



Implementation Status of the Acid Offences Prevention Act 2002 and the Acid Control Act 2002 in Bangladesh

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ASF undertook the study in October 2014 with a view to analyze the implementation status of the two acid related laws. The study aimed to identify possible lacunas that hinder proper implementation of the laws and the scope of work by relevant stakeholders for effective implementation of the acid violence regulatory framework.

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List of Acronyms

AAG	:	Assistant Attorney General
AAP	:	Assistant Public Prosecutor
ADM	:	Additional District Magistrate
AG	:	Attorney General
ASF	:	Acid Survivors Foundation
DACC	:	District Acid Control Committee
DAG	:	Deputy Attorney General
DIG	:	Deputy Inspector General
FGD	:	Focus Group Discussion
FIR	:	First Information Report
HCD	:	High Court Division
IO	:	Investigation Officer
KII	:	Key Informant Interview
NACC	:	National Acid Control Council
NGO	:	Non-government Organization
PP	:	Public Prosecutor
SI	:	Sub-Inspector
SC	:	Supreme Court

TABLE OF CONTENTS

Acknowledgement	p. 2
List of Acronyms	p. 3
Table of Contents	pp. 4-5
Executive summary	pp. 6-7
Chapter 1: Introduction	pp. 8 -19
1.1 Background	
1.2 Existing framework of the acid related laws	
1.2.1 The Acid Offences Prevention Act, 2002	
1.2.2 The Acid Control Act, 2002	
1.3 Study Rationale	
1.4 Study Objectives	
1.5 Study Methodology	
1.5.1 Duration:	
1.5.2 Sampling Procedure & Area Coverage	
1.5.3 Data collection Tools and Methods	
1.5.3.1 Secondary Data Source	
1.5.3.2 Primary Data Source	
1.5.4 Implementation	
1.5.5 Ethical Consideration	
1.6 Study Limitations	
Chapter 2: Findings on Trends and Patterns in Implementation	pp. 20-37
2.1 Findings from the case law analysis	
2.1.1 Common trends in orders of acquittals	
2.1.1.1 General findings on acquittals	
2.1.2 Trends in orders of convictions	
2.2 Findings from the field research	
2.2.1 Focus Group Discussions:	
2.2.1.1 Awareness of the Acid related laws	
2.2.1.2 Barriers in implementation of the acid laws	
2.2.1.3 Recommendations from FGDs for overcoming the barriers	
2.2.2 Key Informant Interviews	
2.3 Findings from the roundtable discussion	
Chapter 3: Reasons Preventing Effective Implementation of the Acid Related Laws	pp. 38 - 50
3.1 Nonappearance of witnesses	
3.2 Non-cooperation and flawed investigation by police	

- 3.3 Inefficiency and bias of the PP**
- 3.4 Lengthy disposal of cases before the Tribunal**
- 3.5 Frequent bail and stay orders from HCD**
- 3.6 Ineffective Role of the NACC and DACC**
- 3.7 Weak monitoring of acid use and complicated process of obtaining license**
- 3.8 Other general gaps in implementation**
 - 3.8.1 Lack of legal awareness
 - 3.8.2 Non-availability of government legal aid
 - 3.8.3 Delayed execution of punishment
 - 3.8.4 Growing perception of acid cases being false

Chapter 4: Recommendations Addressing Scope of Work by Relevant Stakeholders pp. 51 -58

4.1 Key Recommendations

- 4.1.1 Courts should be more proactive and sensitive in dealing with acid victim's case
- 4.1.2 Ensuring accountability of the PP and IO
- 4.1.3 A regular platform should be created where all the stakeholders can share and exchange their concern, good practices and challenges
- 4.1.4 Coordination should be enhanced between legal aid NGOs
- 4.1.5 NACC and DACCs should be more effective
- 4.1.6 Monitoring of acid use should be strengthened

4.2 Other General Recommendations

4.3 Implementation guidelines

- 4.3.1 Relevant government bodies/agencies
- 4.3.2 NGOs
- 4.3.3 Judges of the Acid Crimes Tribunals

4.4 Concluding Remarks

Annexes pp. 60 - 75

Annex 1 - Seven Case Studies

Annex 2 - Research Design

Annex 3 - List of KII Respondents

Annex 4 – Data Collection Tools

List of Figures

Figure 1 : Common Grounds of Acquittal

Figure 2 : Awareness among the FGD participants on the two acid related laws

Figure 3 : Key Implementation Barriers Identified by KII Respondents

Figure 4 : Key Implementation Gaps

Figure 5 : Recommendations

EXECUTIVE SUMMARY

Against the backdrop of an alarming increase in acid violence incidents in Bangladesh, the prolonged lobbying from a number of NGOs including the Acid Survivors Foundation (ASF), resulted in the enactment of two specific laws addressing acid violence, namely the ‘Acid Offences Prevention Act 2002’ and the ‘Acid Control Act 2002’. The laws were enacted with the purpose of controlling acid crimes by imposing stringent punishments; controlling the import, production, transportation, hoarding, sale and use of acid; and ensuring provisions for treatment, rehabilitation and legal support to victims of acid violence. However despite having stringent laws, the acid incidents although decreased, had remained a continuing phenomenon in Bangladesh. Moreover, looking into the government data on the acid crime cases, the overall legal redress scenario for acid survivors does not appear promising and clearly points towards weak implementation of the laws. Hence, ASF has initiated this study to analyze the trends and patterns in implementation of the two acid related laws and to identify possible lacunas which may have been hindering their proper implementation.

The study is primarily a qualitative analysis of the data collected through a combination of number of methodologies. The data has been collected from both primary and secondary sources. The researcher has analyzed varied documents as secondary sources of data. Primary source of data has been collected from the field through Focus Group Discussions (FGDs), Key Informant Interviews (KIIs) and Case Studies. Additionally, a total of 25 judgments from different Acid Crimes Prevention Tribunals were reviewed to get an overview of the courts’ perception and reasoning in coming to a conclusion of conviction or acquittal of the accused. The study has been conducted in four districts of Bangladesh namely, Dhaka, Satkhira, Sirajganj and Sylhet; and a total of 152 respondents have been covered through different processes of data collection. The duration of the research was from October 2014 to February 2015, a total of five months.

The study had discussed the findings on trends and patterns in implementation in two segments. Firstly, it focused on the trends identified from the acquittal and conviction orders of the Tribunals and secondly, it discussed the trends identified from the field based research (FGDs, KIIs and Roundtable). The case law analysis identified a number of common grounds on which Tribunals had often allowed acquittal of the accused among which, relatives of the victims being considered as ‘interested witnesses’, non seizure of item of evidence, ambiguities in medical reports, prosecution witnesses turning hostile during examination were significant findings. On the other hand, the orders of convictions had brought out a number of interesting decisions of the Tribunals which had been discussed in the study as ‘good examples’ to be followed in future proceedings. Some of such decisions held by the tribunal in convicting the accused were: "non-seizure of materials being a failure of the Investigation Officer (IO), is inconsequential"; "witness evidence when found reliable, should not be abandoned for being evidence of interested witness" and "when the charge has been framed, a compromise is not permissible in law or morality".

From the seven FGDs conducted by the study, the significant trend that was noticed was regarding lack of awareness on the two acid related laws. Majority of the participants had never heard of any of the laws and few of them knew some provisions of the laws. Also a sense of distrust had been noticed from the participants' answers, towards the services of the formal duty bearers under the laws, e.g. the local administration, police and judiciary.

From amongst the implementation gaps identified by the KII respondents, non-appearance of witnesses at the scheduled dates of hearings, adverse evidence of prosecution witnesses during examination, involvement of political leaders and elected representatives in influencing the case, lengthy litigation process and frequent stay order and bail petitions being granted from the High Court Division (HCD) were most commonly cited by the interviewees. Corruption and reluctance of IOs and PPs in the investigation and litigation stages were also mentioned by most of the respondents as one of the significant barriers in proper implementation of the acid cases.

Based on the qualitative assessment of the research findings the study has identified and analyzed a number of immediate, underlying and root causes that appeared to be preventing effective implementation of the two acid related laws. Nonappearance of witnesses, non-cooperation and flawed investigation by police, inefficiency and bias of the Public Prosecutors (PP), lengthy disposal of cases before the tribunal, frequent bail and stay orders from HCD, ineffective role of the National Acid Control Council (NACC) and District Acid Control Committee (DACC), weak monitoring of acid use and complicated process of obtaining license have been identified as the key implementation barriers. In addition, lack of legal awareness (both among public and service providers), non-availability of government legal aid, delayed execution of punishment, growing perception of acid cases being false (among the service providers), have also been identified as reasons preventing effective implementation of the two acid related laws.

Drawing upon this substantive analysis of the research findings, the study proposed a number recommendations to improve the implementation process of the acid related laws. The study recommended that courts should be more proactive and sensitive in dealing with acid victims cases since if the concerned court plays a more active role in ensuring justice to the victims, the usual weaknesses in a prosecution case can be overcome. Also as key recommendations the study proposed measures to ensure accountability of the PP and IO and suggested building a regular platform where all the stakeholders can share and exchange their concern, good practices and challenges. Enhancing coordination between legal aid NGOs, increasing efficiency of NACC and DACCs and strengthening monitoring of acid use were among the other key recommendations proposed by the study. The study finally concludes by providing a brief implementation guideline for specific groups of stakeholders to work upon, as immediate goals to achieve.

Chapter 1: Introduction

1.1 Background

In the early to mid-1990s, Bangladesh witnessed an alarming increase in a relatively new form of violence caused by throwing acid. Acid violence involves 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.¹ The increase in reported incidents of acid attacks in Bangladesh were even noticed by international media during that time and attracted the attention of international human rights based organizations.² Earlier, acid violence was generally dealt with under the Penal Code of 1860 and under section 326A³ capital punishment and life imprisonment was prescribed for causing 'permanent privation of the sight of either eye' or 'permanent disfiguration of the head or face' by means of any 'corrosive substance'. During this time, a majority of the acid victims were found to be women and hence acid violence was largely viewed as an extended form of gender based violence.⁴

Amidst concern and criticisms for the acid violence situation, a specific provision for acid attack was incorporated in the Prevention of Repression Against Women and Children (Special Provision) Act 1995 which was subsequently repealed and replaced by the *Nari-O-Shishu Nirjatan Daman Ain*, 2000 (Prevention of Oppression Against Women and Children Act) by retaining identical provision (in section 4) for acid violence against women and children. Apart from prescribing capital punishment as the maximum sentence, the 2000 Act prescribed certain other rigorous punishments for throwing or attempting to throw acid on women and children.

However, despite these efforts, the number of acid incidents in Bangladesh continued to rise and acid violence soon gained an identity wider than a gender based violence, as the number of male victims were equally rising⁵. Against such backdrop, after prolonged lobbying from a number of

¹ 'Breaking the Silence: Addressing Acid Attacks in Cambodia', Cambodian Acid Survivors Charity. May 2010. pp. 1–51 available at http://www.cambodianacidsurvivorscharity.org/docs/breaking_the_silence.pdf accessed on 18/1/2015

² For general reference see, Farida C. Khan, 'Gender violence and development discourse in Bangladesh', available at <http://courses.arch.vt.edu/courses/wdunaway/gia5434/khan05.pdf> accessed on 18/1/2015; also see, Jordan Swanson, 'Acid Attacks: Bangladesh's Efforts to Stop the Violence', Spring 2002; *International Health*, Volume 3, Number 1, available at <http://www.hcs.harvard.edu/~epihc/currentissue/spring2002/swanson.php> accessed on 07/02/2015

³ Added in 1984 by way of an amendment.

⁴ For instance see Anowar Ara Begum, 'Acid Violence: A Burning Issue of Bangladesh—Its Medico-legal Aspects', *American Journal of Forensic Medicine and Pathology*, Volume 25, Number 4, December 2004, Available at http://www.kln.ac.lk/medicine/depts/forensic/images/stories/ques_1/acid_violence.pdf accessed on 17/1/2015

⁵ According to the Annual Report 2013 of the Acid Survivors Foundation (ASF), between 1999 – 2013, the female to male ratio of acid survivors was 69:31; however here the study is only emphasizing the severity of the extent of the violence and not suggesting that acid violence has lost its identity as a gender based violence by inclusion of substantive number of male victims in recent years.

NGOs including the Acid Survivors Foundation (ASF)⁶, in 2002 the government enacted two specific laws addressing acid violence, namely the ‘Acid Offences Prevention Act 2002’ and the ‘Acid Control Act 2002’. The two laws were enacted with the purpose of controlling acid crimes by imposing stringent punishments; controlling the import, production, transportation, hoarding, sale and use of acid; and ensuring provisions for treatment, rehabilitation and legal support to victims of acid violence. Under the Acid Control Act of 2002 two further Rules have been framed, namely the Acid (Import, Production, Reserve, Transport, Sale and Usage) Rules, 2004 and the Medical, Legal Aid and Rehabilitation of the Persons Affected by Acid, Rules 2008. Although enactment of these laws are commonly perceived to be an important contributing factor behind an apparent decrease in the number of acid throwing incidents since 2002, implementation of these laws still remain a major challenge.⁷ The next section briefly describes the salient features of these laws and rules.

1.2 Existing framework of the acid related laws⁸

1.2.1 *The Acid Offences Prevention Act, 2002*

The Acid Offences Prevention Act, 2002 defines ‘acid’ as including any substance which is capable to cause burn, or any corrosive or poisonous substance.⁹ This definition of ‘acid’ is identical to the relevant provision of the *Nari-O-Shishu Nirjatan Daman Ain, 2000*, which makes acid violence punishable. As per Section 4 of the 2002 Act, death or life imprisonment can be sentenced against the offender for causing death or other specific injuries to the victim by throwing acid such as, permanent privation of the sight of either eye, or of the hearing of either ears, damage or disfiguration of face, breast and sexual organs.¹⁰ Besides, for committing these offences the offender can be punished with fine which may extend to one lac taka.¹¹ If any other organ, limb or part of the body is disfigured or damaged or gets injured by the acid then the offender can be punished with a sentence of maximum 14 years and minimum 7 years of imprisonment and additionally would be fined with up to fifty thousand taka.¹² Attempting to throw acid is also made punishable with maximum 7 years and minimum 3 years of imprisonment and a fine of not more than fifty thousand taka, no matter whether or not any harm

⁶ASF was formed in 1999 with the growing concern of the rising trend of acid violence in Bangladesh. See <http://www.acidsurvivors.org/>

⁷ For general reference see, <http://www.irinnews.org/report/82194/bangladesh-acid-attacks-continue-despite-new-laws> ; <http://www.thedailystar.net/acid-violence-still-uncontrolled-27654> accessed on 07/02/2015

⁸ There is no official English version of any of the two acid related Acts or the Rules. As such, most of the provisions are author’s own translations. Additionally, some of the translated provisions of the Acid Offences Prevention Act, cited in this section, have been taken from the unpublished report of ASF based on the study conducted by Dr. Sumaiya Khair - (2007) ‘Towards Effective Prosecution of Acid-related Cases: The Feasibility of Establishing a Formal Monitoring Process’.

⁹ Section 2(b)

¹⁰ Section 4 and 5(a)

¹¹ *ibid*

¹² Section 5(b)

has been caused to the person at whom acid was thrown.¹³ Moreover, whoever abets the commission of an offence under the Act, would be punished with the same punishment provided for committing such offences.¹⁴ As a safeguard against filing of false complaints and false prosecution, the Act makes such actions punishable with imprisonment which may extend to seven years.¹⁵ Section 9 of the Act makes provision for awarding the amount of the fine to the victim or to his/her heirs (in case of death), which is to be realized from the convicted person or his existing property.

To try the offences under the Act, Acid Crime Prevention Tribunals have been established through government notification.¹⁶ Although previously only District and Sessions Judges had jurisdiction to try the offences¹⁷, as per a 2008 notification, all the courts of the Additional District and Sessions Judges have also been assigned to act as Acid Crime Prevention Tribunals in addition to their existing duties.¹⁸ The Tribunal shall be considered as a Sessions court and in the absence of anything to the contrary in the Act, the Code of Criminal Procedure, 1898 shall apply in cases of filing of complaints, investigation, trial or disposal of an offence.¹⁹ The person conducting the case on behalf of the complainant shall be regarded as Public Prosecutor.²⁰ An appeal can be preferred against any decision of the Tribunal, to the High Court Division within 60 days of pronouncement of such decision.²¹ A death sentence passed by the Tribunal under the Act shall not be executed unless it is confirmed by the High Court Division.²²

The Act requires the concerned police officer to complete the investigation of an offence under the Act within thirty days from the date on which the information of commission of the offence was received or from the date of the Magistrate's order for investigation of the offence.²³ The Tribunal however can allow extension of the time period for investigation²⁴, if it appears necessary in the interest of justice.²⁵ The Tribunal can also order the concerned authority to replace any investigation officer on the basis of any application or any other information.²⁶ Although the Act in Section 14 made the offences non-bailable, under Section 15 the Tribunal or

¹³ Section 6

¹⁴ Section 7

¹⁵ Section 8

¹⁶ Section 23

¹⁷ Vide Notification No-239-trial-3/3P-2/2002 which appointed only District and Sessions Judges to act as the Acid Crime Prevention Tribunal. For a detail discussion on this jurisdictional aspect see, State v. Nitish Mondal 60 DLR (2008) 334

¹⁸ SRO No. 230-Law/2008 dated 24 July 2008

¹⁹ Section 22(1), 22(2)

²⁰ Section 22(3)

²¹ Section 26

²² Section 27

²³ Section 11

²⁴ Up to thirty days in total and if it extends beyond that, the Act prescribes that the Tribunal in such case can order the concerned authority to complete the investigation within the next 15 days by any other officer and can direct the supervising authority to take departmental action against the concerned investigation officer.

²⁵ Although this provision is rarely applied and investigations normally extend beyond the prescribed time limit.

²⁶ Section 11(5)

the appellate court can grant bail to the accused on certain terms (e.g. if the Tribunal is satisfied that there are no reasonable grounds for conviction in the charges brought against the accused etc.)

The offences under the Act shall be tried only by the Acid Crime Prevention Tribunal established under section 23 of the Act²⁷. Once the hearing of a case commences, the Tribunal shall convene on every working day till the hearing is complete.²⁸ As per section 16(3), The Tribunal shall dispose of a case within 90 days from the date of receiving the file. The Act also makes provision for holding *in-camera trial*²⁹ if the Tribunal so deems fit. In case of absconded accused persons, the Act allows the Tribunal to dispose of the trial in the absence of the accused.³⁰ If any person who is a ‘child’³¹ is convicted for any offence under the Act, then the provisions of the Children Act 2013³² will be followed so far as practicable.³³

For the appearance of witnesses, summons or warrants should be sent to the officer in charge of the police station, within whose jurisdiction the witness is known to have last resided and it shall be the duty of such police officer to produce the witnesses before the tribunal.³⁴ If any police officer intentionally neglects to execute summons or warrants, the Tribunal can direct the concerned supervising authority to take action against him.³⁵

The Tribunal shall not take cognizance of any offence without a written report produced before it by a police officer not below the rank of Sub-Inspector or any other person authorized by general or special order of the government for this purpose.³⁶ If the Tribunal is satisfied that a person has failed to persuade any police officer or any person authorized by an order of the government to take cognizance of any offence, it may dispense with the written report and take cognizance of the offence directly.³⁷ Notwithstanding absence of any complaint against any person regarding the commission of an offence or request for necessary action, the Tribunal may, if it deems fit, take cognizance of any offence against a person, notifying the grounds for so doing.³⁸

As per section 25, if an offence under this Act is connected with another offence in such a way that both the offences need to be tried together and at the same trial for the end of justice, then

²⁷ Section 16(1)

²⁸ Section 16(2)

²⁹ Section 16(5)

³⁰ Section 18

³¹ Since ‘child’ has not been defined by the Act itself, it can be presumed that the definition of ‘child’ given in the children Act would be applicable, according to which a child is anyone below 18 years.

³² The Act refers to the children Act of 1974, which however had been repealed by the recent enactment of the 2013 Act.

³³ Section 17

³⁴ Section 21(1)

³⁵ Section 21(3)

³⁶ Section 24(1)

³⁷ Section 24(2)

³⁸ Section 24(3)

both the offences can be tried together or at the same Tribunal. The Act also makes provision for safe custody order, if during investigation or trial the Tribunal deems it necessary.³⁹

On medical examination of the acid victim, the Act provides that he/she can be examined in any government or private hospital or health complex and mandated that the concerned doctor on duty shall issue appropriate medical certificate. In case of negligence, the Tribunal can direct the appointing or concerned authority to take appropriate action.⁴⁰

1.2.2 Acid Control Act, 2002

Unlike the Acid Offences Prevention Act, the Acid Control Act provides a detail specification of different types of acid in the definition clause in section 2(b). For instance it includes sulfuric acid, hydrochloric acid, nitric acid, phosphoric acid etc. within the definition of 'acid'. The most important aspect of this enactment is establishment of the National Acid Control Council under the chairmanship of the State Minister of the Ministry of Home Affairs.⁴¹ The Members of the Council also include among others, Minister of Women and Children Affairs; a woman Member of the Parliament to be nominated by the Speaker; Secretaries of different relevant ministries; Inspector General Police; as well as representations from lawyers, journalists, academics, NGOs and medical experts.

The duties of the Council is specified in Section 5 of the Act which includes the following: i) framing rules for controlling acid production, transport, sale, use etc.; ii) framing policies and taking action for prevention of the potential harmful effects of acid and misuse of acid; iii) framing policies for treatment, rehabilitation and legal aid for acid victims and their implementation; iv) awareness raising against acid violence; v) conducting research and surveys to collect information on acid usage; vi) keeping liaison with all the relevant ministries; vi) framing policies for proper management of industrial acid related wastes and their implementation; vi) take any other action to properly fulfill these responsibilities. The Act further provides that the National Council will sit for at least one meeting in every three months.⁴²

The Act further establishes District Committees under the National Council for each district to be formed under the chairmanship of the Deputy Commissioner of the concerned district. The district committee would also include Police Super, Civil Surgeon, Councilor nominated by the Mayor, woman Vice-chairman of the Union Parishad, Public Prosecutor, District Welfare Officer, District Women Affairs Officer, members of relevant NGOs, and others as Members.

³⁹ Section 28

⁴⁰ Section 29

⁴¹ Section 4

⁴² Section 6

The Committees are assigned with the similar responsibilities as that of the National Council, with regard to the particular district.⁴³

The Act also established a National Acid Control Fund with a view to create awareness about the harmful consequences and severity of misuse of acid and in order to collect fund for the purposes of treatment, rehabilitation and legal aid for acid victims.⁴⁴ The fund would be run by government and the expenditures will be done through such means and forms as prescribed by rules.⁴⁵ The sources of the Fund would include government donation; donations from any foreign government or organization, or from any local body or private organization or persons; or fund collected from any other sources.⁴⁶ A similar Fund will be also established for each District Committees.⁴⁷

Another important feature of this Act is to make provisions for licensing for usage of acid. The Act states that the government will be the licensing authority for the import and production of license (as per the relevant Rules, the Ministry of Home Affairs issues these licenses).⁴⁸ The Deputy Commissioners of each districts are the licensing authorities for transportation, stock, sale and use of acid.⁴⁹ A license will not be issued or renewed if the concerned person has been convicted of any offence under this Act with imprisonment of any terms or with fine above fifty thousand taka, and five years have not passed till his/her release or till realization of the fine amount. License will also not be issued or renewed to any person, if the license given to him/her under the Act had been once cancelled for breaching any of its conditions.⁵⁰ The licensing authority thus can cancel any license either permanently or temporarily for any breach of its terms.⁵¹

The Act further provides that the government may by notification in the official gazette empower the licensing authority with similar power as an officer in charge of a police station, for investigating any offence under the Act.⁵² Any officer authorized by government also has the authority to issue search warrant or arrest warrant under the Act.⁵³

Any production, import, transportation, stock, sale or usage of acid, in contrary to the rules or terms of the license is punishable under the Act with maximum ten years and minimum three years rigorous imprisonment in addition to fine of fifty thousand taka.⁵⁴ If any machineries,

⁴³ Section 8

⁴⁴ Section 10(1)

⁴⁵ Section 10(4)

⁴⁶ Section 10(2)

⁴⁷ Section 11

⁴⁸ Section 16(1)

⁴⁹ Section 16(2)

⁵⁰ Section 17

⁵¹ Section 18, 19, 20

⁵² Section 23

⁵³ Section 25, 26

⁵⁴ Section 36

substances or ingredients which are capable of being used in producing acid are found in the possession of any person, he/she can be punished with maximum fifteen years and minimum three years rigorous imprisonment in addition to fine.⁵⁵ Further, if any person breaches any terms of the license, he/she shall be liable to be punished with a maximum five years and minimum one year rigorous imprisonment or with fine up to ten thousand taka or with both.⁵⁶ The act also makes false cases punishable with maximum seven years and minimum two years rigorous imprisonment in addition to fine.⁵⁷

Under the Acid Control Act of 2002, two further Rules have been framed, namely the *Acid (Import, Production, Stock, Transportation, Sale and Usage) Rules, 2004* and the *Medical Treatment, Legal Aid and Rehabilitation of the Persons Injured by Acid, Rules 2008*. Under the 2004 Rules, some detail procedures were prescribed for issuance, renewal and cancellation of licenses under the Act. It prescribed certain specific application forms for licenses of different categories. Most importantly this Rule prescribed specific license fees for each category of licensees. For example, the license fee for import of acid is one lac taka, whereas the fee for sale of acid is specified as five thousand taka.⁵⁸ Besides licensing, the Rules of 2004 also provides further specifications regarding import, sale, production, storage, transportation and usage of acid. For instance, it provides certain cautionary measures that must be adopted while transporting⁵⁹ or storing⁶⁰ acid filled containers. It makes provision for security bond to be given to the government by the acid importers and producers before getting license, declaring that no acid would be sold to any person other than a license-holder under the Act.⁶¹

The 2008 Rules on the other hand focuses on the procedural details regarding medical, legal aid and rehabilitation of the acid victims and survivors. It prescribes a specific form for providing immediate medical certificate to the victims.⁶² It also describes the role of the District Committee to ensure proper treatment of acid victims.⁶³ Further this Rule requires the District Committee to write to the District Legal Aid committee requesting for providing legal aid or assistance to acid victims under the Legal Aid Act of 2000 and mandates the District Legal Aid Committee to ensure proper legal assistance to the victims accordingly.⁶⁴ Similarly the Rules assigned the District Social Welfare officers to run the rehabilitation centers for acid victims of the concerned districts. The District Committee Chairman will supervise the rehabilitation efforts and the

⁵⁵ Section 37

⁵⁶ Section 39

⁵⁷ Section 40

⁵⁸ Rule 5 of the 2004 Rules

⁵⁹ Rule 14 of the 2004 Rules

⁶⁰ Rule 21 of the 2004 Rules

⁶¹ Rule 24 of the 2004 Rules

⁶² Rule 4 of the 2008 Rules

⁶³ Rule 6 of the 2008 Rules

⁶⁴ Rule 7 of the 2008 Rules

District Social Welfare officers will take necessary measures to establish rehabilitation centers and to raise awareness regarding rehabilitation need and other assistance for the acid victims.⁶⁵

1.3 Study Rationale

According to the data available from ASF, since the enactments in 2002, acid violence has decreased by an average of 17% to 15% per year resulting in an 86% decrease in acid victims i.e. from 496 in 2002 to 70 in 2014⁶⁶. However, although this is an impressive account of the acid violence situation, this data is mainly based on the incidents reported in the newspapers, along with other sources such as local NGOs and survivors themselves. Since not all acid attacks are reported in the newspapers and a large percentage of acid attack incidents occur in rural areas⁶⁷, the possibility that acid incidents happen in a number greater than this, cannot be negated altogether. More importantly even the total number of 70 can be said to be considerably high and cannot be overlooked. Despite of stringent laws and other government machineries set up for combating acid violence, brutal acid attacks still take up the front pages of the daily newspapers in Bangladesh. The year 2015 in fact began with the news of a man being attacked by acid during his own pre-wedding ceremony in Shariatpur, allegedly by a local youth who desired to marry his would be bride.⁶⁸ This overall situation of acid violence in the country does pose a question as to how the implementation process of the two laws are working and what can be done to achieve greater success in terms of their implementation.

Moreover, looking into the data available from the government set up Acid Crime Case Monitoring Cell (under Ministry of Home Affairs) reports, the overall legal redress scenario for acid survivors does not appear as encouraging as the statistics on the decreased number of acid incidents each year does. Until September 2014, a total of 1,939 acid violence cases have been filed with police, out of which final reports have been submitted in 772 cases and charge sheets in 1,151 cases. Out of 1,153 cases in the Acid Crime Tribunals⁶⁹, 449 cases are still pending for trial. Most importantly out of the cases that have been disposed of as of September 2014, only 177 cases have convictions against the accused and in 527 cases the accused have been acquitted of all charges. On the other hand, the actual implementation status of verdicts in favor of the acid survivors is currently unknown. Also, out of the 5,090 numbers of accused included in FIRs⁷⁰ only 608 persons have been so far arrested. Again, these are the numbers collected from government sources and there is possibility that the number of arrests or acquittals may in reality

⁶⁵ Rule 8 of the 2008 Rules

⁶⁶<http://www.acidsurvivors.org/Statistics> accessed on 18/1/2015

⁶⁷ 97% of all attacks since 1999 to 2013 occurred in rural areas. (According to ASF's Annual Report of 2013)

⁶⁸<http://www.acidsurvivors.org/News-Article/News//4-persons-in-a-gaye-halud-ceremony-of-Shariatpur-district-exposed-to-acid-attack> accessed on 18/1/2015

⁶⁹ Set up under section 23 of the Acid Offences Prevention Act, 2002 for trying cases under the Act. The Tribunal would be formed by Court of Sessions Judge or Additional Sessions Judges as per government notification.

⁷⁰ First Information Report, which is considered to be the primary record of commission of an offence, is lodged in the police station and with this the formal investigation begins under the provisions of the Code of Criminal Procedure.

appear higher than this. Thus in general, the available data rationally pose questions as to how far the victims of this appalling crime are getting legal redress when they have taken resort to the formal legal system.

Hence, this study finds it pertinent to analyze the implementation status of the two acid related laws and aims to identify possible lacunas which may have been hindering their proper implementation.

1.4 Study Objectives

The overarching objective of the study is to conduct an analysis of the implementation status of The Acid Offences Prevention Act 2002 and the Acid Control Act 2002.

The specific objectives of the study are:

- To identify trends and patterns in the implementation of the Acid Offences Prevention Act 2002 and Acid Control Act 2002.
- To identify the immediate, underlying and root causes (legal, procedural, and attitudinal gaps) that prevent effective implementation of the two Acid Acts and other relevant policies and plans of the government.
- To identify the scope of work by relevant stakeholders and duty bearers for effective implementation of the acid violence regulatory framework.

1.5 Study Methodology

The research is directed towards assessing the implementation of The Acid Offences Prevention Act 2002 and the Acid Control Act 2002 (as amended in 2010); and therefore, it entails the challenging task of gathering information from individuals and entities, and analyze them to complete the qualitative and assessment.

1.5.1 Duration:

The duration of the research was from October 2014 to February 2015, a total of five months.

1.5.2 Sampling Procedure & Area Coverage:

The Study has been conducted in 04 districts (Dhaka, Satkhira, Sirajganj and Sylhet) of Bangladesh. Based on the project document of ASF the high prevalence and medium prevalence areas of Bangladesh have been purposively selected to ensure that the data collected captures the dynamics of the implementation status of the Acid Acts in different parts of the country (i.e. North, South, East and West) thereby representing the overall countrywide scenario. The respondent has been purposively selected in consultation with ASF and their partner organization. For example – both old and new acid victims were identified to analyze the recent and earlier trend, cause and effect. Moreover, 4 districts have been selected keeping in mind the

constraints of time and budget. A total of 152 respondents have been covered through different processes of data collection.

1.5.4 Data collection Tools and Methods:

1.5.4.1 Secondary Data Source:

The research combined a number of methodologies to ensure that the findings represent the participation from most of the stakeholders of the two laws. The data has been collected from both primary and secondary sources. The researcher has analyzed multifarious documents as secondary source of data. The documents reviewed included government and NGO reports, NACC and DACC meeting Minutes, Meeting minutes of the Acid Crime Case Monitoring Cell, ASF's Conference and Workshop reports, relevant articles and news sources. After reviewing these documents the researcher has developed and designed the tools based on her insight to collect information from the field.

1.5.4.2 Primary Data Source:

As per earlier plan, the data has been collected from the field through FGDs, KIIs and Case studies as a primary source. Afterwards data has been collected from different clusters of respondents. Additionally case law analysis has been conducted to understand the approach of the courts and other stakeholder involved in the litigation process.

KII:

A total of 38 key informant interviews (KIIs) were conducted for this study in the four selected districts. The interviews took place in a reasonably consistent manner, relying primarily on semi-structured interview guidelines. A list of questions was listed for each group of respondents. The KII respondents for the study included district level Sessions Judge/Additional Sessions Judge, Upazilla Nirbahi Officers (UNOs), Officers in Charge of Police Stations (OCs), Sub Inspector Police, Public Prosecutors (PPs) and Assistant Public Prosecutors (APPs), Additional District Magistrates, members of the District Acid Control Committee (DACC)⁷¹, local journalists and panel lawyers of BRAC⁷², among others. At the national level the key informants included among others, Assistant Attorney Generals, members of the National Acid Control Council (NACC)⁷³, representatives from the Legal Aid partner NGOs of ASF and personnel from Police Headquarters. Through this qualitative interview process, the study attempted to explore the links

⁷¹ Established under the Acid Control Act 2002, under the Chairmanship of the Deputy Commissioner. One of the main functions of the committees is to propose recommendations to effectively control use, sale, import, production etc. of acid in the concerned districts.

⁷² Panel lawyers are engaged by BRAC from among the practicing lawyers to assist the PP in an acid crime case. Their role is merely informal and they act as a liaison between the PP, the investigating officer and the tribunal

⁷³ Established under the Acid Control Act 2002 under the Chairmanship of the Minister, Ministry of Home Affairs.

and gaps between the theoretical framework of implementation of the Acid Acts and the practical insights of the relevant stakeholders.

FGD:

The study has conducted a total of seven focus group discussions (FGDs) in the selected four districts. The FGDs have been conducted from a two-tier approach. Firstly, the study aimed to understand how far community members of acid survivors are aware of and responsive to the acid violence laws and their implementation process, keeping in view the incidents of acid violence that had occurred in their own community. Secondly, as the local elites in a community can play an important role in engaging into the process of ensuring proper access to justice for the community's acid survivors as well as can act as a key stakeholder in better implementation of the laws in their communities, the study also conducted FGDs with local elites of the concerned community. In Dhaka, there had been one FGD with survivor's community members. Outside Dhaka, two FGDs were conducted in each district - one with representations from survivors' general community members and one with the community elites. A total of 59 participants took part in the seven FGDs. From the survivors' community members, participants were commonly survivors and their relatives, day laborers, housewives, shopkeepers and industrial workers. From the local elites, UP Chairmen, UP Members, school and college teachers, imams of local mosques, traders and other locally influential people were the participants.

Case Studies:

The study also collected seven case studies of survivors (two each from the three selected districts outside of Dhaka and one from Dhaka through in depth interviews. The case studies were conducted to gain a practical understanding on how the legal process works when an acid survivor takes resort to it. All the seven case studies have been incorporated into the research by way of annexure, and only the most relevant case studies have been used in the core content of the research.

Case Law Analysis:

A total 25 judgments from different Acid Crime Tribunals were reviewed. This analysis was conducted to get an overview of the courts' perception and reasoning in coming to a conclusion of conviction or acquittal of the accused. Also a judgment usually contains a detail description of the overall facts of the case, evidences submitted and arguments of both the parties. Consequently, this gives a greater insight into the implementation process of the laws.

Expert opinion:

At the final stage of the research, the findings from the study were shared through a roundtable discussion with participation from the key stakeholders. In total 48 participants took part and shared their comments on the study findings. The final draft of the study has been prepared after incorporating the relevant observations from the roundtable.

1.5.4 Implementation

The overall research was conducted by the research Consultant. For the field based data collection (FGD, KIIs and Case studies) the Consultant was assisted by a team of four researchers having expertise in conducting field studies. The team was selected informally through personal communication and was given brief orientation of the research by the Consultant. The data collected from the field research was crosschecked by the Consultant with the concerned field researcher. Additionally most of the respondents' contact numbers were collected by the field researchers and the consultant had, in a number of cases, personally communicated with some of the respondents to clarify and confirm some data received from the field.

1.5.5 Ethical Consideration:

Measures have been taken to ensure privacy of all participants. Identities of participants in the FGDs and key informant interviews remained anonymous. All members who had assisted the researcher in conducting the field research have received an orientation on research ethics, including confidentiality, rapport building, gender sensitivity etc. Confidentiality has been emphasised at the beginning of each FGD and key informant interview. All documents and recordings have been stored securely.

1.6 Study Limitations

Due to time and budgetary constraints, the study limited its scope to four districts only. Although the study purposively selected the districts representing four different geographical locations of the country, the findings cannot be said to be nationally representative. In terms of reviewing judgments, the researcher had approached individual Tribunals through personal communications. Although limited number of judgments were made available by the Tribunals in Satkhira and Sirajgonj, some of the Tribunals had reservations as regards to sharing judgments for academic/research purpose, although once judgments are passed the document generally loses its confidential status. Also, with regard to literature review, there is scarcity of any academic work, publication or even reports on the implementation of the two laws and hence the findings are heavily relied on the case law analysis and the primary data collected through the field research. Additionally with regard to the case studies, although all of the survivors willingly agreed to share their experiences, they expressed limitations with regard to using their real names in the final draft. Hence fictitious names have been used in all of the case studies annexed with the report.

Chapter 2: Findings on Trends and Patterns in Implementation

2.1 Findings from the case law analysis

A total of 22 judgments of various Acid Crime Tribunals and 3 judgments from the Prevention of Oppression Against Women and Children Tribunal were analyzed for the purpose of the study. Out of these judgments, in a total of 11 cases the accused have been convicted and in 14 cases the accused have been acquitted of all charges. The cases analyzed, thus represent significant trends in both acquittals and convictions in acid violence related cases tried by the Sessions Court, although because of the small number of cases analyzed these cannot definitively be said to be the trend for all cases tried countrywide under the Acid Crimes Prevention Tribunals.⁷⁴

2.1.1 Common trends in orders of acquittals

From the analysis of the cases the following grounds have appeared to be most commonly cited by the Tribunal for a finding of acquittal of the accused.

- Usually in acid throwing related cases most of the prosecution witnesses are relatives of each other and hence they are sometimes regarded as biased or interested witnesses. Also it appears to be quite common that there exists history of past enmity between the complainant's and the families of the accused, or longstanding litigations between the families. In such cases this inevitably becomes a strong argument in favor of the defense that the prosecution had filed a false case for harassing the accused due to jealousy or past enmity. In a number of cases this has been found to be one of the grounds cited by the courts for acquittal of the accused.

In a judgment from the Acid Crime Tribunal of Dinajpur the prosecution case was deemed weakened by this very reason that there had been admitted enmity between the parties and it was held that because a majority of the prosecution witnesses were relatives of each other, their evidences could not be relied upon. In support of this reasoning the court cited a High Court Division (HCD) case reported in 15 BLD, 314 (*Khalilur Rahman vs. State*) quoting "where in a case witnesses are related partisan and interested in the prosecution in the wake of enmity and litigations between the parties, the evidence of such witnesses requires corroboration from independent sources. This is not a rule of law but a rule of prudence usually adhered to

⁷⁴Additionally, all of the cases tried under the Acid Crimes Prevention Tribunals which have been analyzed for the study were filed under The Acid Offences Prevention Act and as such the trends on the implementation of the Acid Control Act has not been reflected in this section. However the findings from the field based research also have a clear focus on the implementation trends of the Acid Control Act

by the courts. Before accepting the evidence of such witnesses, a court is required to take due care and precaution in the assessment of evidence."

- Another common ground for acquittal in acid crime cases has been ambiguities in medical reports and sometimes not submitting any medical certificate as evidence. There are certain common technicalities that have been cited by the court in a number of cases while assessing the evidentiary value of the medical certificate or report. The most common of them is the absence of any reference as to what type of acid has been used, although the certificate clearly stated that the injury has been caused by 'corrosive substance'. Among others, factors like absence of signature of the injured on the certificate; absence of description of the color of the injury, details of the injury marks, identification of patients or absence of any statement of referral to other hospital etc. have been cited at different times to have weakened the medical evidence. In a number of cases, these have come out to be the only ground for acquittal of the accused from the charges.

In one case⁷⁵ acid was allegedly thrown on the wife of the complainant as a result of land related family disputes. The accused attackers were the sons of the complainant's paternal uncle. After the attack the victim was taken to a local health complex from where the hospital authority sent her to the district's government medical college hospital. No certificate or referral for transfer from the health complex was submitted as evidence before the Tribunal, neither did the Investigation Officer make any attempt to visit the hospital and enquire about the incident. A medical certificate was however provided from the medical college hospital and the doctor who had issued the certificate had also given evidence as a witness before the Tribunal.

The certificate was written in the following language:

"After thorough examination the following injuries are noted on her person: Blackish coloration of skin over left cheek, outer aspect of right upper arm and some parts of left upper arm. The injury of the face is grievous and others are simple and caused by chemical substance. Age of injuries 10-14 hours"

The victim was then transferred for further treatment to the ASF hospital in Dhaka and the attending doctor from ASF had also deposed in the court as a witness. The report submitted by ASF recorded the following: *"I*

⁷⁵ Acid Crimes Prevention Tribunal of Dinajpur, 2004

Burn by corrosive agent. II) nature of injury was mixed burn mostly deep. III) area involve about 06%. Name of injured area- most of the left cheek, part of the back of the neck. Part of the upper chest. Part of right arm part of left arm. Multiple area over left surface of the neck"

Although both certificates clearly concluded that there was serious injury over the victim's body, the Tribunal found that these did not sufficiently establish that the victim was actually injured by acid. The reason cited by the Tribunal was that in cross-examination none of the witnesses giving medical evidence could inform the Tribunal as to what was the exact nature of the chemical substance which was thrown at the victim, at the same time it was also noted that the color of the injury was not mentioned in the certificate. Although the victim had gone through two operations at the ASF hospital according to the evidence from ASF, the court found that absence of these technical details rendered the medical evidence unreliable.

- In a number of cases it has been found that a key factor behind acquittal of the accused had been the fact that the Investigation Officer did not seize an item which according to the Tribunal was vital for proving the prosecution case. Items such as victim's apparels or other acid burn materials, the torch or hurricane with which the victim had seen the perpetrators if the incident had happened after sunset, the container carrying the acid etc. had all been considered important evidence for the Tribunal to prove the case against the accused. In few cases, an overemphasis on submission of these items as evidence, has been noticed in coming to a conclusion that the accused had been innocent.

In one case⁷⁶ the Tribunal came to the finding that acid had been thrown on the body of the victim relying on the evidence of the prosecution witnesses and the medical certificates. However, the Tribunal acquitted the accused from all charges on the ground that the victim complainant did not submit the torch with which he stated to have recognized the accused in the darkness. The FIR did not mention about the fact that the victim recognized the accused by torchlight but he had stated the same during cross examination. The Tribunal quoted that 'since the incident happened at night, the state party must prove the medium used for recognizing the accused', ignoring altogether that when the accused party is previously known to the victim, they can be recognized even in the moonlight. The Tribunal further stated that since the torch light was not seized or

⁷⁶ Acid Crimes Prevention Tribunal of Sirajgonj 2009

presented before the Investigation Officer during investigation, this has created sufficient doubt as to whether the acid was thrown by the accused and hence the case was held to be not proved against the accused beyond reasonable doubts.

- Another trend seen from the decisions of acquittals is that, because of absence of eye witnesses, the victim's deposition as well as motive of the accused, and other circumstantial evidences are not considered sufficient by the court to prove the case against the accused.
- Inconsistencies between information written in the FIR and the deposition of the witnesses before the Tribunal again in some cases have influenced the Tribunal's decision of acquittal of the accused.
- One of the major reasons which had influenced Tribunals' decisions of acquittals has been the fact that prosecution witnesses become hostile during examination. It also happens quite commonly that the victim complainant her/himself denies the previous accusations in the FIR and gives a completely opposite deposition during witness examination. In a number of cases the court had ordered acquittal of the accused, relying on the witness deposition, even though it contradicted the statement recorded earlier in the FIR or by police during investigation.

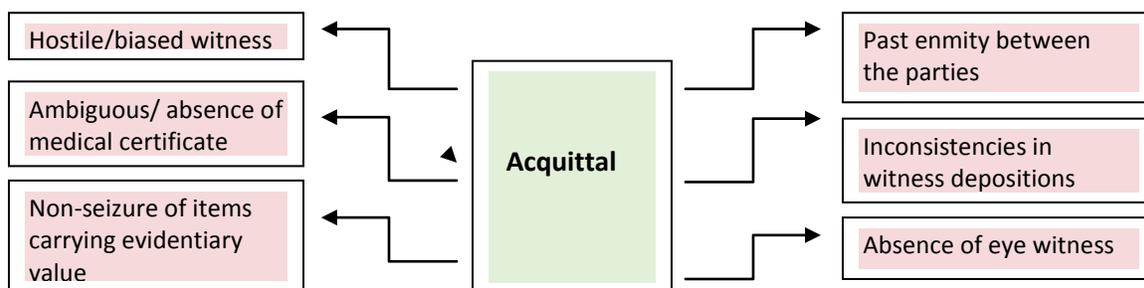
In one case⁷⁷ the complainant was the mother of the victim and she had complained in the FIR that the accused persons had thrown acid on her daughter which severely burnt her left cheek, chest, abdomen, left hand and left leg. There was no doubt in the case that the victim had been attacked by acid as she had severe bodily disfigurement due to the acid throwing. However during examination of witnesses all the prosecution witnesses, even the complainant and victim themselves denied to have recognized the accused and stated that they don't know who had thrown the acid. However, in the judgment it was duly noted that the complainant when examined by the state party admitted that the accused had thrown acid on her daughter but during cross-examination by the defense she denied the involvement of the accused. Nevertheless because all the other prosecution witnesses denied to have seen or heard that the accused had thrown acid on the victim, the tribunal held that this casted sufficient doubt in the prosecution case and acquitted the accused accordingly.

⁷⁷ Acid Crimes Prevention Tribunal Sirajgonj 2009

2.1.1.1 General findings on acquittals

Certain causes as referred above, for instance, prosecution witnesses altering their accusation during examination, non seizure of certain items carrying evidentiary value, relatives considered as interested witnesses, etc. had been commonly found to be grounds influencing the Tribunal to order acquittal of the accused. Generally analyzing the cases where the accused were acquitted, certain common factors were identified which played an important role in strengthening the defense's case. For instance, in such cases the Investigation Officer's role had been negligent or inefficient, the public prosecutor in such cases also appeared to have played an almost nonexistent role. At the same time, the Tribunals in certain cases seemed reluctant to go beyond certain preconceived notions of assessing evidences, ignoring altogether the viciousness of the crime of acid throwing. However, in few cases the acquittal could be said to be rightly justified, as the evidences in hand clearly indicated that the accusations were false.

Based on the analysis of the judgments, the following chart summarizes some of the common grounds on which courts have ordered acquittal of the accused.



[Figure – 1] Common Grounds of Acquittal

2.1.2 Trends in orders of convictions

Generally it is seen from the analysis of the cases used in the study, that when the injury of the victim is severe, convictions are usually given unless there are other impending reasons which can disassociate the accused from the incident of attack. One factor that is significant to note here is that in the cases where the accused have been convicted, it often appears that the public prosecutors and sometimes the concerned Investigation Officers had exercised their functions more efficiently and hence the case became stronger in favor of the victim. There are a few judgments where the judge of the Tribunal had acknowledged the role of the public prosecutor by praising his/her role in ensuring justice to the victim. A number of judgments had also rendered certain decisions and principles in coming to an order of conviction, which had in effect

showed the foresightedness of the Tribunal and willingness to ensure proper justice to the victim. In some cases the Tribunal seemed to have taken a pro-active role and ordered conviction despite of the fact that the investigation of the case was weak or the prosecution witnesses appeared to have turned hostile. Some of these trends have been discussed below as examples of good practices:

Acid Crime Case No.5 of 2006, Satkhira

This is a judgment given by the Acid Crimes Prevention Tribunal of Satkhira, which has significant bearings for the future acid crime cases. The judgment has in a number of respects put forward impactful observations which can very well be regarded as useful lessons for the Acid Crimes Prevention Tribunals in general.

- **Non-seizure of materials is a failure of the Investigation Officer and hence inconsequential**

In this case, non-seizure of a torch or lantern with which the complainant had stated to have recognized the accused was held to be 'inconsequential'. Rather the court admonished the concerned Investigation Officer for being negligent in his duty. In support of this, the Tribunal cited *Ghulam Mohammad vs. State* reported in PLD 1969, p 114 where it was observed that 'if the evidence of a witness given on oath seems true and reliable, the lapse or inconsistency caused by actions of the Investigation Officer would create no dent'.

- **Identification of the accused in darkness**

The same case had further significant observations regarding the identification of the accused during night. The court observed that even if there is no artificial source of light to recognize the victim in the darkness, it is still possible to identify the perpetrator from certain other factors. The court cited two Indian judgments in support of its view. One was *Shivraj Yadav vs. State of Karnataka*⁷⁸ where it was held that, "the parties are used to live in the midst of nature and accustomed to live without light. The parties could have been identified easily not only from their voices but from the fact that they are known persons and close neighbors". The other case that the court cited was *U.P vs. Babu*⁷⁹ where the following observation was held: "apart from the mention about the torch light, one important aspect which cannot be lost sight of and which is of relevance and great significance is that the accused persons are known to the witnesses. When persons are known, identification is possible from the manner of speech, manner of walking and gesticulating and special features of a person like the physical attributes'.

⁷⁸ AIR 2003 (SC) 3580

⁷⁹ AIR 2003 (SC) 3408

- **Witness evidence when found reliable, should not be abandoned for being evidence of 'interested' witness**

In this case the defense as usual raised the plea that impartial witness was not produced by the prosecution as most of the witnesses were related to each other. But the court strongly held that in criminal trial "it is a settled principle that evidence of a witness if found intrinsically reliable, should not be jettisoned on the ground of interestedness". In support of its view the court cited a number of the Supreme Court's decisions, for instance, *Jafar Ahmed vs. State*⁸⁰ and *Shah Alam vs. State*⁸¹.

- **Greater weight on the testimony of the injured victim**

Placing greater reliance on the evidences of the victim the court observed that if the injured witness can recognize the attacker he/she would not spare him and falsely implicate persons with whom there was no enmity. In support of the view the court cited the case of *Ataur Rahman vs State*⁸² where similar observation was held by the High Court Division regarding testimony of an injured victim.

Acid Crime Case No.4 of 2004, Narayanganj

In this case the accused was convicted with the sentence of life imprisonment. This judgment has again set important principles for assessing evidence in an acid crime case.

- **Reliance on circumstantial evidence over evidence of eye witness**

In coming to a conclusion of conviction in absence of an eye witness the court held that, in the concerned case the circumstantial evidence was extremely relevant and through the chain of circumstances it was clearly proved that the accused had thrown acid on the victim. The court accordingly cited the High Court Division's case of *State vs. Moslem*⁸³ where it was held that, "circumstantial evidence may be and frequently is more cogent than the evidence of eye witness. It is not difficult to produce false evidence of eye witnesses. It is on the other hand, extremely difficult to produce circumstantial evidence of convincing character." The court also cited *Sate vs. Md. Ainul Huq*⁸⁴ which had held similar decision on the weight of circumstantial evidence.

- **A close relative is not necessarily an 'interested witness'**

Again this judgment held a very important observation regarding interested witnesses. The court held that although in the concerned case, most of the prosecution witnesses were relatives or co-victims, there were no apparent reason to disbelieve their evidences as they were all 'natural and

⁸⁰ BCR 2005 (AD) 58

⁸¹ 10 BLD (AD) 2

⁸² 14 BLD, 391

⁸³ 55 DLR, 116

⁸⁴ 24 BCR 2004 (HC) 220

material witnesses' of the case. The court again cited the following paragraph from *State vs. Moslem* which had observed that "a close relative who is a material witness cannot be regarded as an interested witness. The term 'interestedness' postulates that the witness must have some direct interest in having the accused connected for some animus or some other reasons".

**Prevention of Oppression Against Women and Children Tribunal, Mymensingh
Women and Children Case No 387/2001**

As the attack was committed before passing of the 2002 Act on acid crime, this case was filed under the Prevention of Oppression Against Women and Children Act 2000. The Tribunal convicted one of the accused and sentenced him to life imprisonment. This judgment, apart from holding similar observation as mentioned above regarding value of evidence of eye witnesses, held an important observation regarding necessity of chemical or forensic test of the acid or of the materials burnt by acid during the attack.

- **Absence of chemical test of the acid is a mere technical or procedural defect**

In this case it was argued by the defense that there had not been any forensic or chemical examination of the type of the acid with which the victims were burnt, neither the bottle which had carried the acid was seized. In reply to this, the Tribunal aptly observed that these were mere technical or procedural defects and further held that there had been a number of Supreme Court judgments which supported that for a mere technical default no one should be deprived from getting substantive justice.

Acid Crime Case No.8 of 2004, Satkhira

This is again an order of conviction sentencing the accused to 14 years of rigorous imprisonment. This particular judgment gave an extremely important observation concerning cases where the prosecution side evidently had compromised the case in lieu of money or fear of influential parties.

- **When the charge has been framed, a compromise is not permissible in law or morality**

Like many other acid cases, in this case also the prosecution witnesses including the victim denied all allegations brought in the FIR against the accused and it was quite evident during examination of witnesses that the prosecution side had been hiding the truth due to fear or local pressure. However, despite all the witnesses turning hostile, the Tribunal strongly held that whatever might have been the cause of the compromise, where the charge has been finally framed, a compromise in the situation in law or morality is not permissible. The court observed that setting free an acid thrower on this plea of compromise or local equation of the parties may send a wrong signal to the evil doers and to the society at large; and in such a case it was not the

victim alone who would be wronged rather it would be a wrong to the whole society. The court also cited the Indian Supreme Court's judgment on the same issue in *Zahira H Shaikh vs State*⁸⁵ quoting that "Each one has an in built right to be dealt with fairly in a criminal trial. If the witness get threatened or are forced to give false evidence that also would not end in fair trial."

2.2 Findings from the field research

2.2.1 Focus Group Discussions:

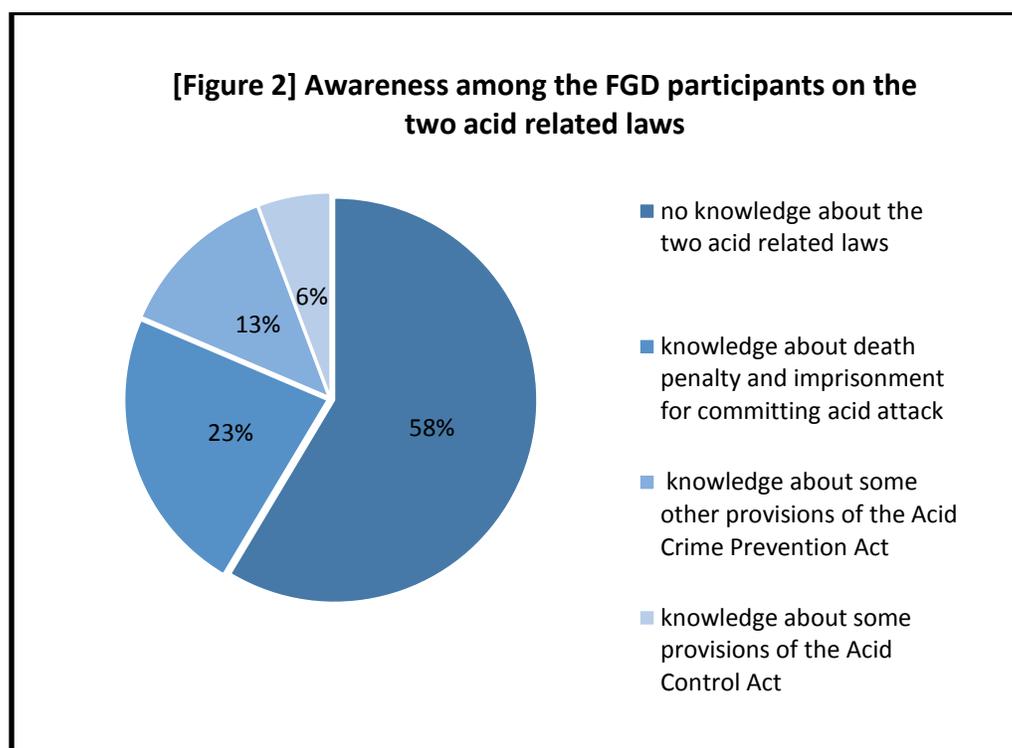
Through focus group discussions with survivor's community members and the local elites, the study tried to understand the possible barriers that they think are obstructing acid survivors from getting proper justice and how they can engage in a process where implementation of both these laws can work better in their own community. From the findings of the seven FGDs conducted for the purpose of the study, the following trends can be identified:

2.2.1.1 Awareness of the Acid related laws

The general trend that appeared from the FGDs both with local community people and the local elites, was that although they seemed to be generally aware that acid throwing is a punishable crime, most of the participants had either very less or no knowledge on the two acid related laws. Among the participants, only few had heard about the laws although the only provision that they were aware of was about death sentence as the maximum punishment for acid attack. Compared to the FGDs in Dhaka, Satkhira and Sylhet, the participants in the FGD with survivors' community in Sirajgonj appeared to have relatively more knowledge on the laws, perhaps because majority of the participants in that FGD were survivors themselves. This trend, to a certain extent also indicates that compared to general community members, acid survivors have a higher level of knowledge on the laws and their implementation, mainly because they had to go through the legal process themselves. Another reason may be that most of the NGO interventions including legal awareness related campaigns mainly target survivors of acid attacks and their families who had helped the survivor throughout the process, and as such their understanding and experiences regarding the acid related laws are better than those who have not experienced similar situation. Most of the participants who had heard about the laws and the death penalty said that they heard it from Television and Radio programs. Some have cited names of NGOs like ASF and its partner organizations as the source of their knowledge. Among the survivor participants in Sirajgonj, some even knew that in acid violence cases the victim does not need to employ his/her own lawyer, rather it is the public prosecutor who runs the case on behalf of the state. Although in case of the Acid Offences Prevention Act, some of the participants had some knowledge, in case of the Acid Control Act most of the participants were unaware of its provisions, although participants generally knew that in order to sell acid one needs to have government permission or a license.

⁸⁵ 2004 SCC (5) 353

The following chart summarizes the level of awareness among the FGD participants regarding the two acid laws:



2.2.1.2 Barriers in accessing justice for acid survivors and proper implementation of the acid laws:

A general perception has become apparent from the findings of the FGDs that when a person becomes the victim of acid violence, their family as well as the community people rely mostly on the local NGOs, both for medical help and legal support. A sense of distrust has been noticed from the participants' answers, towards the services of the formal duty bearers under the laws, e.g. the local administration, police and judiciary. In terms of medical help there is absolute scarcity of specialized burn units outside Dhaka and in accessing medical support. The community members also seemed to have better experience with the NGOs, rather than with government hospitals and health complexes. Non-cooperation from the police in filing cases, corruption at all levels of local and judicial administration, lack of any legal aid from the government, were common allegations observed in the discussions. From the FGDs with the survivors' community, lack of witness protection and particularly absence of any allowance for the witnesses to appear before court came out to be another significant factor which delayed the entire litigation process. In a number of instances involvement of the local MPs (Members of the Parliament) and their close family members, UP members, Chairmen and other locally influential political leaders, have been alleged in illegally manipulating acid crime cases (both during

investigation and trial) in favor of the perpetrator. Additionally, lack of general awareness on the two acid laws and their implementation process had also been pointed out by the FGD participants as one of a major barriers in accessing the benefits of the laws.

In Sirajgonj, due to wide presence of weaving factories which use strong acid for coloring yarns, the FGD participants were aware that there was less monitoring of the buying and selling of acids in the district and this was another major reason which they believed to be hindering implementation of the acid crime suppression and control laws. In Satkhira, although the handloom industries are relatively low in number and scattered all over the district, because of the district's geographical location sharing the border of West Bengal, India; uncontrolled cross-border smuggling of strong acids had been pointed out as one of the key factors for easy and cheap availability of acids in the district. In the FGDs in Dhaka and Sylhet, the participants seemed less aware of the sources of buying acid in the locality, although they were of the view that lack of monitoring of the buying and selling of acids without license is the reason why the acid related crimes can be committed by perpetrators.

To summarize, the following have been commonly cited by the participants in the FGDs as key impediments in effective implementation of the acid laws:

- **Lack of awareness on the relevant laws**
- **Corruption of the duty bearers, particularly of the police officers**
- **Absence of any government legal aid**
- **Non execution of punishments of the convicted persons**
- **Illegal involvement of political leaders and local representatives in manipulating investigations and the litigation process**
- **Absence of witness protection**
- **Absence of monitoring the use of acid**

2.2.1.3 Recommendations from FGDs for overcoming the barriers in implementation:

From among the FGD participants of both the survivors' community and local elites, a number of common recommendations have come up for better implementation of the acid laws. The following are some of those recommendations:

- Corruption should be eliminated to get justice.
- Police should ensure protection of the witnesses and survivors during litigation.
- Exemplary punishment should be ensured for convicted perpetrators.
- Witnesses and survivors should be given financial aid for attending the court hearings. (The participants stated during the discussions that many of the witnesses are day laborers. Besides, due to the lengthy litigation process and postponing of dates of hearing, it becomes financially cumbersome for them to travel to court without any allowance).
- Large scale legal awareness programs should be designed to include general community people.

- Inclusion of acid violence and its relevant laws in the text book of the higher secondary level.
- Engage community elites (teachers, retired government officials, journalists, traders, imams, elected representatives) in mobilizing community members against acid violence and create awareness about the acid laws and their implementation.
- Regular monitoring of the acid supply, trade and use.
- Strict punishment for the acid users who do not follow the laws on acid control
- Effective rehabilitation of the acid survivors by the government. (although in some districts survivors have been paid small government grants from the District Commissioner's office, the grant is usually a one-time payment and insufficient.)
- Ensure accountability of all the duty bearers including police, PP and judges.

2.2.2 Key Informant Interviews

The Key Informant Interviews conducted in the four districts were mainly targeted to bring out the perspectives of the service providers regarding the implementation of the two acid laws. From among the different classes of informants, a number of common gaps were identified in all the interviews, which were considered to be holding back proper implementation of the laws. At the same time, certain common measures to overcome those problems were suggested by a majority of the respondents. A number of observations were also noted from the interviews which were attributable to the specific experience of the concerned group of respondents (through their individual interactions with the implementation process).

From amongst the implementation gaps identified by the respondents - non-appearance of witnesses at the scheduled dates of hearings, adverse evidence of prosecution witnesses during examination, involvement of political leaders and elected representatives in influencing the case, lengthy litigation process and frequent stay order and bail petitions being granted from the High Court Division were most commonly cited by the interviewees. Corruption and reluctance of IOs and PPs in the investigation and litigation stages were also mentioned by most of the respondents as one of the significant barriers in proper implementation of the acid cases.

From the interviews of the police and law enforcement officers, a common approach has been noticed with regard to denying all allegations of inefficiency, negligence and corruption of Investigating Officers and shifting the blame on to the other service providers, in particular on to the prosecution lawyers (PP, APP, AAG, DAG). Similarly when Public Prosecutors were interviewed - flawed and negligent investigation and corruption by the police officers were commonly blamed to be the primary barriers in proper implementation of the acid laws, ignoring allegations of inefficiency and corruption of PPs.

Another approach that strongly emerged from the responses of the public prosecutors and police officers was regarding their concern over the increase in the number of false cases. Most of the

respondents from these clusters pointed out false allegation of acid throwing to harass the opponents as one of the major trends in the acid violence related cases. However, with one or two exceptions, allegation of false cases was not emphasized with similar force by other respondents.

The interviews with the NGO service providers from the four districts again yielded certain new observations along with the common gaps and recommendations cited by other respondents. The NGOs engaged in providing legal and medical support for acid survivors in these districts highlighted their role in assisting a victim of acid violence through the investigation and litigation process. Usually concerned NGOs assign independent lawyers practicing in the district courts as their panel lawyers to informally assist the public prosecutor in acid crime cases, and bear their expenses for such assistance. By way of keeping liaison with concerned police stations, PP offices and Courts, the panel lawyers impliedly work as pressure groups to ensure that the victim gets proper justice. A sense of dissatisfaction was noticeable from the responses of some of the NGO representatives and their panel lawyers regarding this informal engagement. In a number of cases, concerned PP offices has allegedly shown unwillingness to involve the panel lawyers in a case. A few interviewees alleged that when the panel lawyers attempt to assist the PP in a case, they are sometimes insulted and reprimanded by the PP for their involvement. However, the opposite experience had also been shared, where PPs and concerned Tribunal judges had perhaps welcomed NGO involvement in an acid crime case. Another aspect of this informal role of the NGO lawyers was also noticed from the responses of few public prosecutors, panel lawyers and presiding judges that when a particular victim's case had been taken up by an NGO, and panel lawyers had regularly taken updates of the proceedings; the chances of conviction of the accused became higher.

With regard to the control over use of acid, a number of respondents including acid traders, automobile technicians and gold jewelers have been interviewed. The common allegations that appeared from their responses were regarding strict license procedures and higher amount of license fees prescribed in law, which they believed have been discouraging small users of acid (*e.g* battery shops, automobile repair shops, homeopathy medicine sellers and small scale handloom factories) from applying for license. Also lack of monitoring of acid use and lack of punishment for illegal users have been pointed out by almost all the informants as a major impediment in proper implementation of the acid control laws. Allegations have been also found against police for harassing the applicants for license and demanding bribes for completing the prescribed police investigation.

To understand the functioning of the National Acid Control Council and its District Committees, the study also interviewed a number of NACC and DACC members. It generally transpired from the interviews that the district committee meetings are held regularly although there were comments that the time spent for each meeting is usually very short (some of the interviewees mentioned that the duration of the meetings were sometimes as less as 10 to 15 minutes). The National Acid Control Council's meetings on the other hand appeared extremely irregular. The

24th meeting of the Council was held in December 2012 and after more than a year's gap, the 25th meeting was held in April 2014.⁸⁶ No application for legal aid has been submitted to the district committees of the concerned districts; neither any action has been taken by these committees to ensure greater access to justice for the victims. Although sometimes government funding had been received by the Committee, such allocation of fund is irregular and extremely insufficient. In general, apart from keeping records of the meeting minutes, the documentation of the District Committees seemed unsatisfactory particularly in terms of numbers of licenses issued and cancelled, numbers of illegal acid users or information on actions taken against them. In effect, the overall actions of the DACCs for controlling and monitoring acid use seemed unsatisfactory as some of the interviewees either could not provide any instance where the DACC has actually taken any measure against illegal use of acid, or had mentioned few instances with no accurate data (as to place, date or detail of the actions taken).

The following chart attempts to describe the key implementation barriers that different clusters of respondents had generally identified in the interviews.

[Figure 3] Key Implementation Barriers Identified by Respondents of the Interview

Police	PP/Sessions Judge/ AAG	NGO representatives - Panel Lawyers
<ul style="list-style-type: none"> ▪ Increase in false cases ▪ Errors in FIRs ▪ Negligence of Public Prosecutors ▪ Pressure from senior ranking officers, political leaders, MPs and Ministers to submit final report ▪ Unavailability of witnesses ▪ Lack of ethical value of a small number of police officers Less public awareness regarding the provisions of the acid laws, particularly of the 	<ul style="list-style-type: none"> ▪ Delay in submitting police report ▪ IO deliberately increases number of accused in the charge sheet in order to extort money ▪ IOs sometimes accuse innocent people to drag attention of the court from the real offenders ▪ Increase in false cases ▪ Influence of powerful persons, in particular MPs and Ministers 	<ul style="list-style-type: none"> ▪ Non appearance of witnesses at scheduled dates ▪ Threat or manipulation by powerful persons, in particular MPs and Ministers ▪ Non-cooperation from IOs and PPs with the panel/staff lawyers of concerned NGOs ▪ Corruption of police and PPs ▪ IO being negligent in

⁸⁶ Meeting Minutes collected from the ASFs document repository

<p>Acid Control Act</p> <ul style="list-style-type: none"> ▪ Execution of sentence against the convict gets delayed for appeal in the higher judiciary ▪ Weak monitoring mechanism for use, sale, production and import of acid 	<ul style="list-style-type: none"> ▪ Overload of pending case before the Sessions Judge's court ▪ Non appearance of prosecution witnesses ▪ Frequent time petitions from opposite party delay disposal of the case ▪ Execution of sentence against the convict gets delayed for appeal in the higher judiciary ▪ Frequent stay orders and bail petitions of accused granted by the HCD ▪ No digital system of record keeping in the courts ▪ Victim and their families give false evidence during trial either due to fear from influential parties or in return for money offered by the accused party ▪ Frequent transfer of IOs 	<p>investigation</p> <ul style="list-style-type: none"> ▪ Reluctance of PP to prepare the case and ensure attendance of witnesses ▪ Non availability of doctors to give witness depositions in court ▪ Absence of any formal mechanism to acknowledge role of the NGO lawyers ▪ Absence of any government legal aid for victim and witnesses ▪ Absence of any witness protection law ▪ Tribunal Judges overburdened with many cases ▪ Frequent transfer of IOs ▪ The case is never disposed off within the 90 day time limit ▪ Lack of awareness on the laws among the general community members as well as among the duty bearers ▪ Weak monitoring mechanism for use, sale, production and import of acid.
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DACC/NACC members/ District Magistrates	Acid traders and other acid users	Others (UNO, Medical officers, journalists)
<ul style="list-style-type: none"> ▪ Lack of financial grants from the government to provide legal support to the victims ▪ Irregular meetings of the NACC ▪ Non attendance of PP in DACC meetings ▪ Short duration of the DACC meetings ▪ Lack of awareness about the provisions of the acid laws ▪ Restrictive licensing policy and rules ▪ Difficulties in monitoring illegal acid users ▪ No reports received from UNOs regarding acid violence ▪ Lack of cooperation between relevant ministries in monitoring use and production of acid 	<ul style="list-style-type: none"> ▪ License fees are comparatively high ▪ The process of receiving license is complicated ▪ Many small traders do not have TINs and as such they are not eligible to apply for license ▪ Only some traders are targeted by authority for license, leaving other categories of users such as schools and colleges, science laboratories, battery makers, automobile technicians etc. ▪ Harassment by the police in obtaining license ▪ Bribing authorities in obtaining license ▪ Lack of awareness on the acid laws and its rules 	<ul style="list-style-type: none"> ▪ Lack of awareness on the acid laws and its rules ▪ Negligence of Public Prosecutors and Investigating officers ▪ Lack of coordination between duty bearers and news and media agencies ▪ Lack of financial allowance and resources of news agencies to follow up on cases ▪ Lack of media representation in the DACC meetings ▪ Lack of specialized doctors and mechanisms to determine the exact nature of burn injuries ▪ Threat from the opposite party or influential members of the community to withdraw involvement in a case ▪ Lengthy litigation process and postponement of hearing dates prevent media from following up on stories/ discourages doctors to attend hearings

From among the recommendations, the following were commonly referred to by all clusters of respondents for ensuring better implementation of the laws:

- The prosecution lawyers and Investigation Officers should be more sincere towards their duties
- Protection of the victims and witnesses need to be ensured. Provisions for safe custody should be effectively implemented.
- The victims of acid violence should be given government legal aid for the litigation related expenditure (in particular many respondents suggested that travel allowance should be given to the witnesses as most of them are poor and cannot afford losing a day's wages for attending hearing)
- Political leaders and elected representatives should be sensitized and made aware of their leadership role in assisting an acid victim instead of supporting the accused.
- Judges and Prosecution lawyers of the Acid Crime Tribunal should be given training on the provisions of the acid laws and rules and should be more sensitive towards acid victims.
- There should be regular follow up in newspapers and TV reports on acid crime cases.
- There should be effective coordination between the PP office, Court and police station
- Role of NGOs in assisting the prosecution case should be legally recognized
- Mass awareness need to be created on the two acid laws and their rules
- Sufficient and regular grants should be allocated to the DACCs for assisting the acid survivors, victims and their families.
- NACC should be more active
- License fees should be reduced and process for obtaining license should be made less complicated.
- Strict actions should be taken against negligent and corrupt Investigation Officers
- More judges need to be appointed for presiding Acid Crime Tribunals to remove overburden of cases
- DACCs should play a more proactive role in monitoring the acid crime cases and in taking actions against illegal use of acid
- IOs should not be transferred in the middle of an investigation of an acid crime case.
- Appeal in HCD should be disposed off within a specific time limit
- The higher judiciary should follow a stricter policy in granting bail to the accused in acid crime cases
- The office of the Attorney General should be pro active in vacating stay orders and should regularly take updates on those cases where a stay order has been issued by the HCD.
- The Judges of the HCD should be more sensitive in dealing with acid crime cases.
- The district acid crime Tribunals should install a more developed and systematic record keeping mechanism for the acid crime cases.

2.3 Findings from the roundtable discussion:

The preliminary findings of the study were shared among experts and representatives from relevant stakeholders in a roundtable discussion. Most of the findings of the study were acknowledged by the participants to be reconfirming and adding to their experiences regarding the existing barriers in implementation of the acid related laws. Among other barriers, non execution of punishment, non implementation of certain time limitations prescribed in the acid related laws (*e.g* regarding service of summons for absconded accused, disposal of a case within 90 days etc.), difficulties in admitting medical certificates as evidence when the concerned doctor is not available for witness examination, lack of credible data on acid incidents as well as on acid cases, were mentioned by the participants. Among the findings of recommendations proposed by the study, the need of compiling good examples set by the different Acid Crimes Tribunals in different judgments were emphasized. The participants also recommended an immediate survey to be conducted by the government to identify all users of acid in the country. The roundtable also reflected an overall need of the relevant stakeholders, particularly of the NGOs to receive precise guidelines for immediate steps to be taken to ensure better realization of the study recommendations. Based on such reflection, the study also included a specific section as implementation guidelines at the end of the findings.

Chapter 3: Reasons Preventing Effective Implementation of the Acid Related Laws

Based on a qualitative assessment of the research findings (both primary and secondary research sources) this chapter has identified and analyzed the immediate, underlying and root causes that appeared to be preventing effective implementation of the two acid related laws. The implementation gaps that are presented here represent legal, procedural as well as attitudinal gaps.

3.1 Nonappearance of witnesses

Non-availability of witnesses during scheduled dates of hearings in acid crime cases is one of the major reasons that deprives the victim from receiving due justice. The non-appearance of witnesses can be attributed to a number of reasons. The most common of them is that the accused party influences important witnesses either by way of offering monetary considerations or by intimidating them via powerful local allies. Another reason that the study findings revealed was that in acid crime cases, usually the prosecution witnesses are poor, and attending a court hearing for one day may be difficult for them in terms of bearing the cost of transportation and meals. Also, it happens commonly that on a scheduled date of hearing although the witnesses appear, the court postpones the date of hearing and fixes a new date. This is fairly common in the trial courts that due to accepting time petitions from the opposite party the court postpones the hearing to a future date. In such cases it becomes difficult for the prosecution to rearrange the witnesses on a new date as this delayed process discourages and demotivates them from making an appearance and also 'creates opportunities for influencing or tutoring witnesses'⁸⁷. Apart from this, delayed and flawed service of summons has been also seen to have prevented timely appearance of witnesses.

Non appearance of witnesses again is a key factor behind the prolonged pending proceedings in the Acid Crime Tribunals. To take an example, in the Sirajgonj Acid Crime Tribunal, a case under section 5 of The Acid Offences Prevention Act was filed in November 2006. After framing charge against the accused in October 2007, a date for witness examination was given in September 2012. However, due to nonappearance of witnesses the case is still pending before the Tribunal and a further date has been given for witness examination in early 2015.⁸⁸ Thus this particular case has been pending before the Tribunal for more than eight years without any visible action being taken to ensure attendance of witnesses.

⁸⁷ Sumaiya Khair, (2007) 'Towards Effective Prosecution of Acid-related Cases: The Feasibility of Establishing a Formal Monitoring Process', Unpublished Report from ASF document repository.

⁸⁸ Information on this case has been deduced from the Satkhira District Acid Crime Case Monitoring Committee meeting minutes (From September 2012 till September 2014) - collected during the field research.

3.2 Non-cooperation and flawed investigation by police

The Police are one of the key stakeholders in the implementation process of the acid related laws. The entire process of ensuring justice to the acid victim largely depends on how cooperative the concerned police station was in terms of filing the case and how diligent the IO was in investigating the case, recoding statements of the witnesses, bringing charge and arresting the accused. When an accused is thus finally convicted in trial, it is essentially credited to the efficiency of the concerned IO and the Officer in Charge of the police station. And in a number of cases where the Tribunal had convicted the accused, efficient handling of a case by police appeared to be one of the main reasons for prosecution's success. Correspondingly, when a victim of acid crime did not receive justice under the laws, inefficiency or corruption of police evidently played a major role.

From the present study, a number of aspects had been identified on the role of police in causing obstacles for acid victims to have greater access to justice. Firstly, the study has come across a number of instances where the concerned OC denied to lodge the FIR with regard to an acid attack. The only perceivable reason for such denial perhaps would be that the opposite party had already bribed the concerned police officer for not filing the case of the victim. When the police accepts the FIR and the investigation begins, a large number of cases end up with submitting final reports. Although it is not suggested by the study that all of the final reports have been presented incorrectly, this is true with respect to at least a considerable number of final reports, as the case analysis and the field research findings had revealed. In a number of cases, *naraji* petitions⁸⁹ had been submitted by the prosecution and the case ultimately resulted in the conviction of the accused which in a way clearly showed that the investigation was flawed.⁹⁰ Also looking into the data available from the police headquarters on the police reports on acid throwing cases between 2007-2013, it appears that almost half of the investigations resulted into final reports. This to a certain extent is also due to the growing perception among the key stakeholders that most of the allegations of acid throwing are false. The data on police report suggest that between 2007-2013, 21% of all investigations resulted in (56% of the total number of final reports) were final report false (FRF) which means the accusation was found to be false. Although it cannot be said definitively, but this hefty number of final reports - almost equal to the number of charge sheets, surely raises concern as to their credibility and genuineness.

Again, in a number of cases manipulated final reports are seen to be the result of intimidation and influences on the IO from powerful political leaders and even the MPs and Ministers. The case studies of Lina and Maina⁹¹ precisely reflect this scenario:

⁸⁹ If the police submits a final report recommending that there is no case against the accused, the Magistrate after carefully scrutinizing the report may accept or reject it. If the Magistrate accepts the final report, the aggrieved complainant can file *naraji* petition in the court.

⁹⁰ There is however no data available on how many final reports have been opposed by *naraji* petitions and among them how many have resulted into conviction.

⁹¹ The names used here are fictitious

Case Study of Lina

It was 1st April 2011 when acid was thrown on Lina (32) by her husband's nephew named Akber. The incident happened due to a dispute over a piece of land. After the incident, Lina was taken to the local hospital and from there she was transferred to Sirajganj district hospital for treatment. But the treatment in the district level hospital for such an acid burn patient was not sufficient. The following day she went to Dhaka with the help of ASF for better treatment and remained there for seven days. The police refused to file any case after the incident. A complaint petition was filed before the Court. The Police submitted a final report stating that the allegation was false. A 'Naraji' was submitted against the final report. The police was reportedly 'managed' by the Minister's brother who had allegedly received two lacs taka from the accused Akber. Lina went to the Minister's residence and requested his son to look into the matter. But it appeared that the Minister's wife in fact had pressurized the investigating police officer and others to suppress the issue, being manipulated by the accused party. Failing to bear the expenses of litigation, Lina could not manage to appear before court any further.

Case Study of Maina

Maina Begum, aged 15 years, from Fenchuganj Upazilla was a student of class VIII. The incident took place on 30th December, 2012 at 8 PM, when Maina went to throw out the garbage at a roadside pond adjacent to her house. At that time two to three men, including the son of the local UP Member threw acid on her for refusing to his love proposal. The UP Member was considered a highly influential person in the community for his strong political affiliations.

Two to three days after the acid attack, Maina's father lodged an FIR at the Fenchuganj Police Station. At the date of hearing of witness evidence, Maina and her father were not present at court as they had not received any notice of summons. The case was dismissed after the police had submitted the final report. The family members and relatives of Amina had alleged that no inquiry had been conducted by the police since the making of complaint. They did not come to see Maina nor interrogated the local residents. Rather, they presented a final report explaining the case as a false and frivolous one. The final report also alleged that the acid was thrown by the father of the victim, and the opposite party was falsely implicated. Maina's father also tried to submit an audio record of a conversation

with the father of the accused where he admitted that his son had committed the offence and offered money to Maina's father to settle the case. However, the concerned IO did not accept this material piece of evidence and submitted the final report.

Now, Maina receives a monthly allowance of BDT 500 from BRAC for her educational purposes and still awaits justice.

Additionally, questions have been raised as to the efficiency of investigating officer in conducting investigations. As seen from the case law analysis, in a number of cases the accused had been acquitted on the ground that some material item of evidence has not been seized by the IO for example, the torchlight used to recognize the accused, the bottle which carried the acid etc. It was also apparent that after being offered by the victim's family, some material item of evidence was not deliberately seized by the IO or he denied receiving any such item. Also failure to send the items of evidences for chemical examination has been found to have weakened the prosecution case. From the KII respondents it also transpired that it is not an uncommon practice that innocent persons, completely unconnected with either party to the case, have been falsely implicated in the charge sheet with a possible motive of extorting bribe from them. From the judgments analyzed, in one case⁹² it was found that even a close relative of the victim herself was falsely implicated in a supplementary charge sheet submitted by another Sub Inspector who had reopened the case and investigation. The supplementary charge sheet had given clean chit for the real offenders who were primarily found guilty of the charge in the earlier report. The Tribunal indeed was found to have admonished the IO in the judgment for such actions and convicted the real offenders.

3.3 Inefficiency and bias of the PP

The study revealed outright allegations of corruption and bribery against the public prosecutors and even against the officers of the AG office, as a major hindrance for acid victims in getting proper justice. It appeared to be an ordinary practice that the public prosecutors accept "fees" from the complainant side for their service. At the same time the public prosecutors are alleged in a number of instances to have been bribed by the opposite party. Moreover, undue pressure from influential political leaders and elected representatives in important cases is another factor that compels the PPs to be biased and to act in favor of the accused. There are cases where the PP was found to have convinced and influenced the victim and his/her family to settle a compromise with the opposite party outside court and induced them to turn hostile during witness examinations.

⁹² Acid Crimes Case No.8 of 2004, Satkhira

Another key factor has been the inefficiency and reluctance of the PPs in preparing the case against the accused. It has been found that many a times PPs perceive acid crime cases as part of their routine duty and do not act pro-actively to ensure justice to the victims. There is hardly any coordination between the PP and the concerned IO of the case and even in case of non attendance of witnesses the PP plays an inactive role in ensuring proper service of summons to the witnesses and their attendance during hearings. Another aspect was raised by the NGO panel lawyers that when a case has been assigned to a panel lawyer the concerned PP sometimes completely withdraws his/her involvement into the case leaving the entire responsibility on the shoulder of the panel lawyers and fulfils only the mere formalities required under the laws.

Additionally, PPs are most of the times found reluctant in filing appeals on behalf of the prosecution against decisions of the Tribunal. The research findings indicated that a majority of appeals pending in HCD, had been filed by the accused party against order of conviction of the Acid Crime Tribunal and rarely an appeal has been proceeded against acquittal of the accused. In a number of acquittals where appeals have been filed in HCD, the cases seemed to have been persuaded by a concerned legal aid NGO.⁹³

An example of such reluctance of the PP to file appeals against acquittal can be referred from the National Acid Crime Case Monitoring Cell's meeting minutes⁹⁴. On the 9th meeting held in April 2013, the PP of Gazipur was requested to take actions to file an appeal against an order of acquittal in a 2010 case⁹⁵. However, on the 10th Meeting of the Cell, held in February 2014, the concerned PP informed that as prolonged time has been elapsed since the date of the judgment, the appeal has been time barred by the Limitation Act and there is no sufficient reason for the delay which could allow an extension of the appeal beyond the limitation period. As such in effect the acquittal of the accused gained finality and the victim was left without any remedy.

However, it is also important to mention that parallel to these findings, successful litigation by the PP in an acid crime case has also been noticed in the study and there were even cases where only because of the active persuasion of the PP did the victim receive justice despite of the flawed investigation and adverse witness evidence. This necessarily reinforces the importance of the role that a PP can play in successful implementation of the acid related laws.

3.4 Lengthy disposal of cases before the Tribunal

Although considering the seriousness of an acid crime case, The Acid Offences Prevention Act envisioned the trial to have completed within 90 days⁹⁶ this has almost never been followed by the courts. According to government data, between 2002 to September 2014, the total number of

⁹³This is a common reflection revealed from the cases analysed and the KII responses of the study and not based on any quantitative data, as no data is available on how many appeals have been filed in HCD from the Acid Crime Tribunals and how many of them have been filed by prosecution or defence side.

⁹⁴ Collected from ASF's document repository

⁹⁵ Acid Crime Case 07(9)2010, Gazipur

⁹⁶ Section 16(3)

cases filed before the Tribunals under The Acid Offences Prevention Act was 1,153, and among these cases 704 cases have been disposed of. Which means that till September 2014, 449 cases are still pending for trial which is almost 39% of the total number of cases.⁹⁷ A case status was also received from the Sirajgonj Acid Crimes Prevention Tribunal, according to which between 2002 to 2014, total number of cases filed in Sirajgonj was 119 and among them 58 cases are still pending which is almost 50% of the total number of cases, which indicates that a number of cases filed within this period have not been disposed off during the 90 day limit. Again from the meeting minutes of the Satkhira Acid Control Monitoring Committee it appeared that a number of cases' status had remained same since 2012 till September 2014 (*e.g.* pending for charge hearing, pending for examination of witness evidence etc.) Thus the 90 days time limit prescribed in the law is rarely followed and a case to remain pending before the Tribunals for more than a year is almost an accepted practice.

Apart from prosecution not being able to produce witnesses at the scheduled dates and defense lawyers requesting for time petitions, another reason for such lengthy disposal of cases has been the overburden of cases before the courts of the Sessions Judges and Additional Sessions Judges. Ordinarily, the Sessions Judge's court hear the acid crime cases along with all other criminal cases filed before it, as no judge is specially assigned to act solely as a Judge of the Acid Crimes Prevention Tribunal. At the same time the Sessions Judge and Additional Sessions Judges' courts act as special Tribunals under a number of other laws, *e.g.* Children Act of 2013, Special Powers Act of 1974 etc. Also the number of Sessions and Additional Sessions Judges' courts all over Bangladesh is very low compared to the massive caseload. Hence disposal of acid related cases within the stipulated time has been commented by a number of respondents as almost an impossibility.

3.5 Frequent bail and stay orders from HCD

One major obstacle behind ensuring justice to an acid victim has been the fact that the accused party, by appointing senior and influential lawyers often receives bail from the Higher judiciary. Although The Acid Offences Prevention Act mandates that when granting bail the concerned court should mention the reason and relevant information for such decision⁹⁸, in reality the bail orders of the HCD that had been studied, showed that bail petitions are granted in general terms without specifying any reason which had justified the accused to be on bail. In such cases, the Assistant/Deputy AG who had been representing the case also remains inactive and it is usually from the local community members from where the victim or his/her family gets to know that the accused has been released on bail. As considerable time elapses from the date of granting bail order, the chance for appeal to the Appellate Division also becomes narrower. Similar is the case with Stay Orders. The study found it to be a common practice that the HCD frequently issues stay orders on applications by the accused parties and consequently all proceedings of the

⁹⁷ Source: these data have been collected from the Police Headquarters.

⁹⁸ Section 15

concerned cases pending before the Tribunal get stayed for indefinite periods.⁹⁹ To take an example, a case filed in 2008 under section 36 of the Acid Control Act in Comilla, was stayed by the HCD in 2010, the case is still pending before the Tribunal and the HCD case in which the stay order was granted has not yet been disposed of.¹⁰⁰ Although a number of times the Acid Crime Case Monitoring Cell has formally requested the learned Attorney General to take appropriate step on behalf of the government to vacate the stay order, nothing has been done so far.

Again the appeals pending in the HCD normally take prolonged period to get disposed of and usually remain pending for years. And in case the appeal is disposed of confirming the sentence of the Tribunal, there is scope for appeal to the Appellate Division which again would take up few years to get finally disposed of. It was found in the study that in the appellate stage, the opposite party generally assigns senior and efficient lawyers to plead their cases whereas, the concerned AAG/DAG are usually less prepared for the victim's case. Hence instances of overturning an order of conviction of the Tribunal to an order of acquittal by the HCD is not infrequent.

The following example illustrates the above discussion:

Litigation history of survivor Akhi

Sharmin Akhter Akhi was a 4th year Honors student at the Eden College in Dhaka. Akhi was persistently being harassed by the accused. Akhi's brother complained to the parents and family members of the accused but they did not pay any heed to the matter. On 15 January 2015 when Akhi was on her way to college, the accused forcibly took her to the nearby Marriage Registrar's Office. When Akhi refused to his proposal to marry, the accused poured acid on her head and face, from a bottle which he had carried with him. When Akhi screamed and tried to escape, the accused stabbed her indiscriminately with a sharp knife and ran away. Hearing hue and cry, the local people rescued Akhi and admitted her to the Dhaka Medical College. This incident attracted massive media and public attention and was reported simultaneously in most of the national newspapers. A High Court Division Bench during that time had even directed the government to arrest the accused within the following 48 hours, in response to a writ petition.¹⁰¹ After the incident the accused remained absconded for few days till he was arrested after a week from Rangamati.¹⁰² During police custody the accused confessed his guilt which was accordingly recorded and the police submitted charge sheet. During the trial before the Acid Crime Tribunal, the accused had applied for bail but the tribunal rejected the petition on the ground that there were sufficient grounds to believe that the accused had in fact committed the offence and if bail

⁹⁹ Till the disposal of the case before the HCD in which the stay order has been issued, and frequently disposal of such cases take years.

¹⁰⁰ Source: Meeting Minutes of Acid Crime Case Monitoring Cell

¹⁰¹ <http://reflectionnews.com/acid-attack-on-eden-college-student-arrest-attacker-within-48-hr-hc/>

¹⁰² <http://news.priyo.com/2013/01/24/national-66347.html>

was granted, there was every possibility that the accused would be absconded. However, in June 2014 A Division Bench of the HCD, by an order stayed all further proceedings pending before the Acid Crime Tribunal for a period of 6 months and in pursuance of the said order the Tribunal adjourned the date of hearing till January 2015 for further order. In between, the accused prayed for bail before the HCD on the ground that since it is uncertain as to when the said HCD case would be disposed of and the trial would commence back, it would not be proper to keep him in custody for indefinite period. Apart from this, the only other substantial ground given in the bail petition was that the injury certificate, submitted as evidence, had apparently no specific mention about any injury caused by sharp cutting weapon. The medical certificate issued from the Dhaka Medical College however recorded the following finding: “Multiple sharp cutting incised wound found of various length and depth over back, right forearm and deep chemical burn involving different areas of the bodied i.e. head, forehead, right eye, right cheek, anterior and posterior aspect of the neck, part of the right arm, right forearm, right side of the back and both legs, right foot and thigh. Which is about 26% deep chemical burn.” The bail was granted in July 2014. Although this was the most cited news story during the time when the incident actually happened - except a few newspapers, the news of the accused being released on bail was not reported by the national media with similar focus. Reportedly, Akhi’s family has been threatened by the accused party a number of times after his release on bail.

3.6 Ineffective Role of the NACC and DACC

The National Acid Control Council was established with the expectation that it would work as an effective mechanism to control use, sale, import and transport of acid and would maintain an effective coordination between all the relevant stakeholders. However, regrettably the NACC has been largely inoperative and could not meet up to the expectations with which it was formed. Although the law suggests that the Council should sit at least once in every three months¹⁰³, the most recent meeting of the NACC was held in April 2014, almost after one and a half years of the earlier meeting which was held in December 2012. Moreover, a reading of the meeting minutes leaves an impression that the discussions were mainly ornamental and was not aimed at reaching any substantial changes in the existing scenario. Some general recommendations came up from the discussants and the decisions were typically phrased in broad languages such as the 'concerned ministry will take appropriate actions'¹⁰⁴, mostly without any concrete direction as to improving the implementation of the acid control laws and rules.

The District Acid Control Committees on the other hand although seem to be regular in holding meetings, carry out the procedure as a mere routine work instead of effectively working through the implementation gaps of the concerned districts. This came as a finding from the KIIs as well as from the review of the meeting minutes collected from the two districts selected for field

¹⁰³ Section 6 of the Acid Control Act

¹⁰⁴ 25th Meeting Minutes of Acid Crime Case Monitoring Cell

research. A review of the monthly meeting minutes of the Sirajgonj DACC from January 2014 till October 2014 revealed that all the meeting resolutions in the past 10 months were almost identical to each other and the implementation status of the resolutions remained same for more than nine months. For instance, according to one of the resolutions of February 2014 of the DACC, all the UNOs of the district were requested to prepare a list of all acid users in his/her respective localities. This resolution was copied in every subsequent minutes with the same implementation status that the 'UNOs are requested again as no such list has been sent'.

From the KII responses it also appeared that the DACC members are generally unaware of the overall numbers of acid users in the district and similar to NACC no concrete steps had been taken to effectively monitor the use of acid. Although creating awareness on the acid related laws is one of the key responsibilities of the DACC, no comprehensive program has been developed by the committee, other than giving general instructions to UNOs for organizing meetings and seminars. The only substantial role that the District Committees apparently play is regarding the release of the National Acid Control Council fund as a financial aid to the acid victims, but that process is also uncertain as budgets are not allocated regularly.¹⁰⁵

As the NACC and DACCs are the main structures of the Acid Control Act upon which its implementation relies heavily, ineffective functioning of these bodies has a significant impact on the non implementation of the acid control laws. Consequently the weak monitoring of the use, production and import of acid all over the country can also be attributable to the inactive role of the NACC and DACCs.

3.7 Weak monitoring of acid use and complicated process of obtaining license

The office of the Deputy Commissioner in the district is the licensing authority for acid transport, reserve, sale and use, and has the authority of investigation, search, arrest or seizure of any illegally used acid under the Acid Control Act. However, it transpired from the findings of the study that the monitoring mechanism for illegal use of acid is extremely weak. Very rarely does the authority take up any action for illegal use of acid in violation of the laws and regulations. Although the DC offices have a relatively functioning mechanism for monitoring the activities of the license holders, no such mechanisms exist for monitoring acid users who are without any license. Moreover, no concerted action has been taken to collect information on all acid users in the country so that an assessment is possible as to how many acid users are currently using acid without license.

The weak monitoring based on the Acid Control Act is also reflected from the absence of any government data as to how many cases are filed under the Acid Control Act for illegal use of acid. From the KII it appeared that most of the cases before the Tribunals are filed under The

¹⁰⁵ For instance, the Satkhira DACC had sanctioned 8 lacs taka to 27 acid victims in 2012-2013, but due to unavailability of fund it could not sanction any financial aid after June 2013.

Acid Offences Prevention Act¹⁰⁶ and other than few infrequent incidents of filing cases for illegal use of acid, the overall picture of initiating legal actions under the Acid Control Act is not very positive.

The procedure of obtaining license under the law is again complicated and not addressed to the reality that many acid users are small scale entrepreneurs. Almost similar requirements are made for making an application under the Acid Control Act, except differences in the license fees.¹⁰⁷ Most importantly, the fact that even users and sellers of small amount of acid needs to submit Tax Identification Number in order to obtain a license, has been found in the study to have discouraged a large number of acid users from obtaining license. As a result the number of total license holders are extremely disproportionate compared to the actual acid users in the country. According to the data collected from the Dhaka DC office, a total of only 815 licenses had been issued for Dhaka so far, out of which 191 had been cancelled for non compliance with the rules. This low number of license holders clearly indicates that it is only the big scale traders and industries that are opting for licenses and many other small users such as, battery repairing shops, small gold jewelry shops, automobile repairing shops etc. are avoiding obtaining licenses. Weak monitoring on the use of acid is again an encouraging factor for these illegal users to continue business without license.

3. 8 Other general gaps in implementation

3.8.1 Lack of legal awareness

Findings of the study revealed that other than few main features, a general lack of awareness exists with regard to detail provisions of the acid related laws and their rules. This finding is even appropriate for the key service providers stipulated under the laws. Due to lack of knowledge on the laws, the service providers naturally cannot be expected to fulfill their responsibilities under the Acts as fully as they would if they had proper orientation on the laws and their rules. Also the relevant NGO interventions in terms of creating awareness on the two laws are not adequate as they mostly target only acid victims and their community members without conducting comprehensive legal awareness programs targeting the larger audience. Moreover, although a number of NGOs have legal awareness programs which include to a limited extent information of the acid related laws, these programs are run almost independently of each other without much coordination.

¹⁰⁶ with the only exception of Dhaka tribunal, where a respondent from the tribunal informed that almost half of the cases are filed under the Acid Control Act before the tribunal, although on request of accessing a petition under the Act or exact numbers of such cases, no document or data could be produced by the respondent.

¹⁰⁷ See Acid (Import , Production, Reserve, Transport, Sale and Usage) Control Rules, 2004

3.8.2 Non-availability of government legal aid

In order to ensure access to justice to the poor, the Government of Bangladesh enacted the Legal Aid Services Act 2000. Under the Act a National Legal Aid Services Organization (NLASO) was established to implement the government legal aid program across the country. There are 64 District Legal Aid Committee (DLAC) through which NLASO implements the government legal aid program at the district level. DLAC maintains a legal aid fund allocated by the government which is spent for poor litigants upon their applications.¹⁰⁸ Although the women and children victims of acid throwing are among the priority list of persons entitled to get government legal aid, it is extremely rare that the legal aid fund had been released in favor of an acid victim to bear the litigation related expenses. A fund is allocated for acid victims under the Acid Control Act which is disbursed by the District Acid Control Committees, but this fund is only allocated for rehabilitation purposes of the victims and that too is insufficient and infrequently granted without adopting appropriate rehabilitation policy. There is also a provision in the Acid Control Act¹⁰⁹ which mandates the District Committees to consider applications from acid victims for giving legal aid and assistance, but as it appeared from the study, the provision is almost never followed.

3.8.3 Delayed execution of punishment

Due to pending appeals in the higher judiciary and frequent bail petitions being granted, execution of the punishment of offenders is very low. This also has a bearing upon the compensation to be awarded to the victim. The award of compensation for the victim or his/her family is usually the amount of fine which is imposed by the Tribunal in the order of conviction against the offender.¹¹⁰ Therefore, as the execution of the punishment itself gets delayed, the payment of compensation to the victim from the convict also turns out to be uncertain.

3.8.4 Growing perception of acid cases being false

The study revealed a strong perception among the duty bearers regarding false cases under the acid related laws. Although the allegation of false cases cannot be denied or overlooked altogether, this is a phenomenon which is common for most of the criminal litigations. This perception is further complicating the accessibility of the acid victims to the formal legal systems and often causing them to be harassed and disbelieved by the police as well as by other service providers including the PPs.

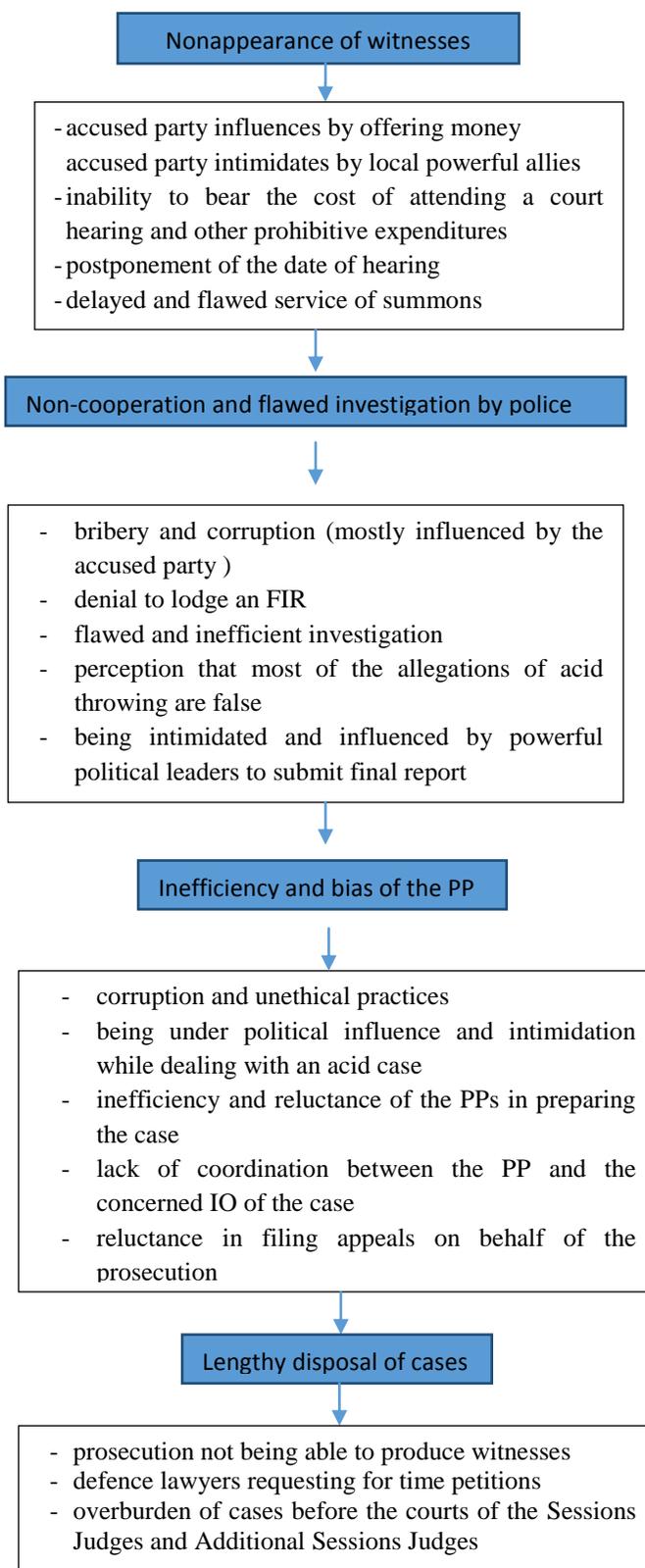
¹⁰⁸ http://www.lawjusticediv.gov.bd/static/legal_aid.php

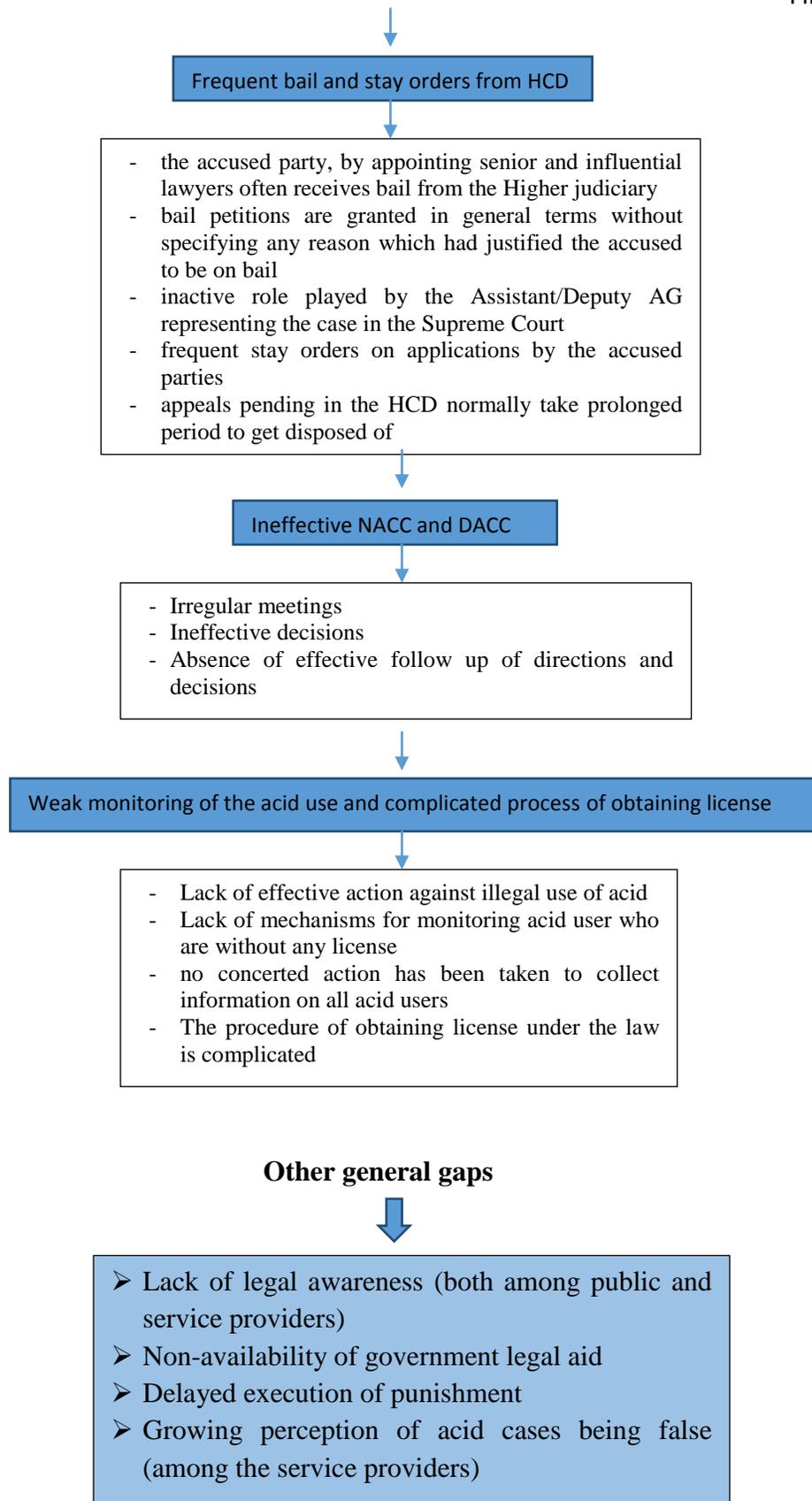
¹⁰⁹ Section 15

¹¹⁰ Section 9 of The Acid Offences Prevention Act

The following chart summarizes the above key findings on the gaps and barriers in implementation of the acid related laws:

[Figure 4]Key Implementation Gaps





Chapter 4: Recommendations Addressing Scope of Work by Relevant Stakeholders

Based on the substantive analysis of the research findings, the study proposes the following recommendations to improve the implementation process of the acid related laws.

4.1 Key Recommendations

4.1.1 Courts should be more proactive and sensitive in dealing with acid victim's case

As seen from the case law analysis, if the concerned court plays a more active role in ensuring justice to the victims, the usual weaknesses in a prosecution case caused by the many factors discussed in the study can be overcome. Factors such as victim or other material witnesses turning hostile and denying involvement of the accused during examination, non seizure of an item due to the inefficiency of an IO, non-availability of material witnesses other than the victim being the only eye witness, technical errors or ambiguities in the medical certificates etc. have all been routinely relied on by the Tribunals in different cases to favor acquittal of the accused. On the other hand, the study has come across a number of progressive decisions which went beyond these conventional limitations and looked deeper into the real impasse of the victim to ensure that maximum justice can be delivered. A greater responsibility also lies upon the higher judiciary to set examples of resolving appeals from acid crime cases with more sensitivity to the victim - realizing its own accountability towards social justice. There is also a need to identify the good practices set by either the Tribunals or the higher judiciary and share them in a wider platform of judges and other stakeholders so that such practices become the norm and not the exception.

4.1.2 Ensuring accountability of the PP and IO

Better coordination is needed between the PP office, concerned IOs and relevant legal aid NGOs when an acid victim initiates legal action. It is absolutely essential that the PP of a particular acid crime case functions more actively from the initiation of the case and throughout the trial. This will also leave less scope for the concerned police officer to lack diligence in his/her duty. Similarly a diligent Investigation Officer would take regular update on the witness attendance and examinations, which in turn would act as a pressure factor for the PP to function efficiently. Most importantly, a non government representation should be there in every acid crime case to maintain liaison between the PP and the IO. This non-state actor would strengthen the chain of accountability for both the PP and the IO. Currently a number of legal aid NGOs have legal aid programs for acid victims where a panel lawyer is assigned with a case to assist the PP and follow up on the investigation. However, to strengthen their role it is important that their voluntary involvement into an acid case is legally recognized, which can be easily done through a government notification or by promulgating a Rule. If legally a PP or an IO is obliged to

cooperate with the legal aid NGO representative, when they voluntarily offer services; chances of bias in discharging their functions would automatically decrease.

At the same time more stringent action is needed to check the allegations of corruption and biasness against the PP and IOs. The Ministry of Law, Justice and Parliamentary Affairs may take up a stronger supervisory role in this regard. Particularly the Solicitor's office should keep updates on acid crime cases where prosecution is not being able to produce evidences and should establish communication with the concerned PP to discuss the barriers in litigation.

Similarly in case of Investigation Officers, where in an acid case a final report is submitted, the superior officer should mandatorily intervene and discuss the case to check any possibility of bias. At the same time when an investigation of a case takes up more than the usual time period, the superior officer of the concerned IO should communicate his/her concern and discuss the reasons behind such delay.

4.1.3 A regular platform should be created where all the stakeholders can share and exchange their concern, good practices and challenges

As the study revealed, in order to improve implementation of the acid related laws, the relevant duty bearers should all work coherently to ensure greater justice to acid victims, as well as to improve the implementation of the laws. Hence it is important that a common platform is created for all the relevant stakeholders where they can meet each other and can share each other's experiences, hurdles and success in performing their respective functions. This would not only provide a scope to get an overall mapping of the best practices but would also encourage the stakeholders to act more positively to ensure the implementation of the acid related laws. This common platform can very well be in the form of regular national and district level conferences of the stakeholders organized by any civil society organization working in the cause of acid crime suppression and control. Although NACC also represents (or is supposed to represent) most of the stakeholders, this is a body established by the statute and is assigned with specific tasks of implementing the laws. There is little scope for sharing each other's experiences apart from discussing on the fixed meeting agenda and on top, as the study revealed, the NACC meetings had been expressly infrequent.

4.1.4 Coordination should be enhanced between legal aid NGOs

At present along with ASF, a number of national and district level NGOs are working for the cause of acid survivors. Most of these organizations, including ASF have larger focus on either medical treatment or on rehabilitation of the acid survivors. Some NGOs nevertheless place emphasis on the legal assistance that a victim requires during litigation, but these legal assistance and aid form a small part of the relevant organizations' larger agenda. Till now there is no single organization which provides legal assistance solely for the acid victims. Moreover, there is lack of coordination between all these legal aid NGOs in terms of the extent of legal assistance

that they are providing independently to the acid victims and the outcome of their interventions. For strengthening the role of the legal aid NGOs it is important that an independent NGO which works solely for the cause of acid survivors, take up the role of coordinating between all legal aid NGOs working on the issue and build a network for ensuring better implementation of the acid related laws. Such a network should have a common database of all case records (including petitions, interim orders, judgments, appeal proceedings etc.) in which the legal aid NGOs are involved. At the same time the network should assess the overall legal assistance given by the NGOs and would identify the gaps where further interventions are necessary.¹¹¹

This equally applies to legal awareness programs run by these organizations. A number of them address acid related laws but it is difficult to assess whether such efforts are sufficient as there is no coordination between the various programs run by the various NGOs. A possible network of all these NGOs can also assess the overall awareness campaigns on acid related laws and can jointly identify the areas which require further interventions.

4.1.5 NACC and DACCs should be more effective

The NACC can actually play a key role in addressing the barriers in the implementation of the two laws if it conducts the prescribed roles and responsibilities. The NACC is a platform which brings together representatives from almost all the service providers and stakeholders under the laws. Hence, it can play a strong supervisory role on the overall implementation of the two acid related laws. At the same time the DACCs can successfully identify the gaps in the implementation of the acid related laws in the district and with the collaboration from all other stakeholders, can take effective measures to overcome the barriers. These are the two important forums on whose effective functioning much of the implementation of the two acid related laws are dependent. Hence, government should place high emphasis on proper functioning of the NACC and the DACCs. Not only the NACC should meet more regularly, the gaps identified in the meetings should be effectively followed up and all concerned ministries, offices and other stakeholders should proactively assist the NACC in discharging its functions. It is only when the NACC is working properly, that the DACCs can also be made accountable for their actions.\

4.1.6 Monitoring of acid use should be strengthened

Although acid crime rate has been reduced since the enactment of the laws in 2002, the illegal use of acid is still a common phenomenon in the country. The government should develop a thorough plan of action for monitoring the overall use of acid in Bangladesh. A first pragmatic

¹¹¹ Although ASF has a number of legal aid partners, effective coordination between all the members are lacking. Also the coordination appeared to be limited only to the extent of receiving updates on the status of the cases run by the LAG members. By strengthening this collaboration and widening the scope of coordination, ASF, being the only NGO dedicated solely to the cause of acid survivors, can very well take up this role of building a network among all the legal aid NGOs.

step would be to prepare a list of all acid users in the country through respective UNOs or with the help of the Union Paishad members. Although previously initiatives were taken to start the process, because of noncooperation and reluctance from the relevant stakeholders (e.g. UNO, DC office) such list has not been prepared till now. A proper mapping of acid users who are non-license holders, would help appraise the extent of implementation of the Acid Control Act, as well as would enable to assess the reasons why the illegal acid users do not prefer to go through the license procedure. Upon such assessment necessary legal or procedural amendments should be made with a view to increase the number of licensed acid users. At the same time, the DC offices should develop effective mechanisms to take strict actions against illegal acid users. Every DC office should also maintain a proper record of the details of how many actions have been taken against illegal acid users.

4.2 Other General Recommendations

- Government should introduce a comprehensive legal awareness scheme for acid related laws. Particularly the provisions on licensing and use of acid should be widely publicized. Also, a regular training scheme should be designed by the government for relevant stakeholders with a view to orient them with detail provisions of the acid related laws, with a focus on their respective roles in implementation of the laws.
- Government legal aid funds should be extended for victims of acid violence as prescribed by the Legal Aid Services Act, 2000.
- The Licensing authority should relax the procedure for obtaining license for small users of acid. For instance for small users of acid, the requirement of submitting TIN can be removed. Also authorities should ensure that applicants are not unnecessarily harassed while obtaining license. Stringent action should be taken against anyone employing illegal means in granting license to any applicant.
- The Attorney General's office should take regular updates on the cases which are pending for appeal hearing before the HCD. Most importantly the AG office should take all necessary steps to pursue vacating of stay orders against cases pending before the Acid Crime Tribunal.
- The legal aid NGOs should increase their interventions in the Supreme Court for assisting and maintaining liaison with the concerned AAG/DAG regarding pending acid crime cases.
- Community groups can be introduced to report to the UNO against illegal acid users and acid crimes in the locality. Such groups may be formed with both local elites and general community members such as imams, school teachers, entrepreneurs, housewives, farmers or workers.

- The Tribunals should maintain an updated record keeping system for the cases pending before them as well as the cases that had been disposed of. Also comprehensive data should be maintained regarding the number of cases in which appeals have been filed in the HCD.
- Periodic sanitization and awareness trainings should be conducted by the government with both the Tribunal judges as well as the judges of the HCD. Separate trainings should also be arranged for Public Prosecutors/AAG/DAG and Investigating Officers. Alternatively, any members of the civil society organizations can take up the role of conducting the trainings. However, the training scheme should be developed with special care so that maximum number of stakeholders can be included and can be given regular updated trainings.
- Media should be aware of the important role that they can play in ensuring access to justice to an acid victim by reporting regular follow up of the case. Involvement of media can also prove to be fruitful in case of exposing illegal acid users in the locality. Hence all the interventions relating to acid laws and their implementation must take representatives of media on board and sensitize them to regularly report the updates of acid crime cases.

The following diagram summarizes the above findings on recommendations:

[Figure 5] Recommendations

Key Recommendations

- Courts should be more proactive and sensitive in dealing with acid victims cases
- Ensuring accountability of the PP and IO
- A regular platform should be created where all the stakeholders can share and exchange their concern, good practices and challenges
- Coordination should be enhanced between legal aid NGOs
- NACC and DACCs should be more effective
- Monitoring of acid use should be strengthened

Other General Recommendations

- Government should introduce a comprehensive legal awareness scheme for acid related laws
- Government legal aid funds should be extended for victims
- The Licensing authority should relax the licensing procedure
- The Attorney General's office should take regular updates on acid related cases
- The legal aid NGOs should increase their interventions in the Supreme Court
- Community groups can be introduced to report to the UNO against illegal acid users and acid crimes
- The Tribunals should maintain an updated record keeping system

- Periodic sanitization and awareness trainings should be conducted with stakeholders
- Media should play an effective role

4.3 Implementation guidelines:

Based on the above findings on barriers in implementation of the two acid related laws and the recommendations to overcome the shortcomings, the study proposes a number of brief guidelines /directions for specific groups of stakeholders to work upon, as immediate goals to achieve.

4.3.1 Relevant government bodies/agencies

- The government should initiate a nation-wide survey of all users of acid (either producing, importing, selling or using for any purpose) and prepare a comprehensive list of licensees and non license holders. Based on this survey, a further analysis should be conducted to explore the underlying causes influencing exclusion of acid users from the license procedure, with a view to achieve clearer directions as to what measures need to be taken to ensure inclusion of all acid user within the legal framework.
- The Ministry of Law, Justice and Parliamentary Affairs should design a thorough plan of action to strengthen its role to supervise and intervene over the functions of PPs and AAG/DAGs engaged in an acid crime case.
- The Office of the Attorney General should prepare a list of all acid crime cases that have been stayed by the HCD and all cases that are pending in appeal in the HCD. Accordingly it should increase its interventions in vacating the stay orders and pursue quick disposal of the appeals.
- The Ministry of Home Affairs should issue specific directions to law enforcement agencies directing them to design detailed guidelines to create an effective chain of supervision in acid crime cases between the concerned IOs and his/her superior officers.
- The concerned government ministries should design comprehensive and periodic training programs for sensitization of the judges, PPs, AAG/DAGs, IOs and relevant representatives of local administration regarding the acid crime cases and their related laws.
- Government should effectively work on improving the functioning of the NACC and DACCs. If needed studies should be initiated to investigate why the NACC and DACCs is not successfully fulfilling their role, in order to achieve specific guidelines on how they can perform more efficiently.

- The Ministry of Information should issue guidelines for all government and private television and radio channels, national and local newspapers to increase their focus on ongoing acid crime cases, as well as to produce short documentaries containing legal information on the acid related laws.
- Government should allocate regular and increased budget for legal assistance of the acid survivors who are litigating before the Tribunals or before the SC. The District Legal Aid Committees should be specifically directed to extend their legal aid for acid victims.
- The Ministry of Law, Justice and Parliamentary Affairs should design a detailed guideline for giving legal recognition to the efforts of the legal aid NGOs who are voluntarily assisting the courts and PPs in acid crime cases.
- Comprehensive public legal awareness programs should be designed for providing easy and accessible information on the acid related laws.

4.3.2 NGOs

- An independent NGO having sole focus on the issue of acid violence should take up the role of a network organization among all the legal aid NGOs to assess the overall legal assistance given by the NGOs and to identify the gaps where further interventions are necessary.
- A common database should be developed of all case records in which the legal aid NGOs are involved.
- The NGOs working in the area of acid violence should work collaboratively to offer a common platform for all the stakeholders for sharing their best practices and barriers in implementing the two laws.
- An effective lobbying force should be built up by joint and concerted efforts of the NGOs working in the area of acid violence to influence government and judiciary to give effect to their recommendations in complying with the provisions of the acid related laws.
- An effective legal awareness campaign should be undertaken for acid related laws with joint efforts from the legal aid NGOs, upon evaluating the existing legal awareness campaigns.

4.3.3 Judges of the Acid Crimes Tribunals

- A proper and improved mechanism should be developed for keeping records of the acid crime cases before the Tribunal (both pending and settled cases). Also the cases in which appeals have been preferred to the HCD should be listed.
- Tribunals should develop a mechanism to facilitate easy access to the case records for research and survey purposes.
- Judges should consciously facilitate and allow the NGO panel lawyers to make submissions before the Tribunals to represent the acid victims along with the PP.

4.4 Concluding Remarks:

Although a number of stakeholders are involved in acid crime cases and in the controlling and monitoring of acid usages, a key aspect that transpired from the study was that for the better implementation of the two acid related laws a concerted and coordinated effort is needed with equal participation from all these stakeholders. At the same time, it cannot be denied that implementation of these laws are faced with the typical challenges of corruption and undue political influences and to battle these phenomenal challenges a chain of accountability has to be built between and among these stakeholders. Also, the stakeholders should be mindful that under the cover of decreasing rate of acid incidents since the enactment of the two laws in 2002, the cause of ensuring greater access to justice for the acid survivors should not go in vain.

ANNEXES

ANNEX - 1

CASE STUDIES*

*(The names used here are not real names of the respondents)

▪ Case Study - 1 (Dhaka)

Kader, aged 32 years, is the father of two daughters. Kader and his wife live in a family with his aged parents. Since childhood, he along with his family has been living at Noya Nagar in Dhaka. By profession, he was a driver of a private car. In February, 2014, Kader was coming back to his home after parking the car in the garage. It was evening, while Kader was crossing a road. In the darkness, suddenly he saw a long shadow of a man who had been following him. While crossing Kader, the man unexpectedly threw something on him. Kader was shocked for a moment, and could not understand anything. After a while, he started to feel an intolerable pain and burning sensations. He then realized that acid was thrown at him. Hearing his hue and cry, the residents of that area came out for rescue and poured water on him. His family members reached the spot and took him to the nearby clinic for treatment. Having a first aid there, he was then hospitalized to Badda General Hospital. However, doctors over there referred Kader to the ASF hospital, where he had received treatment. Fearing that he might be facing threat and harassment, Kader did not file any criminal case in the court. He thought paying fees for lawyer and incurring other expenses for running the case would be a huge financial burden for him and his family. He was the only earning member of his family, and now has no job and no money to support his family. Continuing treatment had even become extremely difficult for him. His case was not reported in any media. Neither he had received any support from any government authorities.

▪ Case Study - 2 (Sylhet)

Maina Begum, aged 15 years, from Fenchuganj Upazilla was a student of class VIII. The incident took place on 30th December, 2012 at 8 PM, when Maina went to throw out the garbage at a roadside pond adjacent to her house. At that time two to three men, including the son of the local UP Member threw acid on her for refusing to his love proposal. The UP Member was considered a highly influential person in the community for his strong political affiliations.

Two to three days after the acid attack, Maina's father lodged an FIR at the Fenchuganj Police Station. At the date of hearing of witness evidence, Maina and her father were not present at court as they had not received any notice of summons. The case was dismissed after the police had submitted the final report. The family members and relatives of Amina had alleged that no inquiry had been conducted by the police since the making of complaint. They did not come to see Maina nor interrogated the local residents. Rather, they presented a final report explaining the case as a false and frivolous one. The final report also alleged that the acid was thrown by the father of the victim, and the opposite party was falsely implicated. Maina's father also tried to

submit an audio record of a conversation with the father of the accused where he admitted that his son had committed the offence and offered money to Maina's father to settle the case. However, the concerned IO did not accept this material piece of evidence and submitted the final report. Now, Maina receives a monthly allowance of BDT 500 from BRAC for her educational purposes and still awaits justice.

- **Case Study - 3 (Sylhet)**

Rina (30), an acid victim is living at her isolated house in a village in Fenchuganj with her 8 years old son after being divorced by her husband in 2008. In April 2010, she was burnt by acid reportedly by her neighbors in the late night. She felt like somebody had thrown boiled water on her from behind. She was rolling on the ground and had poured water onto herself. While she was crying for help, a patrol police troop of 4 police men rescued her and took her to the Fenchuganj Health Complex. Her back was burnt. She told that at the Fenchuganj Health Complex she signed on a blank page as the Sub Inspector of Fenchuganj told her to do so. He assured her that an FIR will be written on the page. Later she was admitted into Osmani Medical College Sylhet and then to the ASF's Medical Care Centre at Banani, Dhaka. She is having a regular checkup and treatment from the Medical centre of ASF. She commented that the Ejahar was not made 'strongly' rather police had written it reluctantly. Her case was filed in the section 4 of Nari o Shishu Nirjaton Act. It was not filed in the Acid Crimes Suppression Tribunal as it was not confirmed whether she was acid burnt or not. Rina alleged that the concerned PP of the Nari Shishu Tribunal, was trying to disprove the allegation. He was non-cooperative and had been bribed. The concerned Investigation Officer was also alleged to be non-cooperative. BRAC lawyer has submitted the papers of medical report of Rina to Investigation Officer but the IO denied receiving any such certificate. Rina complained that the PP was trying to convince her to give fabricated testimony before the court. Rina said that the accused person's family is politically powerful. Local leaders, UP Chairman and MP all are in favor of them so as the police station and the PP. She commented that there are laws in this country but no law stands for the poor. The accused family has filed 3 cases against her; they also influenced her to stop pursuing the case and offered 5 lacs taka and a piece of land in return. Local elites including UP members were advising her to accept the offer. The news of Rina's burn incident was reported in '*Sylheter Dak*', a prominent news daily of Sylhet region, but no journalist came to follow up the matter.

- **Case study- 4 (Sirajgonj)**

It was 1st April 2011 when acid was thrown on Lina (32) by her husband's nephew named Akber. The incident happened due to a dispute over a piece of land. After the incident, Lina was taken to the local hospital and from there she was transferred to Sirajganj district hospital for treatment. But the treatment in the district level hospital for such an acid burn patient was not sufficient. The following day she went to Dhaka with the help of ASF for better treatment and remained there for seven days. The police refused to file any case after the incident. A complaint

petition was filed before the Court. The Police submitted a final report stating that the allegation was false. A 'Naraji' was submitted against the final report. The police was reportedly 'managed' by the Minister's brother who had allegedly received two lacs taka from the accused Akber. Lina went to the Minister's residence and requested his son to look into the matter. But it appeared that the Minister's wife in fact had pressurized the investigating police officer and others to suppress the issue, being manipulated by the accused party. Failing to bear the expenses of litigation, Lina could not manage to appear before court any further.

- **Case Study- 5 (Sirajgonj)**

In October 2014, the perpetrator poured acid towards Aslam & his wife was during midnight. The perpetrator and the victims were involved into a dispute with regard to setting up of an electric wiring. After the incident the victims were taken to the Sadar hospital. But after few days with the help of a school teacher they were taken to the burn unit of Dhaka Medical College where they took treatment for 5 days. But in every place they had to give money for taking service. After the bitter experience of DMC they would not like to go any specialized hospital of ASF for acid victims. A local NGO staff conducted counseling in the victim's community. Then both of them were sent to ASF Hospital with the help of the NGO after 18 days. With the assistance of local UP member, the victim's brother filed the case. The charge sheet was submitted. One perpetrator was in custody and another was not yet arrested.

- **Case Study- 6 (Satkhira)**

Jamuna (46) was thrown acid in 1988 when she was 20 years of age. Her face, throat and neck were burnt severely by acid throwing. Two years before the acid attack, she got married to a man but he left her after few months of marriage when she was pregnant of two months. After her only daughter had been born, she got a work of road construction and refurbishing funded by CARE. A coworker proposed her several times to marry her but Jamuna refused every time. Having failed to marry Jamuna, he then threw acid to her face. After the incident, she was brought to Satkhira Sadar Hospital for treatment and stayed there for few months. Then she was transferred to Khulna General Hospital. Police immediately filed a case and searched the accused house in the same night of occurrence. But the perpetrator was absconding. The Session Judge sentenced the accused with life time imprisonment. But it is not been executed as he could not be arrested by the police. Jamuna has been enlisted in the government list regarding allowance for disabled persons through which she got 500 tk/month. Previously she was sanctioned 12 thousand taka and half ton rice as financial aid for her rehabilitation in 2011-12. Agragati Sangstha included her in the mainstreaming and training program specially designed for the acid survivors run by ASF. Before 2007, the community people were used to avoid her in the social and religious gatherings. She was almost isolated in her house. But through the mainstreaming efforts and livelihood training of Agragati Sangstha and because of Jamuna's present solvency,

the community is not only allowing her but also seek her presence, role and financial co-operation in the social and religious events.

▪ **Case Study - 7 (Satkhira)**

In January 2011 when Ramizur Rahman and his wife Dina were asleep, acid was thrown at Ramizur by perpetrators who entered their house through the window. When, his wife woke up hearing him screaming, the perpetrators also threw acid on her. Hearing hue and cry, their relatives from nearby houses came for rescue and the perpetrators escaped from the place. They were taken to the local health complex and afterward to Dhaka through help of BRAC. On the third day of the incident a case was filed with the local police station. A case has been initiated in the Sessions Judge's Court for throwing acid at Ramizur under section 326A of the Penal code which is still pending. Another case has been filed in the Repression of oppression against Women and Children Tribunal for throwing acid against Dina. In 2005, the accused party applied before the HCD for a stay order at the case pending before the Repression of oppression against Women and Children Tribunal on the ground that for the same of offence proceedings have been initiated against same person in two different courts. The HCD accepted the petition and stayed the proceedings pending before the tribunal. Later on, with the help of ASF the stay order had been vacated from the HCD. However the cases are still pending before the courts and Ramizur and his wife had suffered harassment and had to spend a lot of money to litigate the case. They had once received a lump sum amount of 10 thousand taka from the Deputy Commissioner and 30 thousand taka from a local NGO, but after that no one came to follow up on their situation.

ANNEX – 2

Research Design at a glance

Methodology	Major focus/purpose	Sources of information	Tools/ Techniques of collecting Information	Types of respondents	No. of Respondents
Case law Analysis	<p>To get an overview of the courts' perception and reasoning in coming to a conclusion of conviction or acquittal of the accused.</p> <p>Also a judgment usually contains a detail description of the overall facts of the case, evidences submitted and arguments of both the parties.</p> <p>And this gives a greater insight into the implementation process of the laws.</p>	Primary (25 Judgments)	Using ASF document repository and personal communication with Tribunals	N/A	N/A
FGD	<p>To analyze implementation trends and barriers of the acid related laws.</p> <p>To explore the different cause and effect of acid violence</p> <p>To understand the approach of the court in coming to a finding of acquittal or conviction.</p> <p>To set the foundation for identifying possible recommendations to increase effective implementation of the laws.</p>	Primary	Checklist/ Guideline	<p>1) Acid victim/survivors/ survivors relatives/ survivors community people</p> <p>2) Local elite group including UP member/ Chairman, teacher, Imam etc.</p>	59
KII	<p>Through the qualitative interviews process, the researcher will not only re-affirm the findings of the document analysis, but also explore the links and gaps between the theoretical framework of implementation of the Acid Acts and the practical insights of the relevant stakeholders.</p> <p>To set the foundation for identifying possible recommendations to increase</p>	Primary	Checklist / Questionnaire	<p>Central Level:</p> <ul style="list-style-type: none"> - Ministry of Home Affairs (Acid Crime Case Monitoring Cell and NACC) - Police Headquarters (Acid Crime Case Monitoring Cell) -Attorney General's Office (Deputy Attorney General/ Assistant Attorney 	38

	effective implementation of the laws.			<p>General)</p> <ul style="list-style-type: none"> -Ministry of Law and Parliamentary Affairs (Secretary) -Ministry of Women and Children's Affairs (Secretary) - Legal Aid Service Providers <p>District Level:</p> <ul style="list-style-type: none"> - District Acid Control Committees - BRAC panel lawyers -Judges/Public Prosecutors -Law enforcement Officers (SP/ASP circles) <p>Upazila Level:</p> <ul style="list-style-type: none"> - Law enforcement officials (OCs) - Upazila Nirbahi Officers (UNO) - Project Officers of Implementing partners of ASF (Agrogoti Sangstha and Manab Mukti Sangstha) <p>Community Level:</p> <ul style="list-style-type: none"> - Community members (adult males and females) - Local elites - Survivors 	
Case study	To explore the different cause and perspective of acid violence To set the foundation for identifying possible recommendations to increase effective implementation of the laws.	Primary	Checklist/ Guideline	Acid victims/ Survivor (both new and old)	7
Expert Opinion/ Roundtable	To find out the critical perspective on legal, procedural and attitudinal problems of acid violence and hindrances of effective implementation of these two acid Laws.	primary	PPT	Legal and professional Experts/ development activist/ researcher/ academician/ representative from donor agency etc.	48

	To explore the possible recommendations to increase effective implementation of the laws.				
Analyzing research reports/ Journals	To find out the legal, procedural and attitudinal problems of acid violence and effective implementation of these two acid Laws. To set the foundation for identifying possible recommendations to increase effective implementation of the laws.	Secondary	reports/ Journals online publication	N/A	

ANNEX – 3

List of KII (Key Informant Interview) from 4 working areas of ASF

Sl.#	Sirajgonj	Designation & Organization
01	Nasirul Haq	Additional Sessions Judge, Sirajgonj
02	Mr. Nur Mohammed	PO, MMS under the project of ASF
03	Adv. Hannan Sarkar	BRAC Panel Lawyer
04	Adv. AKM Hassan Faruq Rumi	APP, Judicial Magistrate
05.	Mr. Aslam	Sub Inspector Police
06	Mr. Mostofa Kamal	OCC representative, Sirajgonj Hospital
07	Md. Forkan Sikdar,	Sr. Assistant Police Super, Sadar Police Circle, Sirajganj and Member Secretary, DC-NACC.
08	A.S.M. Hasan Al Amin	Additional District Magistrate
09	Gazi Abdur Rahman	Public Prosecutor
Sl.#	Satkhira	Designation & Organization
10	Mr. Nurul Haq	PO, Argagoti Sangstha under the project of ASF
11	Md. Abdus Sobhan Biswas	ED, Argagoti Sangstha under the project of ASF
12	Advocate Ashraful Alom Babu	BRAC Panel Lawyer
13	Advocate Mohammed Mobarak Ali	Additional PP, Judge Court Satkhira
14	Advocate Osman Goni	PP, Judge Court Satkhira
15	Mr. Ruhul Amin	ASP, Sadar Circle
16	Mostafizul Rahman uzzal	Sub Editor, Satkhira press club
17	Gaur Dutta	President, Satkhira Jewelry Samity, Acid dealer
18	Shah Abdur Sadi	UNO, Satkhira Sadar
19	Syed Rasedul Hossain	Additional District Magistrate , Satkhira

Sl.#	Dhaka	Designation & Organization
20	Adv. Md. Anwarullah	Special PP, Acid Aporadh Damon Tribunal
21.	Soiyada Rabeya Begum	Assistant Attorney General, Bangladesh Supreme Court
22.	Md. Helal Uddin Bodri	DIG, Police Headquarters, Dhaka
23.	Amit Debnath,	Assistant Commissioner, Dhaka District Administration
24.	Adv. Salma Zabin	Deputy Director, Litigation Unit, Ain o Shalish Kendra
25.	Advocate Mizanur Rahman	Ain o Shalish Kendra
26	Advocate Shayla Sayed	Coordinator- Litigation Unit, BLAST
27	Adv. Shirin Ferdous	Senior Sector Specialist, HRLS, BRAC
28	Adv. Fahmida akhter	Case Manager, BNWLA
29	<i>Animesh</i> Chandra Sarker,	Coordinator - legal support, ASF
30	Selina Ahmed	Executive Director, ASF
31	Advocate Habibu Nessa	Convenor, Naripokhho
32	Md. Abdur Razzak	Additional SP, Special Crime Branch
Sl.#	Sylhet	Designation & Organization
33	Moinul Islam, Fenchuganj Thana	SI, Police
34	Advocate Shirin Akter	BRAC Panel Lawyer
35	Adv. Shamsul Islam,	Additional PP
36	Nure Alam Mina	Police Super, Sylhet
37	Hasan Mahmud	Additional District Magistrate and Officer in Charge DC-NACC, Sylhet
38	Mr. Motiur Rahman	ADM, Sylhet

ANNEX – 4

Data Collection Tools

i. Guideline for FGD with community People

FGD size: 6-10 people

Target population: Preferably members of the acid survivor's community.

Duration of FGD: 1 hour 30 minutes to 2 hours

Precaution: The sharing with the community people will be interactive and participatory. The facilitator should create the enabling environment so that the participants feel free to convey their opinion. A note taker will take the detail note. And taking the permission of the respondent the discussion should be recorded. It should be assured that all information will be kept confidential. Names will not be disclosed anywhere. Besides, during sharing following key questions can be asked to the community people to get an overview of the level of legal awareness, their experiences in accessing the acid violence related laws and opinions regarding effective implementation of the laws.

List of key questions:

1. Have you heard about acid violence?
2. Have you heard about the two laws against acid violence?
3. Have you or anyone in your family or community experienced acid violence?
4. Could you recall the most recent incidence regarding acid violence occurred in your area?
What happened after the incident?
5. If someone becomes the victim of acid violence does he/she get access to proper services (legal, medical and rehabilitation)?
6. After the violence, does the perpetrator gets punished under the law?
7. How easy or frequent it is for a perpetrator to escape punishment?
8. Who are collecting acid and how are they being collected? Do they have any license?
9. Do you think selling acid without license can be done easily? How?
10. Has anyone been punished for selling or buying acid illegally?
11. Do you know what services are provided from the concerned officials? What is your impression about the service of the various service providers? (including Police officers, PP, legal aid officers, Medical Officer and Hospital staffs, UNO, UP Chairman and members, District acid control committee and other service providers)
12. What steps do you think should be taken to improve the situation of implementing the acid violence laws?
13. Do you suggest any measure to improve implementation of the two laws, in which the community people themselves can participate and contribute?

Information of the participants of FGD

Name of the village:		Name of the Union:		Name of the Upazila:		Zilla:	
Sl.#	Name	Sex	Age	Educational qualification	Profession		

Summary of FGD participants

No. of total participants :	
No. of female participants:	
No. of male participants:	
Types of profession of participants:	

ii. Guideline for FGD with Elite Group

FGD size: 6-10

Target population: UP representatives, teacher, Imam and other elites of the community.

Duration of FGD: 1 hour 30 minutes to 2 hours

Precaution: The sharing with the Elite people will be interactive and participatory. The facilitator should create the enabling environment so that the participants feel free to convey their opinion. A note taker will take the detail note. And taking the permission of the respondent the discussion should be recorded. It should be assured that all information will be kept confidential. Any bodies name will not be disclosed anywhere. Besides, during sharing following key questions can be asked to the Elite group people to get an overview of the level of legal awareness, their experiences in accessing the acid violence related laws and opinions regarding effective implementation of the laws.

List of key questions

1. Have you heard about acid violence?
2. Have you heard about the two laws against acid violence?
3. Have you or anyone in your family or community experienced acid violence?
4. Could you recall the most recent incidence regarding acid violence occurred in your area?
What happened after the incident?
5. Did any acid victim seek assistance from you? Then what did you do?
6. Did you accompany them for seeking any type of assistance (legal, medical and rehabilitation)?
7. Did you face any problem while you sought assistance from the service providers (police, public prosecutor, doctor/nurse, shelter home, panel lawyer/ NGO representatives)?
8. Are the incidences of acid throwing decreasing/ increasing in comparison to past years?
What are the contributing factors for improving/ decreasing the situation?
9. What else can be done for getting proper support to the victim and how can acid throwing be controlled?
10. What else we can do for effective implementation of two laws regarding acid violence?
11. As local elites, how can you play a more effective role in implementing the two acid related laws in your community?

FGD Question guideline for the local elite:

Name of the village:		Name of the Union:		Name of the Upazila:		Zilla:	
Sl.#	Name	Sex	Age	Educational qualification	Profession		

Summary of FGD participants

No. of total participants :	
No. of female participants:	
No. of male participants:	
Types of profession of participants:	

iii. Guideline and some key questions for Case study:

The case study will be written on the basis of the conversation between the interviewer and the survivor. The conversation will be very amicable and the interviewer should create the enabling environment so that the survivor feel free to convey the message. The survivor will be informed his/her name will not be disclosed anywhere. Besides, during conversation following key questions can be asked to get the complete scenario (background of the problem, obstacle/ challenges to overcome the problem, present situation, learning/ suggestions)

1. Would you please narrate the incident?
2. What is the reason behind the incident?
3. Do you know who the perpetrator was?
4. Did you get any assistance from any one after you were victimized? If yes from where? (community, UP representative or any NGOs)
5. Did you face obstacles regarding seeking service from the concerned stakeholders (police station, court, hospital etc.)?
6. Has the perpetrator been punished for the offence? If not why?
7. What are you doing now? Are you happy with the support that you may have been receiving now as an acid survivor? (both in your community and from government support systems).
8. What do you think needs to done to effectively address the rehabilitation of acid survivors?
9. What do you think should be done to ensure arrest and conviction of perpetrators of acid violence?

iv. Guideline and some key questions for different groups of Key Informants

The legal and administrative problem which hinders the effective implementation will be identified through KII with concerned stakeholders. The facilitator will be very amicable and the Key Informant should feel comfortable to convey the message. It will be assured his/her name will not be disclosed anywhere. Besides, for getting a complete information from each type of service provider a list of questions has been developed for different groups

ট্রাইব্যুনালের বিচারক/জেলা ও দায়রা জজ/স্পেশাল পিপি/পিপি

১. ট্রাইব্যুনাল গঠনের পর/আপনি দায়িত্বগ্রহণ করার পর থেকে এ পর্যন্ত এসিড অপরাধ দমনট্রাইব্যুনালে মোট কতটি মামলা দাখিল হয়েছে? এর মধ্যে কতটি খারিজ হয়েছে, কতটি মামলায় রায় প্রদান করা হয়েছে এবং কতটি অনিস্পন্ন রয়ে গেছে?

ছক-১: এসিড অপরাধ দমন ট্রাইব্যুনালে দায়ের করা মামলার পরিসংখ্যান

সময়কাল(..... মাস, ২০... থেকে ...মাস, ২০১৪)	দাখিলকৃত মামলার সংখ্যা	খারিজকৃত মামলার সংখ্যা	নিস্পন্ন মামলার সংখ্যা	অনিস্পন্ন মামলার সংখ্যা

২. নির্ধারিত সময়সীমার (নব্বই দিন) মধ্যেই কি প্রতিটি মামলার নিস্পত্তি হয়েছে? না হলে কেন হয় নি?
৩. এসিড অপরাধ দমন ট্রাইব্যুনালে যে সকল মামলা চলমান রয়েছে তার অবস্থা কি? এখন কতটি মামলা চলমান? প্রতিদিন মোট কত সময় ধরে মামলাগুলোর শুনানী হয়? প্রয়োজনে রুদ্ধদার কক্ষে জবানবন্দী গ্রহণ করা হয় কিনা?
৪. ট্রাইব্যুনালে মামলাগুলোর তথ্য সংরক্ষণের ব্যবস্থা কি ধরণের? ট্রাইব্যুনালে মামলা নিস্পত্তির ক্ষেত্রে কি কি সমস্যা বিদ্যমান? এসিড অপরাধের সুষ্ঠু বিচারের জন্য কি কি ব্যবস্থা ও পদক্ষেপ গ্রহণ করা প্রয়োজন বলে আপনি মনে করেন?

৫. আইন কার্যকর হবার পর থেকে এ পর্যন্ত কিকি ধরনের শাস্তি প্রদান করা হয়েছে? (কতজন ব্যক্তিকে মৃত্যুদণ্ড প্রদান করা হয়েছে? কতটি মৃত্যুদণ্ড কার্যকর করা হয়েছে? কতজন ব্যক্তিকে যাবজ্জীবন কারাদণ্ডে দণ্ডিত করা হয়েছে? এর মধ্যে কতজনের শাস্তি কার্যকর করা হয়েছে? বাকীদের শাস্তি কার্যকর হচ্ছে না কেন?)

সময়কাল(..... মাস, ২০... থেকেমাস, ২০১৪)	মৃত্যুদণ্ড প্রাপ্ত ব্যক্তির দসংখ্যা	কার্যকর করা হয়েছে কতজনের মৃত্যুদণ্ড	যাবজ্জীবন কারাদণ্ডে ব্যক্তির সংখ্যা	কার্যকর হয়েছে কতজনের শাস্তি

৬. কতজন এসিড আক্রান্ত ব্যক্তিকে এ পর্যন্ত ক্ষতিপূরণ প্রদান করা হয়েছে? ক্ষতিপূরণ প্রদানের বিষয়টি কিভাবে নিশ্চিত করা হয়? এ বিষয়ে কি কি সমস্যা রয়েছে বলে মনে করেন?
৭. ভিকটিম ও সাক্ষীদের নিরাপত্তামূলক হেফাজতে রাখার কি ধরণের ব্যবস্থা আছে? কতজনকে এরকম হেফাজতে রাখা হয়েছে?
৮. তদন্তকারী কর্মকর্তাদের তদন্ত এবং মেডিকেল রিপোর্ট সম্পর্কে আপনার সার্বিক মূল্যায়ন কি? তদন্তকারী গাফিলতির জন্য এ পর্যন্ত কতজন তদন্তকারী কর্মকর্তার বিরুদ্ধে আইনানুগ ব্যবস্থাগ্রহণের জন্য ট্রাইব্যুনাল নির্দেশ দিয়েছে? কতজন ডাক্তারের বিরুদ্ধে বিভাগীয় ব্যবস্থাগ্রহণের জন্য নির্দেশ প্রদান করা হয়েছে?

আইন প্রয়োগকারী সংস্থা (ওসি/এসপি/অতিরিক্ত পুলিশ সুপার)

১. এসিড অপরাধ নিয়ন্ত্রণে দেশে কি কি আইন প্রচলিত আছে? এসব আইনের বাস্তবায়নে পুলিশকে কি ধরনের দায়িত্বপালন করতে হয়?
২. গত ১২ বছরে আপনার কর্মএলাকায় মোট কতটি এসিড অপরাধের অভিযোগ লিপিবদ্ধ করা হয়েছে? এগুলোর মধ্যে কতটির চার্জশীট আদালতে দাখিল করা হয়েছে? কতটির ফাইনাল রিপোর্ট দাখিল করা হয়েছে? কি কারণে এ অভিযোগগুলোর প্রমাণ পাওয়া যায় নি বলে মনে করেন? কতটির ক্ষেত্রে বাদির নারাজি আবেদনের প্রেক্ষিতে ট্রাইব্যুনালের নির্দেশে চার্জশীট দাখিল করা হয়েছে?
৩. অভিযোগ তদন্তের ক্ষেত্রে কি কি সীমাবদ্ধতা ও প্রতিকূলতার সম্মুখীন হতে হয়?
৪. এসিড অভিযোগের অপরাধে অভিযুক্তদের কতজনকে গ্রেপ্তার করা সম্ভব হয় নি? কি কারণে তাদের গ্রেপ্তার করা যায় নি?
৫. এসিড অপরাধের তদন্তকাজের জন্য তদন্ত কর্মকর্তাকে কোনো বিশেষ নির্দেশনা/গাইডলাইন প্রদান করা হয় কি? এ তদন্তকাজ যাতে সূষ্ঠ/যথাযথ ভাবে সম্পন্ন হয় এজন্য বিভাগীয় বিশেষ কি ব্যবস্থা গ্রহণ করা হয়? [তদন্তকাজে গুরুত্ব কম দেয়া/অবহেলার জন্য কতজন কর্মকর্তার বিরুদ্ধে বিভাগীয় ব্যবস্থা গ্রহণ করা হয়েছে?]
৬. এসিড অপরাধের তদন্ত ও অপরাধীদের সনাক্ত করার ক্ষেত্রে তদন্ত কর্মকর্তাদের কি কোনো ধরনের দক্ষতাবৃদ্ধির প্রয়োজন আছে বলে আপনি মনে করেন? এ ধরনের তদন্তকাজ সুসম্পন্ন করতে আরো কি কি বিষয় থাকা প্রয়োজন বলে মনে করেন।
৭. অবৈধ এসিড বিক্রেতা ও ব্যবহারকারী কতজনের বিরুদ্ধে আইনানুগ ব্যবস্থা গ্রহণ করা হয়েছে?
৮. এসিড অপরাধ নির্মূলে কি কি বিষয় প্রয়োজনীয় বলে মনে করেন?

জাতীয় কাউন্সিল/সচিব, স্বরাষ্ট্র মন্ত্রণালয়

১. বর্তমান কাউন্সিল কবে গঠিত হয়েছে। আইন অনুযায়ী এর সদস্য সংখ্যা সঠিকভাবে আছে কিনা? কতদিন পর পর কাউন্সিলের সভা অনুষ্ঠিত হয়? সভার কোরাম পূরণে কোন সমস্যা হয় কিনা। সভার আলোচ্যবিষয়ে কোন কার্যবিবরণী করা হয় কিনা। নিয়মিতভাবে সভা অনুষ্ঠিত নাহলে এর কারণ কি বলে মনে করেন? সভায় গৃহিত সিদ্ধান্ত কিভাবে বাস্তবায়ন করা হয়?
২. কাউন্সিল কর্তৃক নির্ধারিত নীতিমালার কথা আইনে বলা আছে, এ নীতিমালাগুলো কি প্রণীত হয়েছে? এর বাস্তবায়নে কি কি ব্যবস্থা কাউন্সিল গ্রহণ করেছে? এর পরিবীক্ষণের জন্য কোনো বিধিব্যবস্থা কি আছে?
৩. কাউন্সিলের সদস্যদের আইন বাস্তবায়ন বা কার্যক্রম পরিচালনায় কি ধরনের সমস্যার সন্মুখীন হতে হয়। এই সমস্যা দূর করার জন্য কি করা প্রয়োজন রয়েছে বলে আপনি মনে করেন?
৪. এসিড অপরাধ নিয়ন্ত্রণের জন্য কাউন্সিলের আরো কি ধরনের ভূমিকা নেয়া প্রয়োজন বলে মনে করেন? এক্ষেত্রে প্রয়োজনীয় বিষয়গুলো কি কি ?

পুলিশ হেডকোয়ার্টার্স (এসিড ক্রাইম মনিটরিং সেল)

১. এসিড সংক্রান্ত অপরাধ নিয়ন্ত্রণে কি কি আইন প্রচলিত আছে? এক্ষেত্রে পুলিশ সদরদপ্তর (এসিড ক্রাইম মনিটরিং সেল) কি কি ভূমিকা পালন করে?
২. এসিড ক্রাইম মনিটরিং সেল-এ এসিড অপরাধ সংক্রান্ত তথ্য কিভাবে সংরক্ষণের ব্যবস্থা করা হয়? এটাকে কোন কোন ক্ষেত্রে কিভাবে ব্যবহার করা হয়?

৩. এসিড অপরাধের তদন্তকাজের জন্য তদন্ত কর্মকর্তাকে কোনো বিশেষ নির্দেশনা/গাইডলাইন প্রদান করা হয় কি? এ তদন্তকাজ যাতে সুষ্ঠু/যথাযথ ভাবে সম্পন্ন হয় এজন্য বিভাগীয় বিশেষ কি ব্যবস্থা গ্রহণ করা হয়? [তদন্তকাজে গুরুত্ব কম দেয়া/অবহেলার জন্য কতজন কর্মকর্তার বিরুদ্ধে বিভাগীয় ব্যবস্থা গ্রহণ করা হয়েছে?]
৪. এসিড অপরাধের তদন্ত ও অপরাধীদের সনাক্ত করার ক্ষেত্রে তদন্ত কর্মকর্তাদের কি কোনো ধরনের দক্ষতাবৃদ্ধির প্রয়োজন আছে বলে আপনি মনে করেন? এ ধরনের তদন্তকাজ সুসম্পন্ন করতে আরো কি কি বিষয় থাকা প্রয়োজন বলে মনে করেন।
৫. দেশে এসিড অপরাধের মতো ঘৃণ্য অপরাধকে নির্মূল করা কেন সম্ভব হচ্ছে না? এসিড অপরাধ নিয়ন্ত্রণের জন্য কি কি বিষয় প্রয়োজনীয় বলে আপনি মনে করেন?

জেলা প্রশাসক/ জেলা কমিটির দায়িত্বপ্রাপ্ত কর্মকর্তা

১. এসিড অপরাধ নিয়ন্ত্রণে দেশে কি কি আইন প্রচলিত রয়েছে? আইনের বাস্তবায়নে জেলা কমিটি ও জেলা প্রশাসককে কি কি দায়িত্ব পালন করতে হয়?
২. এ পর্যন্ত কতজন এসিড আক্রান্ত ব্যক্তির চিকিৎসার জন্য লিখিতভাবে জেলা কমিটির নিকট সুপারিশ করেছেন এবং জেলা কমিটি কতজন ব্যক্তির চিকিৎসার ব্যয়ভার বহন করেছে বা আর্থিক সহায়তা প্রদান করেছে ?
৩. জেলা কমিটির পক্ষ থেকে কতজন এসিড আক্রান্ত ব্যক্তিকে আইনগত সহায়তা দেয়া হয়েছে? এক্ষেত্রে কর্মসূচি পালনকারী এনজিওগুলোর ভূমিকা সম্পর্কে আপনার মূল্যায়ন কি?
৪. এ পর্যন্ত কতজন এসিড আক্রান্ত ব্যক্তিকে আইনে নির্ধারিত অর্থদণ্ডের অর্থ পরিশোধ করা হয়েছে? এসব অর্থ পরিশোধের ক্ষেত্রে কি কোনো সমস্যার সম্মুখীন হতে হয়েছে?
৫. এসিডের অপব্যবহার নিয়ন্ত্রণের জন্য বিগত সময়ে মোট কতটি তল্লাশী/অভিযান পরিচালনা করেছেন?
৬. লাইসেন্স-এর শর্ত ভঙ্গ করার দায়ে কতজন ব্যক্তির লাইসেন্স বাতিল করা হয়েছে এবং কতজন ব্যক্তির লাইসেন্স সাময়িক স্থগিত করা হয়েছে? এসিডের কয়টি দোকান বা যানবাহন সাময়িকভাবে বন্ধ রাখার আদেশ দিয়েছেন? কতজনের বিরুদ্ধে

সময়কাল(..... মাস, ২০... থেকেমাস, ২০১৪)	লাইসেন্স বাতিল	স্থগিত	অর্থদণ্ড	অন্যপ্রকারের দণ্ড
(ব্যক্তি)				
(প্রতিষ্ঠান)				

অর্থদণ্ড বা অন্যপ্রকারের দণ্ড আরোপ করা হয়েছে?

৭. এসিড আক্রান্ত ব্যক্তিদের তালিকা ত্রৈমাসিকভাবে উপজেলা নির্বাহী কর্মকর্তাগণ প্রেরণ করা ও জেলা প্রশাসক সুপারিশসহ জেলা কমিটির কাছে এ তালিকা প্রেরণ করেন কি-না?
৮. আক্রান্ত ব্যক্তিকে সহায়তা প্রদানের পর কি প্রক্রিয়ায় পরিবীক্ষণ/ফলোআপ করা হয়?
৯. গত পাঁচ বছরে কমিটির কতটি সভা অনুষ্ঠিত হয়েছে? আইনে প্রতি দুই মাসে কাউন্সিলের কমপক্ষে একটি সভা অনুষ্ঠিত হওয়ার কথা থাকলে তার আয়োজন করা সম্ভব হচ্ছে না কেন? [সভায় সদস্যদের উপস্থিতির হার ও সিদ্ধান্তগ্রহণের গুণাগুণ/হার কি সন্তোষজনক?]
১০. কমিটি/জেলা প্রশাসনের কার্যকর ভূমিকা পালনের জন্য আরো কি কি বিষয় প্রয়োজনীয় বলে মনে করেন?
১১. এসিড অপরাধ নিয়ন্ত্রণের জন্য কি কি বিষয় প্রয়োজনীয় বলে আপনি মনে করেন?

মেডিকেল অফিসার, সদর হাসপাতাল/ উপজেলা স্বাস্থ্য কমপ্লেক্স/ ওসিসি/বার্ন ইউনিট প্রধান

১. এসিড অপরাধ নিয়ন্ত্রণে দেশে কি কি আইন প্রচলিত রয়েছে? আইনের বাস্তবায়নে মেডিকেল অফিসার কি কি দায়িত্ব পালন করতে হয়?
২. এ পর্যন্ত এখানে কতজন এসিড আক্রান্তের চিকিৎসা করানো হয়েছে? কতজনের মেডিকেল রিপোর্ট প্রদান করা হয়েছে? এসিড আক্রান্তদের তথ্য সংরক্ষণের কি ধরনের ব্যবস্থা আছে?
৩. চিকিৎসা প্রদানের ক্ষেত্রে কি কি সমস্যার মুখোমুখি হতে হয়?
৪. এ ধরনের আক্রান্ত ব্যক্তিদের মেডিকেল রিপোর্ট দেয়ার ক্ষেত্রে কোনো বিশেষ ব্যবস্থা গ্রহণ করেন কি? কতদিনের মধ্যে মেডিকেল রিপোর্ট দেন? মেডিকেল রিপোর্ট দেয়ার ক্ষেত্রে কোনো সমস্যা আছে বলে মনে করেন?
৫. আদালতে কতবার সাক্ষ্য দেয়ার জন্য যেতে হয়েছে? এক্ষেত্রে কি কি সমস্যার সম্মুখীন হয়েছেন?
১২. এসিড আক্রান্ত ব্যক্তিদের সুচিকিৎসা ও যথাযথ মেডিকেল রিপোর্টের জন্য আরো কি ব্যবস্থা গ্রহণ করা প্রয়োজন বলে মনে করেন। এসিড অপরাধ নিয়ন্ত্রণের জন্য কি কি বিষয় প্রয়োজনীয় বলে আপনি মনে করেন?