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Acid Violence Against Women: Is the State Doing Enough?

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Violence against women is a global phenomenon from time immemorial, which does not depend on the level of development or even on the level of affluence of the society, but varies in terms of severity and manifestations. Violence against women manifests itself in a number of ways, including rape, sexual harassment, torture, violence against women in custody, acid burning, dowry deaths, domestic violence etc. According to the Amnesty International "violence against women is rooted in a global culture of discrimination which denies women equal rights with men and which legitimizes the appropriation of women's bodies for individual gratification or political ends. Every year, violence in the home and the community devastates the lives of millions of women" (International 2001). Thus, violence against women remains as an important obstacle towards women's empowerment.

All sorts of violence against women are gross violations of human rights and have gained importance through constant lobbying of academics and activists worldwide. However, throwing acids to women in Bangladesh has proliferated over the years and has become a real concern. Defacing a women or disfiguring any of her organ by throwing or pouring acid is indeed a dreadful crime. A victim has to bear the pains and trauma of the attack as well as the disfigured organs until she dies. The rest of her life is always arrested by horror of the heinous crime. An acid violence disempower a woman for ever.

On the other hand, in a democratic country of the twenty-first century world, citizens expect 'equality' and 'justice' to be ensured by the state. Citizens go to a court if they experience injustice or feel deprived of equal rights. In fact, in most countries there has been a growing trend of treating the judiciary as the supreme authority to decide what should be done when it comes to protecting human rights and serving citizens in a democratic welfare state. Within this judiciary-oriented environment, Bangladesh has enacted tough laws to combat acid violence against women. But, despite tough laws, in many jurisdictions, most acid violence cases remain unresolved or often criminal justice system produces unwanted consequences.

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In this situation, one of our central arguments is that to combat crime against women, the state's role should not end at enacting tough laws. A government may look better and citizen-friendly by enacting such laws and such laws may help them gain popular votes, but victims of crime are rarely benefited if the state does not follow an integrated welfare oriented approach to make sure that these victims in fact do not only get justice, but also their lives are restored in a pre-crime state. Within this context, in this article we intend to intensively observe one district court in Bangladesh and analyze the acid violence cases that this specific court dealt with after the enactment of the Violence against Women and Children Act, 2000 and the Acid Crime Control Act, 2002. At the outset, we would like to claim that without developing the lives of women, and without securing their rights and social security, only promulgation of stringent laws will not bring any meaningful and fruitful development for the country.

In this article, we will first discuss how, in general, a predominant and exclusive judiciary role, with the objective of 'equality' and 'justice' for all citizens, may bring negative results for many at the cost of privileging some. Then we will provide an overview and statistics on violence against women in Bangladesh in general and acid violence in particular. The next section will discuss the existing legal provisions to combat acid violence. We will then present our intensive analysis on Narail District court's dealing with acid violence cases. We will present quantitative data as well as several cases studies. By analyzing the Narail court data, we will find that the tough law to control acid violence has remained mostly ineffective in Bangladesh.

Increasing Dependency on the Judiciary

In the present world, we live in a political and social environment where the judicial branch has been made increasingly powerful in many countries. Tate and Vallinder (1995) write, "the phenomenon of judges making public policies that previously had been made or that, in the opinion of most, ought to be made by legislative and executive officials appears to be on the increase" (Tate and Vallinder 1995). While many scholars support the increased power of the judiciary and argue that the judiciary may provide equal rights to all citizens by protecting minorities from tyranny of the majority in modern democratic states, others disagree. Hirschl (2004) argues that in fact this increased judicialization is the result of strategic interplay among elites themselves (Dworkin 1990; Tate and Vallinder 1995; Hirschl 2004).

Most scholars, judges, lawyers, and activists support this increased power of the judiciary as they perceive democracy as not only the rule of the

majority. Instead, a democracy should be willing and able to maintain legal protection for all citizens, especially minority citizens from the tyranny of majority rule. Constitutionalism and judicial review make it possible for the states to do so. Now it has become a conventional wisdom that every democracy needs to facilitate judicial empowerment through the constitutionalization of rights and judicial review (Dworkin 1990; Hirschl 2004). Tate and Vallinder write, "given the circumstances under which many new democracies are being constructed, the inclusion of a strong judicial wing seems almost inevitable to some governmental architects" (Tate and Vallinder 1995). For example, one scholar from India expresses the urgency of involvement of the judiciary by making the following statement, "the needs of the poor in India are so great and also so unlikely to be fulfilled by majoritarian institutions alone that courts and judges must be actively involved in politics" (Gupta 1992; Tate and Vallinder 1995). Thus, dependence on the judiciary by making it powerful has been the common practice in today's world.

Thus at the outset, judicial empowerment may seem to be the panacea for all problems involving citizens, but it may have a negative side too. Hirschl further argues that endorsement of rights through the judiciary may affirm rights for previously ignored or marginalized groups in society by promoting their legal status and thus bring in procedural justice and negative liberty. However, they may not automatically promote distributive justice for all citizens. After all, "better manners at the dining table do not necessarily mean better food on it" (Glasbeek 1990; Hirschl 2004). Epp (1998) also suggests that constitutional and legal rights may be limited if individuals cannot exercise them through strategic litigation. Support structure for legal mobilization (bottom-up) consisting of rights-advocacy organizations, rights-advocacy lawyers, and sources of financing (particularly government-supported financing), along with democratization of access to the judiciary, are all necessary for individuals to exercise their rights. For example, in India, Epp argues, all conventional components (constitutional guarantees, judicial leadership [as catalyst] and popular rights consciousness) were present, but due to a weak support structure, the rights revolution has not been significant (Epp 1998). We argue that because of lack of appropriate support structure, the tough laws against acid violence do not bring desired results for most victims.

Existing Legal Structure of Bangladesh in Addressing Acid Violence against Women

Articles 28 and 29 of the constitution of Bangladesh give women equal rights in general, but provisions 28 (4) and 29 (3) (C) grant the

constitutional right to the State to make laws that favor women and children as well as restrict them from certain employment. Provision 29 (3) (C) specifically says that reservation of sex-based employment for a service can be made on the grounds that the job is naturally considered unsuitable for members of the opposite sex (Monsoor 1999). There are two important points to note: first, women are considered a disadvantaged class and special laws similar to affirmative action may be enacted to facilitate equality; second, it is the role of the State to determine the suitability of women for specific jobs. Thus, the constitution contradicts itself when it says in Article 28 (b) that women will have equal rights with men in all spheres of state and public life.

In the legal justice system, Bangladesh follows two sets of laws under the English Common Law system. First, the general laws combine both criminal and civil laws and are applicable equally to all citizens regardless of their sex and religion. Second, there are sets of religion-based personal and family laws that follow the respective religions in matters of marriage, divorce, maintenance, child custody and inheritance.

Women may seek help from the legal system through criminal justice procedures to combat violence. The first significant act in criminal justice that helps women is the Dowry Prohibition Act of 1980. This Act was amended in 1982. Following this Act, dowry in all forms is prohibited, and practicing dowry is punishable by one to five years of imprisonment (Bhuiyan 1991; Jahan, Mahmuda et al. 1997). The Cruelty to Women (Deterrent Punishment) Act of 1983 contained a provision that punished a person with imprisonment for life or the death penalty for kidnapping, trafficking, abducting women, or causing death or attempting to cause death and rape.

Along with the perception that the existing laws were not enough to deter violence against women, a new law was enacted in 1995: the Women and Child Repression (Special Provision) Act. This law broadened the crimes to be covered from the previous law, which included acid throwing and violence for dowry or dowry demand. The punishment remained the same. Although this law did provide provisions for tough punishment for violence against women, it did not mention what the role of the state would be to help victims of such violence. Also, the law did not prohibit printing pictures of the victims in public. There were no remedies if the police delayed in filing a charge sheet or if they raped victims in their custody. Finally, the latest and improved version of the law came into effect in 2000. The Suppression of Violence against Women and Children Act of 2000 superceded previous acts related to violence against women. There are several positive articles included in this Act. First, this act

provides the option of setting up special tribunals on the district level for speedy trials of cases filed. It also defines specific time frames for the disposal of a case and makes mandatory the provision of compensation for victims from offenders. Arrests of offenders are mandatory under the act and the accused is not eligible for a bail. This law is an important legal step for ensuring equitable legal rights (Ali and Bangladesh National Women Lawyer's Association. 2002).

But with the increase of the acid violence and the overburdened Tribunals, the government felt the need of a more stringent law and establishment of independent tribunals for quick disposal of cases relating to acid attacks. In response, The Acid Control Act of 2002 and the Acid Crime Control Act of 2002 (Acid Aporadh Damon Ain, 2002) came into force on March 17 of 2002. Sessions Judge of each district acts as the Judge of the tribunal constituted under this Act. The laws were promulgated to meet the demands that acid crimes be controlled and perpetrators receive swift punishment. Moreover, the Acid Control Act should ensure legal checks and balances to prevent the easy accessibility of acid by regulating the trade of acid and other corrosive substances.

According to the Acid Crime Control Act, 2002 acid crimes are rigorously controlled by mandating stringent punishment ranging from 3 to 15 years of imprisonment and a hefty fine to life imprisonment and even capital punishment. The variations of punishment would depend on the gravity of the crime. For example, if a victim dies due to the crime or completely or partially loses his/her sight or hearing or both or "suffers disfigurement or deformation of face, chest or reproductive organs," the punishment is the death penalty or life imprisonment. The law also has provisions for compensation to the victim and punishment for carelessness of the investigation officer. Moreover, the law specifies the issue of bail ability, the magistrate's power to interview at any location, medical examinations and protective custody, the setting up of an acid crime control council at the national level and acid crime control committees at the district level, and establishing rehabilitation centers, licenses for the trade in acid, etc.

Interestingly enough, the Act provides that if the Acid Crime Control Tribunal feels that the investigating officer has lapsed in his duty in order to "save someone from the liability of the crime and did not collect or examine usable evidence" or avoided an important witness, etc., the former can report to the superior of the investigating officer the latter's negligence and may also take legal action against him/her.

Moreover, the Acid Control Act has been introduced to control the "import, production, transportation, hoarding, sale and use of acid and to provide treatment for acid victims, rehabilitate them and provide legal assistance”.

Methodology:

In preparing this article we have gathered data from secondary sources including academic and newspaper articles, government reports and documents of different NGOs working in the field of violence against women and children. However, because of different ways and methods of documentation, the statistics may not be completely accurate. With the aim of looking into the issue of effectiveness of acid violence control acts, we have intensively studied the performance of Narail district tribunal. We have collected court records of all acid violence cases that were recorded between 2001 and 2005 under the Suppression of Violence against Women and Children Act 2000 and the Acid Crime Control Act, 2002. We have analyzed the data to understand what happened to these cases. Moreover, to get an in-depth idea, we interviewed several victims and presented them as cases studies. In these case studies, we will shift from a relatively quantitative approach to an ethnographic qualitative approach to explaining and interpreting acid violence victims' experiences with criminal justice systems. Sherman and Strang (2004) suggest that social scientists should "unite the insights of stories and numbers"(Sherman and Strang 2004). While quantitative data present an overall analysis of the effectiveness of laws, the stories present a holistic analysis of several cases. These individual level stories may strengthen the qualitative findings and provide an "internal validity" for the quantitative data that were discussed.

Scenario of violence against Women and Children in Bangladesh:

Between 1990 and 1997, crimes against women have increased by 254 percent. The growth of physical torture is also alarming. In 1997, violence against women accounted for 31 percent of all offences of the year. However, this increased rate may also be very well caused by the increased reporting of the incidents, not the incidents themselves. In that case it is a positive social and administrative change.

Table – 1 Violence against Women 1990 – 1997

Types of Violence	1990	1991	1992	1993	1994	1995	1996	1997	Growth over '90 in %
Rape	407	982	749	526	285	651	1415	2224	546
Acid Throwing	21	20	29	39	19	51	83	117	557
Murder	1904	1500	1879	2269	806	1787	1839	2426	127
Physical Torture	258	300	217	350	469	808	1664	2029	786
Abduction	30	28	18	17	19	49	138	245	816
Trafficking	12	18	32	23	28	55	85	72	600
Total	2714	2927	3025	3358	1748	3668	5818	7901	254

Source: Women Support Program, Project Report 1997

The most significant feature of the pattern of crimes is that violent crimes accounted for majority of the offences against women (Bangladesh. 1997).

Table-2 Violence against Women in Bangladesh in 2005 (January – December 2005)

Nature of offence	Number of offence
Rape	491
Gang Rape	271
Rape & Murder	142
Acid Attack	144
Dowry Torture	131
Physical Assault	1350
Suicide	563
Fatwa	69

The two tables above paint a panicking picture of serious violence against women in our country In 2005, 762 incidents of rape or gang rape took place. During the same period 144 incidents of acid violence occurred. Such heinous crimes against women infringe basic human rights and freedom of women as citizens. Liberty, freedom and security of a person cannot be divorced from society, politics, and democracy if we would like women to be a part of the development discourse of the country.

Acid Assaults in Bangladesh

Acid throwing is a vicious form of violence against women. Although we know that violence against women is a universal phenomenon, what many of us may not know is the extent and forms of the violence that may take place. The extent and forms differ from one society to another. Acid throwing is a particularly vicious, atrocious and damaging form of violence against women in Bangladesh. There are cases of acid throwing in other countries but these are isolated incidents, nowhere near the number of attacks that occur in Bangladesh.

Acid violence is not historically rooted in Bangladeshi society. The first reported case of acid throwing occurred in 1967. But over the last two or three decades the number of acid attacks increased progressively -- from a dozen a year to around fifty a year in the mid-1990s. However, in the late 90's there has been a considerable increase (about 250 a year) in the number of reported cases of acid attacks.

Table-3: Comparative Frequency of Acid Violence by Year (1996-2001)

Offence	**1996**	**1997**	**1998**	**1999**	**2000**	**2001**
Acid Attack	36	130	41	58	100	199

Source: *BMP data compiled from the national dailies – Shangbad, Janakontha, Muktokntha, Bhorer Kagoj, BanglaBazar Patrika, Dinkal, Ittefaq, The Daily Star and Prothom Alo, 2002.*

According to the **table-3** between 1996 and 2001 564 incidents of acid violence took place in Bangladesh. In 2001 the numbers of attacks were very high (199). From the data presented in table 3, we cannot find the causes of acid attacks or the exact number of women victims, but it is clear that the increased rate of this violence is indeed a severe problem for Bangladeshi law and order administration which has to be dealt very seriously by the Law making bodies, the Judiciary and the Law enforcing agencies. Most probably, this rapid proliferation of the crime in 2001 pushed the government to introduce stringent laws against acid violence and control of acid in 2002.

Table-4: Acid Attacks in Bangladesh

Year	**No. of Incidents**	**No. of Victims**	**No. of Female victims**	**% of Female victims**
1999	115	139	80	57.5
2000	172	226	114	50.44
2001	250	343	138	40.23
2002	366	484	221	45.66
2003	335	410	204	50.6
2004	266	322	180	56
Total	**1389**	**1785**	**937**	**52.5**

Source: Acid Survivors Foundation

According to the Fifth Annual Report of the ASF (Acid Survivors Foundation), the highest percentage (27 per cent) of total acid attacks in 2003 took place over land disputes. Rejection of a romantic relationship or marriage proposal is another significant factor that caused acid violence particularly on adolescent girls in Bangladesh. In 2002, 9 percent of the total cases of acid attacks were due to this reason. But in 2003 refusal of a relationship or marriage proposal accounted for 17 percent of the total cases of acid attacks. Dowry, which is a prime cause of violence against women, is also a cause for acid attacks against women. In 2002 and 2003 dowry has been responsible for 6 percent of the total cases of acid attacks. Family disputes, political rivalry and other reasons together account for almost 50 per cent of the total cases of acid attacks in Bangladesh.

From the above table, it is evident that acid violence against women has been a very common crime in Bangladesh and the number of incidents has proliferated over the years. In 1999, there were 80 female victims. The number increased by 225% in only five years as the number of female victims was 180 in 2004. Between 1999 and 2004, among the total acid violence victims, women accounted for 53 percent. Despite enactment of tough laws, acid violence not only continued, but in fact increased. This statistics may imply that the laws are not administered effectively and thus potential offenders do not feel threatened by laws. In other words, these tough laws do not provide sufficient deterrence to curb a heinous crime like acid violence

Table-5: Incidents of acid assaults followed up with the police

Year	Total Number of incidents	Age range: 2-17 years	Age range: Above 18 years	Number of people assaulted
Nov. 1998- Dec. 1999	123	56	88	144
2000	131	57	122	179
2001	171	77	169	246
Jan—July 2002	159	86	151	237
Total	**584**	**276**	**530**	**806**

Source: *Naripokkho, Monitoring State Interventions to Combat Violence against Women.*

The source of data in table 5 is Naripokkho, a women activist organization in Bangladesh. It has monitored state's intervention in acid violence cases against women. Data in table 5 may give us an idea about the working of police in Bangladesh. According to the Police record, in 2001 there were 131 incidents, but according to ASF data (table 4) there were 172 incidents. Again in 2001, police record shows that there were 171 incidents whereas ASF gives a data including 250 incidents. Similarly, in other years, the number of incidents recorded by police has been lower than the number of incidents recorded by the ASF. There may be three reasons behind the discrepancy of the statistics. First, ASF may have overstated the crime. Second, in some cases, victims did not report to the police. Thirdly, police has suppressed the data to show a lower rate of the crime. We do not know for sure what has actually happened. Nonetheless, if we choose to go by the police records, even then it is evident that acid violence is a crime which is increasing at a very alarming rate especially against women.

Role of Police:

Police is the key law enforcing agency in Bangladesh. Like other countries, police is the first state organization that responds to a crime. When an acid violence is reported to the police, it investigates the

incident and submits a charge sheet to the criminal court to ensure justice. Thus, along with the judiciary, police is also responsible to effectively administer the laws. But the police administration in Bangladesh has some inherent problems that may obstruct justice for victims, especially for poor and vulnerable ones. Legal institutions including police and court are often inaccessible to a significant portion of the citizens because of lack of knowledge, money and support services. For example, violence against women is a serious problem in Bangladesh. But in many cases, incidents of violence are not reported because of inadequate support services in the police stations. Also, the attitudes of the police officers are not positive (UNDP 2002; UNDP 2005). In addition, there are widespread allegations that very often police do not take a crime report from the complainant especially from the member of the lower socio-economic status. Given the very low confidence in the police in our country many crime victims never call the police for various reasons such as: i) don't believe police can help that is, many believe that calling the police would make no difference since police can neither capture the offender nor recover stolen property ii) cause too much inconvenience, that is, fear of harassment by the police iii) they are corrupt and would not help the victim(s) without paying bribe to them (Kashem 2003).

A survey revealed that the vulnerability of the poor is common in reporting crimes. In many cases the poor don’t receive fair treatment to lodge their cases in police station. Furthermore, very often the poor are forced to withdraw their complaints. The survey also reported the vulnerability of witnesses. In some cases witnesses were pressured by police to distort the facts. Police encourage the poor complainants to file a general diary instead of FIR. The number of charge sheets filed on behalf of the poor is also low (UNDP 2003).

Corruption in the conduct of policing activities has become endemic in Bangladesh. TIB (2004) report shows that the victims of crime can lodge complaints with the *thana* only after paying a bribe. More than 80 percent of the complainants had to pay bribes for registering their cases. The amount of bribe ranges from Taka 1000 to 50,000 (Transparency International 2004). Moreover, there is no separate, modern investigation department with trained investigators in the police force to carry out their investigation duties properly. Because of these problems of policing in Bangladesh most acid violence victims may not get the opportunity to receive a fair judicial trial.

Problems of the Justice System and Acid Control Acts

Acid Survivors Foundation (ASF) and Bangladesh National Women Lawyers Association (BNWLA) estimated that only 10 percent offenders

are ever brought to trial for violence against women. Impoverishment obstructs an illiterate rural woman from going to court, as she is not in position to pay the lawyers' fees, legal and court fees and other incidental expenses to even consider legal action against her oppressor. Moreover, there is a general reluctance in seeking legal redress; owing to prevailing socio-cultural attitudes that discourage exposure of "private" or "domestic" matters and encourage women suffer in silence. In addition, the legal process is elaborate, time consuming and expensive. These impediments often discourage poor people from taking legal action and enforcing their rights in court. The harassment and complexities involved in court procedures often compel parties to accept out of court settlements.

On the other hand, despite the enactment of the Acid Control Act, acid is available in the open market, still unregulated and unquestioned. There is a lack of an institution to follow-up efforts as to whether businessmen are procuring licenses for the sale and trade of acid and if the licensed vendors are not selling acids to potential offenders. Moreover, when acid-related crimes occur, often medical certificates are not clear and do not contain vital information. Consequently, important evidence becomes very weak. Another issue is that because of the tough provision for acid related crimes, frequently false cases are recorded to harass one's enemies following this law. This practice also lessens the importance and urgency of actual cases.

In-depth Analysis of Acid Violence Cases Dealt by Narail Tribunal

There is no independent Tribunal in Narail constituted under the Supression of Violence against Women and Children Act, 2000. The Sessions Judge has been acting as the judge of the Tribunal since promulgation of the Act of 2000. Prior to enactment of the Acid Crime Control Act, 2002, the offences relating to acid violence were investigated and tried under the former Act of 2000 by the Nari O' Shishu Nirajaton Damon Tribunal.

When the Acid Crime Control Act came into force in 2002 the offences relating to acid assaults became exclusively triable by the 'Acid Crime Control Tribunal'. But there is no such independent tribunal in Narail. All the Sessions Judges, through out the country, have to act as the Judge of the 'Acid Crime Control Tribunal' constituted under the Acid Crime Control Act, 2002 .

Since there is no independent Nari Shishu Nirjaton Damon Tribunal in Narail, the cases relating to acid attacks pending prior to enactment of the Ain of 2002 have been tried under the former Ain of 2000 by the Nari O Shishu Nirjaton Damon Tribunal.

Analysis of Acid Violence Cases

In this section, we will present two tables that depict a picture of the fate of the acid violence cases recorded under the Suppression of Violence against Women and Children Act, 2000 and The Acid Crime Control Act, 2002.

Acid Aporadh Damon Tribunal/Nari O Shishu Nirjaton Damon Tribunal, Narail

Table-6 (Statistics of cases relating to acid violence: 2000-2006 Aug)

Year	Case filed	Disposed of	Conviction	Acquittal	FRT	Pending
2000	03	-	-	-	-	-
2001	02	01	-	01	-	-
2002	05	03	-	02	02-	-
2003	06	03	-	03	-	-
2004	06	07	01	04	01	01(stayed)
2005	03	04	-	02	02	01(pending)
2006 (up to Aug)	-	05	02	03	-	-
Total	25	23	03	15	05	02

Source: Acid Aporadh Damon Tribunal, Narai

The above table shows that 25 cases were filed between January 2000 and August 2006 for acid violence. Thus, the number of institution of cases per year is only 3.75. Among these 25 cases, 23 cases were resolved. At the outset, the number of resolved cases looks very impressive. However, when we look into the cases carefully, we find that in 15 out of 25 cases (60 percent), the accused offenders (53 offenders) were acquitted of the charges against them. Only in 3 cases, convictions took place which is 12 percent of the total cases filed. Two cases were yet to be resolved when we collected the data in early September, 2006.

Table-6 reflects that during the period of 6 years and 8 months two-third of the total cases filed ended in acquittal. This picture is indeed frustrating. This frustration becomes more intense with the fact that 5 cases (20 percent of the total cases) reported to police ended in submission of Final Report after investigation. Two cases were found to have been staged by the plaintiffs themselves by sprinkling or pouring acid on one of their own to teach a lesson to the rival party over land dispute or political conflict. And in five cases the assailant(s) could not be detected or found during investigations. We found several reasons behind the dismissal of the cases following an FRT, when we interviewed the judge, lawyers, court officials, police and victims. The most cited reasons are non-cooperation of victims and witnesses with the police; reluctance of police for holding effective and smart investigation on being influenced by the offender(s); compromise between the parties either in

fear or by taking monetary benefits from the accused party. Police entrusted with the duty of investigating an offence has to submit a 'report' on completion of investigation. The 'report' includes a 'charge sheet' and a FRT (Final Report True)'. 'Charge sheet' is a report submitted by the investigating officer recommending for trial. 'FRT (Final Report True)' is a report recommending discharge of the accused person from the accusation. FRT means the incident reported was found to have taken place but the offender could not be detected during investigation.

Table-9 Time consumed for disposal of cases

Year	No of cases received by the Tribunal	Out of cases received no. of cases disposed of in 2001	Out of cases received of cases disposed if in 2002	Out of cases received no. of cases disposed if in 2003	Out of cases received no. of cases disposed of in 2004	Out of cases received no. of cases disposed of in 2005	Out of cases received no. of cases disposed of in 2006	Total
2000	03	-	02	01				03
2001	02	01	-	-	01			02
2002	05	-	02	01	01	-	01	05
2003	07	-	-	01	02	01	02	06
2004	05	-	-	-	01	01	03	05
2005	03	-	-	-	-	02		02
Total		01	04	03	05	04	06	23

Source: *Nari O Shishu Nirjaton Damon Tribunal and Acid Aporadh Damon Tribunal, Narail.*

If we analyze that how long it took to end a case, we find that no case could be disposed of within the period of time as has been prescribed in the relevant law (180 days from the date of receipt of the case record). With the rate of institution of cases, rate of disposal appear to be slow and took much time to be resolved finally. However, the cases received (08 cases) by the tribunal during the period 2004-2005 took less time than in respect of the cases received (17 case) during preceding years (2000-2003). During 2000-2003 only 08 cases were disposed of and no judgment of conviction was handed down. During 2004-Aug 2006 15 cases have been disposed of when judgment of conviction in 03 cases were handed down.

Taking time beyond the time stipulated in the Act to dispose of the case is one of key causes for the increasing rate of acquittal. By taking the advantage of such prolonged period of time the accused party gets opportunity to settle the accusation out of court by local intervention or by keeping the victim and his/her family under pressure or in fear. From

Table –8 we have found that rate of disposal during the period of 2004-Aug 2006 was double than that during the preceding 04 years. During the above two periods three different judges worked in the tribunal and thus we may presume that due care and attention of the tribunal regarding management of cases relating to acid violence varies depending upon attitude, commitment and vision of an individual judge. The next section describes four case studies based on four cases that were recorded under the Narail District.

Case Studies

Case Study #1: Narail Tribunal

Acid throwing case: Narail P.S, Narail
(State Vs. Akbar Biswas and 09 others)
Nari O Shishu Case No.21/2002
(Source: Nari O' Shishu Nirjaton Damon Tribunal, Narail)

Rahima, a poor woman, with no place to go as a result of a divorce was sent to a distant relative, Akbar Biswas' house as a domestic help by her brother. She was working well there and there were no complaints about her. The family members were quite friendly towards her. Rahima slept in Akbar Biswas' sister's room, on the floor. She had a friendly relationship with Biswas' sister. While Rahima was employed at Biswas' house, the Biswas family got into a feud with another family. The opposing family accused the Biswas of a murder which took place in the area. Troubled by the allegation of murder, the Biswas' started to plot a mischievous plan to compel the opposing family to remove the Biswas' name from the murder case file. The Biswas decided to use one of their own family members as a victim of assault of the opposing family. On November 11, 2001, at 1am, while Rahima, the victim was sleeping with Champa, the accused, in a dwelling hut of the Biswas, acid was poured on Rahima. As a result, part of Rahima's face, neck, chest and hands were burned. The following day, without informing the Rahima's guardian about the incident, Biswas lodged an FIR at Narial Police Station against some people. Rahima was taken to Dhaka Medical College by Champa, Biswas' sister. Later she was taken to ASF, Dhaka where she stayed for a couple of months to undergo necessary treatment. A few days after the incident, Rahima's brother, after being aware of what happened, rushed to Dhaka Medical College where he heard the horrifying depiction of what happened. Rahima's brother then initiated an FIR bringing an allegation against the Biswas family with the Narail Police Station. Both cases were investigated. The Biswas family did the offence for the false implication of some people with a view to escape from the charge of murder of one Rabiul of the locality. The police, however, submitted charge sheet against the accused persons, the shelter

givers of victim, finding their complicity with the incident of acid attack upon the victim who at the relevant time had been under their care in their house. Police, on investigation submitted final report in respect of the first case lodged by the accused and it was discovered that to escape from the charge of murder the accused persons did the crime and lodged FIR accusing the persons who are the witnesses and informant of the said murder case. In all 10 accused were brought on trial to face the charge under section 4(2)/30 of the Nari O'hishu Nirjaton Damon Ain, 2000. Formal charge was framed on October 14, 2002. Accused Zahid remained free from the beginning of the case. After the conclusion of the trial, the verdict was handed down on March 12, 2006 by the Tribunal finding all the accused guilty of the charge of acid throwing on the victim under sections 4(2)/30 of the Nari O'hishu Nirjaton Damon Ain, 2000. They were sentenced to suffer rigorous imprisonment for 14 years. The accused did the crime with an intention to falsely implicate the informant and witnesses of the said murder case and they did it by making the victim prey of acid attack done by them. Grudge was not on the victim. She has just been used as tool. The perpetrators of the offence were the inmates of the house wherein the victim had been as a domestic help. In this case study we find that the offenders were received punishment for their crime under the Acid Control Act. However, it took forty one months to bring a closure to the case.

Case Study # 2 Narail Tribunal

Acid throwing case

(State Vs. Anisuzzaman Nantu and 01 other)

Acid case No. 02/2004

(Source: Acid Aporadh Damon Tribunal, Narail)

Rokeya Begum, a rural woman, lived with her husband and children. Her husband was a farmer but he had no land of his own and worked on his wife's land. Rokeya Begum and her family members had no rivalry with other people. But local influential people tried to get the land by pressurizing Rokeya Begum. Despite the pressure, Rokeya Begum did not hand over the land to those local people. The local influentials arranged a shalish in the Union Parishad to resolve the issue by putting extra pressure on her. Rokeya did not come at the Union Parishad for shalish to solve the problem. Those dangerous people were ferocious and were desperate to have that land. They were planning to punish Rokeya Begum as she did not accept their proposal. On the night of June 8, 2003, Rokeya Begum became victim of an acid assault when she came out of her hut to respond the call of nature. Rokeya was treated at Acid Survivors Foundation (ASF) for several months. After the treatment, she came to Narail and went to the police to make a complaint against the

acid assault. Instead of receiving the complaint, the police advised her to go to court. Meanwhile, a local shalish took place over the matter for mediation and the victim was pressurized not to take any legal action. Rokeya, however, did not panic and ultimately lodged a complaint before the tribunal for justice. Charge was framed on June 6, 2004. The trial started and the advocates for state were failing to manage proper witnesses as the occurrence happened at night. The accused persons had the proper back up of several UP members and other influential people of the locality. Consequently, the evidence and witnesses were not at the court to punish the accused. Meanwhile, the accused persons tried to settle down with Rokeya Begum by providing her with money. Initially Rokeya refused them, but she did not have the ability to bear financial charges of court procedures and was getting the idea that the judgment should release the accused persons as there were not enough evidence and witness. Once Rokeya settled her matters with the accused, the court understood that Rokeya was not interested to carry on this case with this tribunal and that there was no proper evidence of the incident. On November 11, 2004, the tribunal handed down the **judgment of acquittal**, as there was no lawful evidence to prove the perpetration of the accused with the incident of alleged acid attack, though the fact of being victim of an acid attack was proved. In this case, the cause of the attack was rivalry over land dispute. Because of lack of evidence and out-of-the court settlement, no punishment could take place. In this case, we observe that because of judicial loopholes, money and power, the offenders escaped justice. On the other hand, because of poverty and lack of power, Rokeya could not receive justice though the crime of acid violence against her was proven.

Case Study # 3 Narail Tribunal

Acid throwing case

(State Vs. Golam Nabi and 2 others)

Acid case No. 03/2004

(Narail Police Station Case No. 11 dated 16.3.2004)

(Source: Acid Aporadh Damon Tribunal, Narail)(12)

On March 15, 2003 around 7 pm, Khodeja Khatun was returning home by a rickshaw van of accused Golam Nabi. Nabi and his accomplices forcibly dragged her to a banana garden at the western side of ‘Chitra Bridge’. They pressed Khodeza’s mouth and tied down her hands and legs and poured acid on the lower parts of her body. They also sexually assaulted her indiscriminately and managed to flee away. Khodeza became senseless and at about 12:00 hrs some street goers rescued her when they heard her groaning. She was taken to the Narail hospital.

Thereafter, on the following day, she initiated a First Information Report with Narail Police Station upon which the case started.

Police conducted their investigation and submitted a charge sheet against the three accused Golam Nabi, Mofiz and Delwar with charges punishable under sections 5(a)(b)/7 of the Acid Crime Control Act, 2002. The prosecution presented 9 witnesses including the victim. The tribunal ultimately acquitted all the accused persons on 17.1.2005. It took 8 months in the justice process to receive the final verdict from the time of submission of the charge sheet.

It appeared that the cause of said acid attack could not be unfolded by the prosecution. There were several reasons of acquittal :(i) Lack of evidence (ii) Victim did not testify the perpetration of the accused with the commission of offence (iii) the victim did not support what she stated before the first class magistrate regarding the complicity of the accused with the commission of acid attack upon her. (iv) the victim, rather, testified that she could not recognize who poured acid on her, although she almost instantly after the incident initiated the case by implicating the accused.

The alleged acid attack at the relevant date time and place remained undisputed. Accused were previously known to the victim while testifying in court deliberately made a move to hide the truth. The tribunal also did not make an effort to find out the reluctance of the victim to identify the accused in court. After going through the case documents, we sensed that most probably, the accused received favor of the local influential people who ultimately managed the poor victim to tell 'half truth' in court. The prosecutor also did not handle the case well. The victim could be the best and competent witness to prove the complicity of the accused. But she, as it transpired, being hassled or pursuant to conciliation out side court made vicious move to hide the truth as to perpetration of the accused with the commission of acid assault on her. As a result, another despicable felony of acid attack had gone scot-free.

Case Study # 4 Narail Tribunal
Acid throwing case
(State Vs. Patu Sarder & 6 others others)
Nari Shishu Case No. 28/2002
(Narail Police Station Case No. 4 dated 5.2.2002)
(Source: Nari O Shishu Nirjaton **Damon Tribunal, Narail)(13)**

The incident took place on 4.2.2002 at about 8:30 p.m when the victim Rekha, *'bhabi'* of the informant, hearing whispering coming outside of her room went to the verandah. Accused Patu Sarder being aided and

accompanied by other accused threw acid on Rekha. Rekha and her sister-in-law Najma could recognize the assailants with the light of electricity. Rekha received extensive burn injuries. She was taken to Narail hospital first, and then to Khulna 250 bed hospital for her treatment. Accused Patu Sarder was an accused of a murder case known as 'Razzak murder case' in which Rekha's husband was a vital witness. However, on investigation police submitted charge sheet against all the FIR named accused who faced the charge punishable under section 4(2) of the Supression of Violence against Women and Children, 2000. Trial concluded by examining only 04 witnesses and the tribunal handed down a judgment of acquittal of all the accused.

The cause of said acid attack in this case was a previous rivalry over a murder case between the men of the two families. Rekha was just a innocent victim. She was the Wife of step brother of accused Patu Sarder. It took two years to get a final verdict from the date of initiation of the case. It is significant that only 4 out of 18 witnesses were cross examined during the trial. The reasons for acquittal were: (i) Lack of evidence (ii) Victim did not identify her offender in court (iii) Victim did not support what she stated before the informant and the first class Magistrate as well regarding complicity of the accused with the commission of acid attack upon her. (iv)Victim, rather, testified that she could not recognize the assailants in the dark, although on being narrated by her the informant, almost instantly after the incident, initiated the case by implicating the accused.

In this case, the date, time and place of the Acid attack remained undisputed. The victim previously knew the accused. Rekha while testifying in court deliberately suppressed the truth. Prosecution did not examine another vital eyewitness Najma. The tribunal does not appear to have made any effort to find out as to why the victim while narrating the incident to the informant and the first class Magistrate implicating the accused persons, if they were not the culprits. Prosecutor does not appear, with the leave of the tribunal, to have asked the victim in effective manner whether she narrated as to who committed the diabolical criminal act of acid attack on her. Most probably, the parties resolved the issue out of court.

In this way, another dreadful criminal act of acid violence ended in acquittal and the perpetrators had been allowed to walk free. The tribunal is supposed to act only on lawful evidence. But at the same time the judge who takes his seat for dispensation of justice, a public duty, is expected to

a reasonable degree to act as a 'truth seeker' too. Otherwise, public confidence on the whole system will fling into air and the offenders will repeat criminal deed showing thumb finger to the law, however stringent it is.

Analysis of the findings

From the above description of the cases under the Narail Tribunal between 2001 and 2005, we find that in most cases the Acid Violence Acts remain ineffective. The detail case studies as well as the quantitative data derive several important findings behind the not-so-good performance of the stringent laws. First, we have observed that in many cases, the complaints did not go to the police in a timely manner. Consequently, the victims were advised to lodge their complaints in a criminal court. Police had to start their investigation after being instructed by the court. In almost all cases, it created a time lag between the incident and the formal investigation. This delay resulted in weak and pervasive investigation incriminating important evidence. Moreover, this delay in starting the investigation provided the criminals with enough time to influence the investigation itself through unfair means. Another reason for not going to police directly is the ignorance of victims about the formal justice process.

Citizens in Bangladesh do not perceive police as their friends. The general support for the police has been consistently low in Bangladesh. A series of study (Kashem, 2001, 2002, 2003) found that on an average between 80 and 85 percent of the citizens of Bangladesh believe that the police are not doing a good job, and rate police service as extremely poor. The Bangladesh Development Studies (BIDS) survey shows that 90 percent of the people believe that police are not their friends. Transparency International Bangladesh's reports (1997-2004) revealed similar findings regarding public attitudes toward the police. TIB (2004) report indicates that 95 percent people of the metropolitan area are dissatisfied with the service provided by the Thana.

Another study revealed that police rarely use fair procedure in apprehending criminals/suspects. Only 9 percent respondents rated services of the police satisfactory. The majority of the respondents (65%) informed that they would not call the police in case of burglary, theft, dacoity or any other types of crime committed at their home. Sixty-six percent of the respondents believe that police never put themselves above self- interest while performing their responsibilities. Of the 891

respondents 72 percent ranked police low as compared to other professional i.e. lawyer, doctor, engineer, businessman, journalist, and teacher in terms of honesty and integrity (Kashem, 2003).

Because of delay in filing a case and investigation and because of huge backlogs of cases in formal courts, trial in a court gets delayed. At present there is a backlog of 800,000 cases in Bangladeshi courts. In the course of time, victims who are mostly poor and illiterate become unable and disinterested to continue the court case. The offenders get opportunity to influence victims and their families for out of the court mediation through village shalishes. The local powerful and influential people frequently support the offenders for material reasons and influence victims to go through a shalish. These poor victims because of fear and safe living in the locality in most cases surrender to the local elites. Once a victim is compromised the formal court case becomes virtually nonexistent. In our adversarial justice system, it is the responsibility of the State (victim) to prove an accused guilty. An accused is considered as innocent until such proof takes place. But when the victim and his/her relatives are compromised, they even do not tell the truth in a court of law. Thus, despite the proof of commission of acid attack, a court cannot find the perpetration of the accused person(s). Consequently the case ends in an acquittal.

Analysis of the acid violence cases under the Narail Tribunal suggests that stringent law is not enough to curb a particular offence. Efficient and honest enforcement, prosecution, witnesses are necessary for proper implementation of the law. More importantly, most acid violence victims are from poverty-stricken class of the society and thus they have to face variety of social and legal barriers in getting justice. The social barriers include poverty, gender inequality, lack of awareness and education, male dominance etc. The legal barriers are negative attitude of judges and other court officials, lack of cooperation and sympathy of the prosecutor, unfriendly and formal court room, police being hostile etc. Thus, at the end, despite tough laws most acid violence cases do not bring justice for the female victims of acid violence.

Conclusion

In this article we have studied the working of the Acid Crime Control Act, 2002 in Narail tribunal. Both the quantitative data and qualitative description of four cases suggest that the Act has failed to bring justice to most victims of acid violence. We have found that the main reasons for

acid violence are refusal of a relationship and/or marriage proposal, dowry demand, land and family disputes. In most cases, acid violence took place at night and by the perpetrators were known by the victims. The objective of most offenders was to deface their victims. However, despite the fact that the incidents of acid violence took place, in most cases perpetrators got away with their crimes. Because of lack of legal awareness and hostile attitude towards police, most victims do not report the crime to police in a timely manner. Because of lack of physical and medical evidence, often crimes cannot be proven in a formal court. Moreover, because of fear and powerlessness, victims and their families agree to settle down the case outside the court.

Thus, our findings support our central argument that to combat crime against women, the state's role should not end at enacting tough laws. A government may become popular, but victims of crime are rarely benefited if the state does not follow an integrated welfare oriented approach to make sure that these victims in fact do not only get justice, but also their lives are restored in a pre-crime state. We have to remember that the accurate number of acid attacks against women is hard to document because many of the cases go unreported due to the victims fearing reprisals from their attackers. According to the Bangladesh National Women Lawyers Association and the Bangladeshi Acid Survivor's Foundation, only 10 percent of attackers are ever brought to trial.

Considering these realities, we suggest that legal awareness should a development agenda of the government. Prohibition of out-of-court settlements for non-compoundable cases must be strictly imposed. Moreover, police force should be made more efficient so that they cane help the legal system in making the situation better and effective investigation. The Acid Control Act, 2002 should be implemented properly to control the selling and storage of acid or other corrosive substances. To empower victims of acid violence the State must ensure necessary facilities for proper medical care. For their economic and social rehabilitation, projection of a victim's after-attack distorted faces in any public should be restricted. This projection may also encourage others to commit similar crimes. Finally, if we can integrate legal, social, economic and medical resources through proper institutions, the problem of acid violence may be curbed and the female victims of acid violence will be empowered to fight their perpetrators and bring them to justice.

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