



# REALIZING RELIABILITY OF AI IN DEALING WITH ACID ATTACKS IN INDIA

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## ABSTRACT

Acid attack is the form of violence in which acid or other corrosive substance is thrown at a person usually on a woman and girl with the intention of torturing, destroying their face or killing them. The reason for their acid attacks is mainly on gender-based, dowry issues, marriage, antagonism, lovers, male-domineering, male-dictating society, etc. The perpetrators do not realize the consequences of such attacks which result in severe pain, permanent disfigurement, subsequent infections, blindness of their eyes and also suffer physically, psychologically, emotionally and economically etc. Acid is known as to be a very potent weapon of offense and assault, especially against women and minorities. Girls and women account for more than the 85 percent of the victims. Men have also been targeted. The greatest prevalence is in South Asian countries, including India, Pakistan and Bangladesh, where acid remains inexpensive and freely available. Sections 326A, 326B were added in Indian penal code through the Criminal Law Amendment Act 2013 in light of acid attacks. These sections are now specifically criminalized acid attacks and the attempted acid attacks. Acid attack is increasing day by day basically for girls. It is high time now otherwise it will be very late. Globally, women in countries around the world live with the threat of the acid attacks. There are approx. 1500 victims of acid attacks in the country and 80 percent of them victimize women making it a gender-based crime. Acid attack is such a heinous form of crime which makes the life of the victim miserable. In their artificial intelligence systems are further integrated into critical components of society, these artificial intelligence attacks represent an emerging and systematic vulnerability with the potential to have significant effects on the security of the country.

## KEYWORDS

ACID ATTACK, WOMEN, CRIMES, GENDER, VICTIM, AI

## 1. INTRODUCTION

An acid attack involves the predominated throwing of acid on a victim, mainly on her face in order to cause her grievous hurt and disrupt her socio-economic life. It is a gender-based heinous crime against women. The acid throwing is the most vicious form of crime in the society. In their number of acid attacks has not decreased. It is still being openly sold and made available to offenders. So, their number of acid attack cases is increasing rapidly<sup>1</sup>.

The dreadful act of attacking people with acid has been taking place across different parts of the country. Man has chosen a different form of action to exploit the life of women. This crime is instigated by deep-rooted jealousy, feelings of enmity, hatred or revenge against women. In causing psychological trauma, acid attacks result in severe pain, physically, mentally, economically, socially, body injury and so many consequences occur. Violence against women is a manifestation of historically unequal power relations between men and women. As per the provision

<sup>1</sup> An Overview of the Acid Attack Laws in India available at <https://ljjdlr.com>. (last visited on 2 February 2024)

of the prevention of offences (by acids) act 2008 (National Commission for woman – draft bill)” constitute the definition of acid and acid attacks. In India it has also work of rehabilitation and providing relief to acid attack victims. According to sec 3 of said act, acid shall mean and includes any substance which has the acidic or corrosive character or burning nature, capable of causing bodily injury leading to scars or disfiguration or temporary or permanent disability. <sup>2</sup>

## 2. DEFINITION AND MEANING OF ACID ATTACK;

Acid attack means any act of throwing acid or using acid in any form on the victim with the intent of or with the knowledge that such person is likely to cause to the other person and getting problem, partial damage or deformity or disfiguration to any part of the body and face of such person.

According to black law dictionary, acid is the corrosive substance with below ph. of below 7 which is thrown on someone could damage the skin tissue, burning, disfiguring, exposing, and dissolving of bones of the body.

The Indian Penal Code 1860 does not define acid but by virtue of criminal (amendment) act, 2013 under the explanation 1 of sec 326 B has defined acid to include any substance which has the acidic or corrosive character or burning nature, capable of causing bodily injury leading to scars or disfiguration or temporary or permanent disability.”

## 3. CAUSES OF ACID ATTACKS

### *Peer Jealously*

Jealousy is another factor that has made such unlawful incidents. Jealousy is seen anywhere it could be in business, education, lover, or service sector. Because a person cannot see another person moving and going ahead at a very rapid pace.

### *Rejected and Rebuffed lovers*

When a person is rejected of his marriage proposal by woman, it is taken as spite, and out of vengeance, acid is used to throw on the woman. This is the main causes of throwing acid on the victim.

### *Domestic violence*

Violence in the home is one of the leading causes that has attributed to the throwing of acid by family members on vulnerable and browbeaten women. There it could be related to inability of bear a child, property disputes, bringing of dowry, suspicion, family disagreement refusal to sex, refusal to obey.<sup>3</sup>

### *Mail – domineering society*

In the society, where a woman has always been controlled and regulated by men. When their men have always been told to domineer and women have been told to be subjugated. In earlier time women were considered to the property of men. So, our society is a male – domineering society so whenever men see the women to be uplifted and progressed more than they felt jealous and commit acid attack.

### *Availability of acid in market*

People can easily get it without getting much effort on their part from pharmacies, open-air markets or many other shops or it is easily obtainable and it is inexpensive and easy reach of the common people.

## 4. CONSEQUENCES OF ACID ATTACKS

### 1) *Physical consequence*

Acids burns through skin and flesh, layer by layer, and bones also. it's causing pain and injury. In their causing poisonous reaction in the lungs. Acids can rapidly destroy the eyes causing victim to blind. Swelling of the neck which obstructs the airway and strangulates the victim. Wherever acid may drop from the face nose, mouth, eyes, ears, neck, shoulders or arms its burns everywhere. It is very danger for the victim for breathing.

### 2) *Social consequences*

Pain is not only is internal but also external imposed by the comments and the taunts of the society. And not get a good job to his qualification. To getting marriage there so many problems created in the future. And also, society spoke that to the victim is ill about her and her family .so they fear antagonistic attitude of the general public towards them.

### 3) *Psychological consequences*

They suffered from depression weakness, tiredness, lack of concentration, headache, fear of facing the people. victims feel shocked or traumatized in the way that the feel and think about themselves. A psychological trauma

<sup>2</sup> A brief analysis of Acid Attack on Women in India available at <https://www.legalserviceindia.com/> ( last visited on 3 February 2024)

<sup>3</sup> Crime against women in India available at <https://journals.sagepub.com.> ( last visited on 3 February 2024)

is suffered by the victim when she perceives that her skin is burnt off and after the attack the defacement and the disabilities with which they have to bear for the rest of the life.

#### 4) *Economic consequences*

Victim don't get any job, If the victim is want to do some work they won't get any work with their qualification, so victim is dependent on someone else for their food and shelter because of their disability are unable to work which leads them to be dependent to others. So, there lots of economics problems come to their victim's life.<sup>4</sup>

### 5. PRE – CRIMINAL AMENDMENT ACT 2013 POSITION

The use of acid as a weapon began to rise in many developing nations specifically in south Asia. The first record of the acid attack in South Asia occurred in Bangladesh in 1967, in India 1982, and Cambodia in 1993.

Acid attacks is one of the most ferocious and violent crimes against women. acid attack refers to the act of throwing acid on the body of another person with intention to kill the person or torture. Mainly hard type of acid can use such as hydrochloric acid, nitric acid and sulphuric acid are used to attack women. These acids cause severe burning of the face and even melt the bones and many case victims lose their lives.

Acid is known to be having a great weapon of offence and assault especially against women and minors. Men have also been targeted the most notorious case being the case of Siwan, Bihar where two sons of Chanda Babu were bathed in acid by the gang members of Shahab Uddin, in 2004, to create terror and panic; both victims ultimately succumbed to their injury<sup>5</sup> Before 2013 amendment, IPC did not talk about anything of acid attacks and the approach of the judiciary was also very callous and not taking the more interest. In Lila Devi case the callose and unfeeling approach of the judiciary is evident in cases on acid attack. In this case accused along with their three others who threw acid on the victims on 21 July 1993. The trial court took 25 years to give the judgement and after he sentenced him to 2 years and acquitted all other accused. after the H C converted the punishment of 2 years and 5000 fines. Earlier there were no specific provisions of punishing the commission of an acid attack in India. So if the crime is happened there the accused were convicted in there under section 320 of IPC talks about grievous hurt, section 322 of IPC deals with voluntarily causing hurt, section 325 of IPC about punishment of voluntarily causing grievous hurt and , or section 326 of the IPC deals with voluntarily causing grievous hurt by dangerous weapons and means. Also, there were not any special provisions to deal with their compensation and rehabilitation of provided to the victims of acid attack.

### 6. PREVENTION OF OFFENCES (BY ACIDS) ACT, 2008

The prevention of offence by acid act 2008, there the Supreme Court suggested that some possible changes and the inclusion the Indian Penal Code that was drafted the National commission of women, by taking cue from the declaration on the elimination of violence against women ,1993, which provides for stricter legislation for the elimination of violence against women.<sup>6</sup>

In leading case Lakshmi v. Union of India, Supreme Court laid down regulations with respect to sale of acid in India. In this case court directed to states to enact the appropriate provisions for regulation of sale of acid and also rehabilitation of the acid attack victims. The main objective of the bill is to classify that the crime of acid attack as a separate and most heinous

form of hurt towards women, so to assist the victim by providing medical treatment services, social and psychological and to their legal support, to arrange and provide rehabilitation mechanisms. After this act is there also certain amendment prescribed in Indian Penal Code 1860.

### 7 POST CRIMINAL AMENDMENT ACT 2013

Until their earlier time there were no specific provisions in Indian legal system dealing with the heinous crime of acid attack. **in the Lakshmi case said** by the justice J. S Verma Committee report instituted which was set up by the central government in India 2013 while suggesting reforms in the criminal justice system.

After the suggestion made by 226<sup>th</sup> law commission report and justice J.S Verma Committee, deal with specific provisions crimes of acid attack were introduced in virtue of criminal law by(amendment act) 2013, sec 326 A and 326 B were inserted in the Indian penal code providing punishment for acid attack and attempted acid attack making its a separate, cognizable and non -bailable offence under IPC.<sup>7</sup>

<sup>4</sup> Acid Attack and the Laws in India available at <https://blog.ipleaders.in/acid> (last visited on 4 February, 2024)

<sup>5</sup> Juvenile Arrested for acid attack on girls expressed general Dislike for girls available at <https://www.timesnownews.com> (last visited on 5 February 2024)

<sup>6</sup> Laws related to Acid Attack in India available at <https://lawcirca.com/> (last visited on 6 February)

<sup>7</sup> Laws against acid attack in India available at <https://lawsisto.com>. (last visited on 6 February2024)

The 226 reports of the law commission observed that the victim of acid attacks suffer a lot of problem, due to slow judicial process and inadequate compensation and obviously from after the effects of the acid attack itself. After their various sections were inserted in the IPC, the code of Criminal Procedure and Indian Evidence Act. Such Various sections are as 326 A, 326 B, 100 clauses seventhly in IPC, sections 357 B, 357 C in CRPC were inserted with the said amendment. In their causing any grievous hurt by weapons or other means was not very successful in dealing with this heinous crime. Hence there the 18th law commission headed by justice A.R Lakshmanan, he was proposed the new section 326 A and 326 B in the IPC and section 114 B in the Indian Evidence Act

## 8 THE CRIMINAL LAW (AMENDMENT) ACT 2013.

The Criminal Law Amendment Act 2013 inserted section 326 A and 326 B in Indian penal code, 1860 creating special provision for the victims of acid attack. section 326 A IPC- any person who causes permanent or partial damage, deformity, burns, disfigures, or disables, any part of the body or causes grievous hurt by throwing or administering acid to that person with the intention of causing or with the knowledge that he is likely to cause such injury, shall be punished with imprisonment for not less than ten years and extendable to imprisonment for life, and with fine, which shall be just and reasonable to meet the medical treatment of the victim and also any fine imposed under this section it shall be paid to the victim

### 8.1 Amendment in IPC

- section 326 B IPC – whoever throws or attempts to throw acid on any person, with the intention of causing permanent or partial damage, deformity, burns or disability or grievous hurt to that person, shall be punished with imprisonment for not less than five years extendable to seven years, and also shall be liable to fine.
- Section 100 of IPC is the extension of the states. Clause Seventh this gives the right to a defense that may extend to the death assailant. If any person throws or administers the acid or attempts to throw acid then it can cause apprehension or grievous hurt which will be the consequences of his act and will amount to private defense.
- Section 114 B of the Indian Evidence Act - presumption as to acid attack – the court shall presume, having regard to the circumstances of the cases and the statement of the victim, that such person has thrown acid on the woman with the intention of causing grievous hurt or an injury as mentioned in section 326 of the Indian penal code

### 8.2 Amendment in CRPC

- Section 357 A of the code of Criminal Procedure, the following shall be inserted, namely-
- Section 357B - of the code of Criminal Procedure, 1973 states that the government should pay compensation to the victim under section 357 A shall be in addition to the payment on fine under section 326 A or section 376 D of IPC.
- Section 357 c of the code of Criminal Procedure orders that all the hospitals be private or public and whether run by (the central government, the state government, local bodies) or any other person to anywhere to give immediate medical treatment and should be provided free of cost to the victims, of any offence under section 326A, 376 A 376 C, 376 D or 376 E of IPC to immediately inform the police of such incident.
- Section 357 A of the code of Criminal Procedure, the following shall be inserted, namely:
- Section 357B - of the code of Criminal Procedure, 1973 states that the government should pay compensation to the victim under section 357 A shall be in addition to the payment on fine under section 326 A or section 376 D of IPC.
- Section 357 c of the code of Criminal Procedure orders that all the hospitals be private or public and whether run by (the central government, the state government, local bodies) or any other person to anywhere to give immediate medical treatment and should be provided free of cost to the victims, of any offence under section 326A, 376 A 376 C, 376 D or 376 E of IPC to immediately inform the police of such incident.

Additionally, it has also been observed by National Legal Services Authority (NALSA) the legal service institutions can play a pivotal role in providing access to compensation under victim compensation scheme. It came out with NALSA scheme of 2016. In their objective are to strengthen the legal aid and representation at the national, state, district, and taluka level for the victims of the acid attacks are getting the benefits of the various legal provisions and also their the schemes for compensation which is create and spread awareness about the entitlements of the victims of the Acid attacks, and also to enable the victims of acid attacks to get access to medical facilities and rehabilitative services.<sup>8</sup>

<sup>8</sup> Acid Attack in India – A study from victims perspective available at <https://lexforti.com>, (last visited on 7 February, 2024)

## 8 CASES BEFORE CRIMINAL (AMENDMENT) BILL, 2013.

*Marepally venakata sree Nagesh v. State of A.P., Andhra Pradesh*<sup>9</sup>

In this case the accused was the husband of the deceased. he doubts the character of his wife for having an extra – marital affair and illegitimate relation with another man. He inserted mercuric chloride inserted into their private parts which leads to extreme internal destruction. which caused renal failure and resulted in her death. The accused was punished under section 302 and 307 of the IPC

. *Devanand v. The State*<sup>10</sup>

In this case there the accused was the husband of the victim, but they were not having so good relations and he threw acid on her just because she refused to cohabit with him. After threw of acid wife was got permanently disabled and losing one eye. The accused was convicted under section 307 and also with the 7 years of imprisonment.

## 9 LANDMARK JUDGMENTS (AFTER)

*Lakshmi v. Union of India*,<sup>11</sup>

In this case, the accused threw an acid on her relative because she refused his marriage proposal because she was in a relationship with another boy. The victim filed a petition in Supreme Court to regulate the sale of acid and also to compensate for the cost of treatment of the acid attack victim, and make new provisions dealing specifically with the acid attacks.

So, the apex court is issued orders to regulate the sale of acid to the respective state or UT. it was also held by the supreme court that there will be full medical assistance provided to victims and ordered both public and private hospitals to provide free medical treatment to such victims. A certificate should be issued to the victims stating about then and no hospitals should violate these laws and will inform the police immediately about any such event. And I also held that a compensation of a minimum of 3 lakhs by the state will be given to the victim for aftercare and rehabilitation costs. It is very famous and landmark case and we all know this case very well as recently a film was also made on this case.

*Parivartan Kendra v. Union of India*,<sup>12</sup>

In this case, the NGO named as Parivartan Kendra filed a writ petition under article 32 of the constitution of India, in their case the violation of orders and rule given by the supreme court in Lakshmi Agarwal v. Union of India, and regarding there the inadequacy of compensation given to the acid attack victims and lack of legal, medical, and rehabilitative services provides to the victims. And also mentioning about the insufficient compensation of 3 lakhs in the

treatment of the victim, hence the amount should be increased to 6 lakhs.

*State of Maharashtra v. Ankur Panwar (Preeti Rathi case)*<sup>13</sup>

In this case, the accused Ankur Panwar, threw the acid on victim named Pretty Rathi at Bandra station. In 2013 and she refused to accept his marriage proposal and opt to pursue her carrier in nursing. The accused was sentenced to death by a special women's court of Mumbai and also imposed a fine of rs. 5000 to be given to the parents of the victim. This was the first time that a convict was sentenced to death. So, India was the second country to do this after the Bangladesh.

In the case law, Piyali Dutta v. the state of west Bengal, (2017) Piyali Dutta petitioned in the high court as even after applying for compensation to the chief secretary after suffering an acid attack, she received no compensation. the west Bengal legal services authority took the matter up and contested those provisions in the CRPC, as well as the IPC, was introduced to post her acid attack in 2005 then, she should not be eligible for any compensation. The high court passed

an order in her favor and asked the authority to pay compensation to her.

## 10 THE PRESENT SCENARIO OF ACID ATTACK

In their present scenario report acid attacks are reported in many parts of the world. So a surface is increased in market as the national crime records bureau shows in its report the number of cases between 2014 and 2018 to be

<sup>9</sup> AIR 2002, (CriJ 3625)

<sup>10</sup> AIR, 1987, (1987(1) Crimes, 314)

<sup>11</sup> AIR 2015, (2014, 4 SCC 427)

<sup>12</sup> AIR 2015 (WP (CIVIL) No, 867 of 2013)

<sup>13</sup> AIR 2002 (SC, 2002)

1483 women. In 2018 released report that stated 228 cases of acid attacks were recognized in India. And also, even to bound most of the acid attacks cases take place and most of them go unreported due to fear.

So, there are approximately 200 reported cases of acid attacks annually, according to the national crime bureaus (NCRB) 2019 report.

Moreover, the redressal mechanism appears to be effective because as many as 297 cases out of a total of 417 cases from 2018 were carried forward to 2019. Then in recently, there the supreme court has also opined the gravity of acid attacks as being more than that of murders as they are uncivilized and heartless crimes that the convicts of such crimes do not deserve any <sup>14</sup> clemency

Number of acid attack cases have been rising in the country, but sadly the number of people charge for those crimes. Talking about cases in the trial during 2019, a mere 121 were brought to court, making it total of 418 cases to be tried by the court in 2018 this indicates that the case disposal rate is low.

The laws which were formed to deal with the acid attacks especially and were a good step by the judiciary taken to stop the attacks. But there is no significant drop number of acid attack cases in India. Because the Indian judicial system is always overloaded with the cases. so its takes years for one case to be solved. So just framing the law is not a solution, but for a law to be successful, it needs proper implementation and execution.

## 11 AI ENABLES VICTIM TO REGISTER A COMPLAINT OF CYBER HARASSMENT

In their victim has to register a complaint of cyber harassment cell in haptics 24X7 chatbot helpline has always it is also a non-profit organization that seeks to victims<sup>15</sup>. it is founded in India in Mumbai, 2013. It helps to resolve the numerous cases of serious online threats and harassment including 115 cases of rape & acid attack threats, AI official acid attack case trial also begins in Trivandrum, a district court here on Thursday commenced its trial in the case of relating to acid attack of S.S. Batave, former Air India (AI) Airport security manager, in front of his rented house here in April 2008. <sup>16</sup>

## 12 AI TO KEEP WOMEN SAFE, ISSUE ALERTS ON ACID BOTTLES

AI will issue an immediate warning after sensing suspicious gestures such as someone holding bottle or glass or containing acid. And there warning will be received immediately at there emergency level helpline in there any nearest police station their police can response directly to the scene. There the helpline number 112 will play a crucial role in this kind of offences. Ai will keep an eye on those carrying weapons, open toilets areas, detection of injuries with intent to murder, molestation near many places. In their private sector, there regulation of compliance is mandatory for high-risk uses of AI where attacks would have severe societal consequences, and optional for lower risk uses in order to avoid disrupting innovation <sup>17</sup>. In there AI security compliance programs can also reduce the risk of attacks on AI systems and lower the impact of attacks.

### *Ensuring the enforcement of the rights of victim*

The central and state government's role is not limited to providing monetary compensation to the victim. Their work also includes helping restore in society they have to work to ensure

certain rights are granted to these victims. Some of those rights are; Right to be fair treatment;

Right to appeal for victim compensation;

Right to a speedy trial;

Right to privacy;

Right to be heard;

Right to restitution from criminal offender;

Right to be informed;

Right to compensation

## 13 . SUGGESTIONS

Research can prompt many solutions to increasing the incidence of Acid attacks in the world. So, the best way to stop acid attacks is to try to preventing it first by addressing what is root cause for it. So, all research stressed the need for stricter regulation of acid sales to combat this social issue. Lacks of knowledge and awareness lead to

<sup>14</sup> Justice for victims of Acid Attack in India available at <https://theleaflet.in-> (last visited on 7 February 2024 )

<sup>15</sup> AI enables victims to register a complaint of cyber harassment available at <https://indiaai.gov.in/case> (last visited on 8 February 2024)

<sup>16</sup> AI Official Acid attack case trial begins in Trivandrum available at <https://www.thehindu.com.> ( last visited on 8 February,2024)

<sup>17</sup> AI to keep women safe, issue alerts on acid bottles, weapons available at <https://timesofindia.indiatimes.com.> (last visited on 9 February 2024)

ignorance of the law so many people don't have much knowledge about the new regulations on the sale and purchase of acid. So, the government should take step to organize the awareness camp. There should be separate monitoring system to supervise and check the implementation of the rules, also for maintaining proper records, of the sale of licensed acid.

Education is very crucial ending to all kinds of violence against women, A ban on acid in the retail market is the only solution to stop acid attacks. And there the government should take more corrective measures. So also, government should impose a severe punishment and the trial procedure should be minimized because in India most of the accused persons took advantage of the long trial procedure. Also provide compensation to victims, and they must offer education and employment opportunities to make them self – reliant. There should be a different quota for such victims on job opportunities.

In there now a day there should be the integration of AI technology aims to be achieved 100% security for women, will identify criminal, combat criminal activities and provide prompt assistance to help people during an emergency.

## 15. CONCLUSIONS

Acid attack is one of the heinous crimes going on in society. Every victim of acid attack can face permanent problems in their whole Their life is miserable they cannot live a normal life for normal people. In their victims faced lots of problem to their life, like difficulties faced in marry or have kids, for studies, for job, or so many social problems.

So, day by day, the crime of Acid Attack is increasing so instead of making such useless law the government should take appropriate action against the crime, which actual will help the victim. It is very serious need to regulate the sale of acid. Many non – governmental organizations (NGOs) have been formed in the areas with the highest occurrence of acid to combat such attacks. NGOs provide rehabilitation services for survivors while acting as advocates for social reform, hoping to increases support and awareness for acid attack. to combat such attacks. NGOs provide rehabilitation services for survivors while acting as advocates for social reform, hoping to increases support and awareness for acid attack. It is high time to the society must let go of the men over women narrative and start taking such gruesome crimes seriously.

So, government plays an important role in preventing the society from these crimes by making and executing strict laws in the country, in the same way, so a society can also plays a more important role in helping the victim in her recovery. Because there day by day the crimes are increasing. so not only the government but also, we the people live in society should be help the victim to live a normal life and try to stop them such type of crime.

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