sup>22</sup>

### ***Common motives for vitriolage***

The most common motives for vitriolage vary between countries and regions, as do the statistics as to who is most often affected by such attacks. In the United Kingdom (UK), which has one of the highest rates of incidents of vitriolage, the cause is often gang violence and the victims are often men.<sup>23</sup> In South Asia, however, a large majority of the victims of vitriolage are women and girls.<sup>24</sup>

In a study done on Bangladesh, India and Cambodia, it was identified that in the two South Asian countries, some of the leading motives for vitriolage were the rejection of suitors/proposals or the refusal of advances made by men, dowry related disputes, land related disputes, and jealousy surrounding extra marital affairs.<sup>25</sup> In patriarchal societies where a woman's physical appearance is valued above other attributes, disfiguring her physical appearance can be seen as a punishment for the perceived crime of causing dishonour to a man or community. A man who is unable to 'have' a woman aims to cause permanent damage to the woman with the hopes that no one else will accept her thereafter.

While acid attacks may not occur as often in Sri Lanka in comparison to some of the other countries in the region, the gravity of the consequences of such attacks warrant making legislative and policy reforms to address it.

---

<sup>21</sup> Ibid, p. 2

<sup>22</sup> Ibid, Human Rights Watch, 'What hell feels like: Acid Violence in Cambodia'.

<sup>23</sup> NPR, 'Acid Attacks on the rise in the UK', August 6, 2017, available at:

<https://www.npr.org/sections/parallels/2017/08/06/541209398/acid-attacks-on-the-rise-in-the-u-k>

<sup>24</sup> Grace Yi, 'Acid Attacks in South Asia', *Yale Global Health Review*, October 15, 2015. Available at

<https://yaleglobalhealthreview.com/2015/10/15/acid-attacks-in-south-asia/>

<sup>25</sup> Ibid, Avon Global Center for Women and Justice at Cornell Law School and the New York City Bar Association, 'Combatting acid violence in Bangladesh, India and Cambodia',



## Can it be punished under existing law?

Due to the special circumstances which surround the commission of vitriolage, it is a crime that warrants a separate offence being included in the statute books. However, laws to address the occurrence of vitriolage cannot be just those which punish perpetrators after the fact, but also reforms to regulate the sale or availability of the substances used in such attacks. Several countries (such as India and the UK) have taken measures in both these directions in order to combat the occurrence of acid attacks. In order to successfully stop the occurrence of this vicious form of violence it is important that laws are put in place to punish or penalise those who trade acid illegally as well.

Sri Lanka has no law that deals specifically with vitriolage, and the offender may be prosecuted for voluntarily causing hurt by dangerous weapons or means,<sup>26</sup> voluntarily causing grievous hurt by dangerous weapons or means<sup>27</sup> or murder<sup>28</sup>/attempted murder,<sup>29</sup> depending on the gravity of the injuries and the circumstances of the case. 'Dangerous weapons and means' in the first two sections include corrosive substances, thus bringing acid attacks within their ambit.

In terms of the Poisons, Opium and Dangerous Drugs Ordinance<sup>30</sup>, the sale of certain items classified as 'poisons' and 'poisonous substances' are restricted under Sri Lankan law. Schedule 1 of this Act lists out the different types of poisons and poisonous substances which are divided into separate categories, each with varying restrictions and regulations applicable to their sale. Poisons are subject to much stricter regulations than poisonous substances. Sulphuric acid and hydrochloric acid, which are both commonly used in acid attacks globally, are listed as poisonous substances,<sup>31</sup> and they can only be sold in containers marked as 'poison' in Sinhala, Tamil and English, and must also carry the name and address of the vendor. These restrictions are minimal, especially considering the gravity of the threat these substances pose.

In 2018, in complying with obligations under the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, and the SAARC Convention on

---

<sup>26</sup> Penal Code, Section 315

<sup>27</sup> Penal Code, Section 317

<sup>28</sup> Penal Code, Section 294

<sup>29</sup> Penal Code, Section 300

<sup>30</sup> Available at <http://www.nddcb.gov.lk/Docs/acts/25345.pdf>

<sup>31</sup> First Schedule, Part IV.

Narcotic Drugs and Psychotropic Substances 1990, both of which Sri Lanka is a party to, the Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008<sup>32</sup>, was enacted. Even though the purpose of this Act was to deal with the trafficking of narcotics, it imposed certain restrictions on the import of substances including hydrochloric and sulphuric acid.

The Act establishes a Precursor Authority<sup>33</sup> whose license is required for the import of certain substances including hydrochloric and sulphuric acid.<sup>34</sup> Such import also requires a license under the Import and Export Act,<sup>35</sup> under which, an importer is required to provide quarterly returns reflecting the import, export, use, manufacture and distribution of such substances to the Authority<sup>36</sup>. Further, details of any suspicious transactions must be reported to the Authority<sup>37</sup>, and the records must be maintained in a manner prescribed by the Authority.<sup>38</sup> While this amounts to a significant regulation on the import and distribution of two of the most dangerous types of acids, these regulations seek to serve a wholly different purpose, and thus they are unlikely to be sufficient in the prevention of vitriolage by themselves.

There is also limited awareness among the public as to how to respond to an acid attack. The moment acid is thrown onto a person irreversible damage takes place, but immediately washing the corrosive substance off with water can help prevent the aggravation of the damage, as the acid will continue to burn until sufficiently washed off.<sup>39</sup> Ensuring that people are aware of the immediate steps that should be taken when they come into contact with acid will help reduce the damage that acid attacks cause victims.

Moving beyond the physical act of an attack itself, a factor that warrants strong consideration is compensation for the victim, especially in cases in which the victim is left unable to properly reintegrate into society following their injuries. Victims may thus become dependent on others, while having to bear costs of receiving treatments and undergoing surgeries following

---

<sup>32</sup> Available at <https://www.lawnet.gov.lk/wp-content/uploads/2016/12/CONVENTIONS-AGAINST-ILLCIT-TRAFFIC-IN-NARCOTIC-DRUGS-AND-PSYCHOTROPIC-SUBSTANCES-ACT-NO-1-OF-200.pdf>

<sup>33</sup> Section 18.

<sup>34</sup> Section 19 (a).

<sup>35</sup> Section 20(1).

<sup>36</sup> Section 19 (e).

<sup>37</sup> Section 19 (f).

<sup>38</sup> Section 19 (g).

<sup>39</sup> Human Rights Law Network 'Burning Injustice: A rights advocacy manual for Lawyers, Activists & Survivors on Acid Violence in India', edited by Kerry McBroom and Salina Wilson, *Socio Legal Information Centre: Delhi*, 2014, p. 16. Available at <https://www.slideshare.net/nbhartiya/burning-injustice-a-book-on-acid-attack-by-hrln>

the attack. Policies which respond to their health, social and economic needs in a holistic way need to be put in place.

## International legal responses

The 2011 supplement to the Handbook on Legislation to Prevent Violence Against Women by the United Nations Division for the Advancement of Women provides guidance for legislation aimed at the prevention of gender-based violence<sup>40</sup>. Among the offences in the handbook is 'Acid Attacks', which has been defined as '*any act of violence perpetrated through an assault using acid*'. The supplement recommends that a broad definition is given to the crime, with focus on the modality of the crime (i.e. the use of acid) rather than the motivation with which it is committed.<sup>41</sup> This is because there are many motives with which acid attacks are committed, and they should all fall within the section. It is also suggested that, in addition to punishing the persons who were involved in the actual attack, those who illegally trade acid are punished, too.<sup>42</sup>

Likewise, the Committee under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) emphasised in 2017 states' obligation to introduce protective measures, such as controlling accessibility of acid and other substances that are used to harm women.<sup>43</sup>

The Indian Criminal Law (Amendment) Act 2013, known as the Anti-Rape Act, which brought in reform relating to several sexual and gender-based offenses also brought in the specific offence of 'voluntarily causing grievous hurt by use of acid':<sup>44</sup>

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

---

<sup>40</sup> United Nations, 'Supplement to the Handbook for Legislation on Violence Against Women; "Harmful Practices" Against Women', 2011, available at <https://www.un.org/womenwatch/daw/vaw/handbook/Supplement-to-Handbook-English.pdf>

<sup>41</sup> Ibid.

<sup>42</sup> Ibid, p 23.

<sup>43</sup> Committee on the Elimination of Discrimination against Women, General Recommendation No. 35, 26<sup>th</sup> July 2017, (CEDAW/C/GC/35) available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en)

<sup>44</sup> Section 326A.

*or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:*

*Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:*

*Provided further that any fine imposed under this section shall be paid to the victim.*

Under this section, grievously hurting someone with the use of acid carries a heavy punishment: a minimum sentence of ten years, which can extend up to life imprisonment. Additionally, the cost of medical expenses that the victim has to bear is to influence the quantum of the fine.

In addition to the offense of causing grievous hurt by the use of acid, the Amendment also brought in an offence of 'voluntarily throwing or attempting to throw acid'. In this case, just the act of throwing or attempting to administer acid, with the intention of causing hurt, even in the event that it doesn't result in physical injury, is punishable. This offense also imposes a minimum sentence of five years, which can extend up to ten years, and is clearly reflective of strong legislative intent to take action against acid attacks.

Further, India's 2016 amendment to its Rights of Persons with Disabilities Act<sup>45</sup> widened the scope of the meaning of physical disability to include acid attack victims, with the effect of introducing special reservations for them in education and employment.<sup>46</sup> However, the success of the criminal justice system is dependent on more than just the laws in the statute books, and despite these laws India still has one of the highest rates of occurrences of acid attacks in the world.<sup>47</sup>

There are several jurisdictions which regulate the sale of acids. In India, these regulations came into effect nationwide following an order of the Supreme Court in the case of *Luxmi vs. Union of India*.<sup>48</sup> This was a landmark public interest litigation case filed by a young woman who had survived an acid attack which left her scarred for life. Through this writ application, Luxmi asked the Court to direct the government to make laws and regulations necessary for

---

<sup>45</sup> Available at [http://legislative.gov.in/sites/default/files/A2016-49\\_1.pdf](http://legislative.gov.in/sites/default/files/A2016-49_1.pdf)

<sup>46</sup> Sujoy Dhar, 'Acid attacks against women in India on the rise; survivors fight back', *USA Today*, 27<sup>th</sup> July 2017, available at <https://www.usatoday.com/story/news/world/2017/07/27/acid-attacks-women-india-survivors-fight-back/486007001/>

<sup>47</sup> Poorvi Gupta, India Is Failing Acid Attack Survivors, Here Is The Data, *Shethepeople*, 16<sup>th</sup> January 2020, available at <https://www.shethepeople.tv/top-stories/issues/india-acid-attacks-survivors-data>

<sup>48</sup> Available at <https://indiankanoon.org/doc/90443079/>

the combatting of acid violence. Among the orders made by the Court was a direction to all States and Union Territories in India to bring regulations in to effect for controlling the possession and sale of acids. The Court even provided certain guidelines that the States and Union Territories were to follow in the interim, until their regulations came into place:

*“(i) Over the counter, sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.*

*(ii) All sellers shall sell acid only after the buyer has shown:*

*a) a photo ID issued by the Government which also has the address of the person:*

*b) specifies the reason/purpose for procuring acid.*

*(iii) All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.*

*(iv) No acid shall be sold to any person who is below 18 years of age.*

*(v) In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to Rs. 50,000/-*

*(vi) The concerned SDM may impose fine up to Rs. 50,000/- on any person who commits breach of any of the above directions.”*

Additionally, the Supreme Court of India in the same Order provided guidelines for educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector, who are required to keep and store acid.

Despite these efforts however, the regulation of the possession and sale of acids in India is extremely ineffective, as these guidelines are not well enforced by authorities. Acid remains easily accessible in India.<sup>49</sup> In Sri Lanka, where vitriolage is less common, there may easily be a lack of will to enforce regulations on the sale of acids.

---

<sup>49</sup> Vageshwari Deswal, 'Acid Attacks – Need to regulate Acid Sales', *Times of India*, 6<sup>th</sup> January 2020, available at <https://timesofindia.indiatimes.com/blogs/legally-speaking/acid-attacks-need-to-regulate-acid-sales/>

In the UK there are restrictions in place on the sale of acids, some of which have come in to place recently in light of the growing incidence of vitriolage, through amendments to the Poisons Act.<sup>50</sup> The law lists certain substances as Regulated Substances, and others as Reportable Substances.<sup>51</sup> The sale of Regulated Substances is severely restricted; a member of the public cannot purchase it without a licence from the Home Office.<sup>52</sup> The sale of Reportable Substances is less strictly regulated; they can be bought, but if the transaction is suspicious, or if there is a theft of these substances, vendors are required by law to report the same.<sup>53</sup>

In the UK, the Offensive Weapons Act 2019 imposed stricter controls on the sale and possession of acids. Certain types of acids are listed as corrosive substances,<sup>54</sup> and those substances cannot be sold to a person below the age of 18, and cannot be possessed by anyone in a public space. Similar to that seen in India, this too is reflective of serious legislative intent to tackle the occurrence of vitriolage.

---

<sup>50</sup> Available at: <https://www.legislation.gov.uk/ukpga/1972/66>

<sup>51</sup> United Kingdom Home Office, 'Home Office Guidance: Supplying explosives precursors and poisons, available at <https://www.gov.uk/government/publications/supplying-explosives-precursors/supplying-explosives-precursors-and-poison>

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Schedule 1, available at: <https://www.legislation.gov.uk/ukpga/2019/17/contents/enacted/data.htm>

## Recommendations for legal and policy reforms on vitriolage

Taking the above discussion into account, the following laws and policies are recommended in order to compressively address vitriolage in Sri Lanka. This should be read in conjunction with part 1 of this series<sup>55</sup>, in which CPA has recommended a fuller set of reforms to address gaps in the criminal justice system.

### *Legal reforms*

#### **Enact a new offence of vitriolage as an amendment to the Penal Code which:**

- Focuses on the modality of the offence, i.e. the use of acid, rather than any motive which may result in the commission of the offence.
- Specifies what the perpetrator must have intended to do to the victim with the acid, that is, *'the use of acid with the intention to, or knowing that it is likely to kill, torture, disfigure maim, or hurt.'*
- Is sufficiently wide to encompass all the possible manners in which the perpetrator could use the acid to harm another as acid attacks may not always be committed by way of throwing acid on the victim. This could include *'throwing, pouring, or administering in any other manner...'*
- Makes the acts of the perpetrator punishable regardless of the severity of the injuries suffered by the victim. It should not be essential that the victim is permanently disfigured or disabled in order for the perpetrator to be found guilty of the offence.
- Imposes strict sentences which can include a minimum sentence, and can include certain aggravating circumstances which carry with them higher sentences. These can include the severity of the injuries which the victim suffers, or the quantity or the type of acid which was used by the perpetrator.
- Makes even the act of throwing, pouring or administering acid an offence, even in circumstances in which it does not result in any injury to the victim.
- Provides compensation for the victim, which should be proportional to the severity of harm caused by vitriolage.
- Makes aiding and abetting the commission of vitriolage an offence (similar to the UK law).

---

<sup>55</sup> Legal Reform to Combat Sexual and Gender-Based Violence - PART I - Reforming Existing Laws and Policies, Centre for Policy Alternatives, November 2020

- Makes threatening the use of corrosive substances into an offence, provided that there is an immediate risk of harm.

**Amend the Poisons, Opium and Dangerous Drugs Ordinance to include regulation of the sale and use of acids and other corrosive substances by:**

- Introducing a licensing system for the sale of acids and requiring vendors to maintain a registry of over-the-counter purchases.
- Decreasing the potency of acids which are available in the retail market and are used for domestic purposes.
- Mandating periodic declaration of stocks of corrosive substances by businesses to a designated authority and taking necessary measures to prevent theft.
- Introducing an offence related to the unauthorised delivery of corrosive substances to residential areas (similar to the UK law).
- Introducing an offense related to the possession of a corrosive substance in a public place with the intent to cause harm (similar to the UK law).
- Introducing penalties and fines to address breach of the aforementioned provisions.

***Policy reforms***

- Implement programmes to address the stigma surrounding victims of vitriolage.
- Include steps to take in the event of acid burns to mitigate long lasting injuries in school curriculums. This can be introduced as a part of general health and safety education, rather than as a response to acid attacks specifically, which may have an effect of normalising these attacks.
- The Police, health service and local government bodies should include steps to take in the event of acid burns as part of general advice and guidance to the public.
- Provide adequate training to healthcare workers, first responders and the Police on basic first-aid to victims of vitriolage in order to mitigate harm.
- Introduce a compensation scheme for survivors of vitriolage, through which damages will be calculated and awarded with due consideration given to severity of injuries, medical and legal expenses, loss of earnings and other relevant factors.
- Provide survivors of vitriolage with employment opportunities in order to assist in bringing normalcy to their lives.