

**AN ANALYSIS OF THE LEGAL FRAMEWORK FOR GOVERNING ACID
VIOLENCE IN MALAYSIA; WITH SPECIAL REFERENCES TO THE
LEGAL POSITION IN INDIA AND BANGLADESH**

By

Noradibah bt Khalidin (2009338831)
Salma Sakeena bt Mohamad Hassan (2009529459)
Siti Norshila bt Jamil (2009593179)

Submitted in Partial Fulfillment of the Requirements
for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA
Faculty of Law**

June 2012

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

In the name of Allah, the Beneficent, the Merciful

First and foremost, our deepest gratitude goes to our supervisor, Encik Muhammad Umar bin Abdul Razak for his continuous guidance and untiring effort in assisting us to make this project paper becomes a reality.

Our heartfelt also thanks also go to our beloved families, especially to our parents and supportive friends for their never ending support and timeless love throughout the course of completing this project paper. All of your guidance and love will always be remembered and cherished as the pillar of our strength in achieving our dreams.

And also special thanks are also contributed to all the staffs of Faculty of Law, UiTM Shah Alam for their efforts in preparing all the necessary documents to enable our research paper to be conducted.

Furthermore, we are also very thankful to Mrs. Nazlina Abd Ghani from Woman's Aid Organization for her willingness to accept our interview.

We hope that this project paper will be useful to other researchers who have the intention to pursue their research in this area or any other research which is connected in one way or another with our project paper.

ABSTRACT

This research has been conducted to analyze the existing legal framework in Malaysia governing acid violence, where, special references have been made to the legal position in India and Bangladesh. The research aims to examine the adequacy of Malaysian law regarding the sale of certain types of acid commonly used in the attack, and also the means or mechanisms of remedy or compensation that can be provided to the victims, as well as to scrutinize any protection measures available to the victims. This is because acid violence victims are inflicted with severe physical, psychological and social scarring. Despite the gravity of the situation, there is still limited access to medical or psychological assistance to them, and the current law has been submitted to be inadequate in providing awareness to the public. Although the issue of acid violence is seasonal in Malaysia, the research attempts to take precautionary steps towards this issue, and for that matter, the legal position in India and Bangladesh have been chosen as references because of their experiences in handling the acid violence, as the issue had been long subsisted in their countries. Admittedly, Malaysia's acid attack rating may seem insignificant compared to other countries, but we seek for our country to take the lead in perfecting the people's need, be it from the smallest issue to the biggest. Therefore, at the end of the research, several recommendations have been laid out in hope that they could fill the gaps in the knowledge on the current laws governing acid violence in Malaysia.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vii
Abbreviations	viii

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	Background	1
1.2	Research Questions	4
1.3	Research Objectives	4
1.4	Significance of the Research	5
1.5	Scope of the Research	5
1.6	Limitations of the Research	5
1.7	Research Methodology	5
1.8	Outline of the Structure of the Paper	6
1.9	Conclusion	7

CHAPTER TWO: LITERATURE REVIEW

2.0	Introduction	8
2.1	UN Convention	8
2.2	Problems Facing Acid Violence	10
2.3	Theoretical Framework	11
	2.3.1 Theory of Punishment	11
	2.3.2 Theory of Deterrence	11
	2.3.3 Theory of Welfare State	12
	2.3.4 Theory of Women's Protection	13
2.4	Legal Framework	14
	2.4.1 India	14
	2.4.2 Bangladesh	16
	2.4.3 Malaysia	17
2.5	Conceptual Issues	19
	2.5.1 Definition of Acid Violence	19
	2.5.2 Factors Contributing to Acid Violence	19
	2.5.3 Sale of Acid in Malaysia	21
	2.5.4 Protection to the Acid Violence Victims In Malaysia	21
2.6	Problems Facing Law Enforcement	23
	2.6.1 Legal Challenges	23
	2.6.2 Operational Challenges	24
	2.6.3 Technical Challenges	25
2.7	Conclusion	26

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This paper aims to examine the adequacy of the legal framework for governing acid violence and its victims in Malaysia in curbing the rise of acid violence cases in Malaysia. The structure of this paper begins with a background explaining the problems and dilemmas faced by Malaysian pertaining to the crime of acid violence. Secondly, the research questions and the objectives of this research are explained. The significance of the research will explain about on the necessity for the research to be carried out. This will be followed by the scope of this research. In pursuance to this, the limitation and the research of the study are explained as well. Last but not least, the outline of the structure of the paper and the conclusion.

1.1 Background

Acid crimes¹ involve intentional acts of violence in which the perpetrators throw, spray or pour acid onto the victims' face and body. This vicious form of aggression against human beings usually causes skin tissue to melt, often exposing bones below the flesh and sometimes even dissolving the bones.² As acid melts the flesh and even the bones of a person, it causes an unparalleled degree of pain, leaving the victim mutilated and scarred as well as giving her permanent disabilities, for example, blindness. More often than not, these attacks by the perpetrators are viewed as retaliatory or meant for teaching a lesson to adamant women.³

¹ The terms "acid crime" and "acid attacks" are used interchangeably. "Acid attacks" refer to specific incidents usually involving throwing acid at one or more individuals who are the intended victims of the attacks. "Acid crime" is a broader term that includes acts such as forcing a victim to ingest acid. Acid violence is also sometimes referred to as "vitriolage."

² Anwary A, "Acid Violence And Medical Care In Bangladesh: Women's Activism as Carework.", (2003) *Gender & Society Journal* 305.

³ Keerthi Bollineni, *Gender-Based Violence in Public Places: Acid Throwing*, (Cequin India 2010) p. 15.