

Laxmi

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE R.M. LODHA HON'BLE MR. JUSTICE
SUDHANSU JYOTI MUKHOPADHAYA

Writ Petition (Criminal) No. 129 Of 2006 | 16-07-2013

Pursuant to our orders dated April 16, 2013 and July 9, 2013, an affidavit has been filed by the Union of India through Mr. S. Suresh Kumar, Joint Secretary, Ministry of Home Affairs, Government of India.

In the affidavit it is stated that after the order was passed by this Court on April 16, 2013 a meeting was convened on April 18, 2013 by the Union Home Secretary with the representatives from the Ministry of Health and Family Welfare, Department of Chemicals and Department of Legislative Affairs. In the meeting, inter alia, the options for regulation of retail sale of acid were discussed and it was felt that due to the recurrence of acid attacks, regulation of retail sale was necessary. It was further felt that a new set of Rules under the Poisons Act, 1919 be drafted by Ministry of Home Affairs in consultation with the Ministry of Chemicals and Fertilizers, Department of Chemicals and Petrochemical as well as the Department of Legislative Affairs to ensure that major acids such as hydrochloric acid, sulphuric acid, nitric acid etc. are sold in retail of strength that it would not cause damage to humans.

The meeting of April 18, 2013 was followed by another meeting on April 22, 2013 with representatives of various State Governments and Union Territories wherein it was pointed out by States of Maharashtra, Punjab, Haryana, Karnataka and Kerala that they have already framed statutory rules to regulate sale of acids and other corrosive substances under the Poisons Act, 1919 by classifying acids and other corrosive substances as 'poison'.

Following our order dated July 9, 2013, another meeting was held on July 10, 2013 to pursue the issue with States/Union Territories.

Along with the affidavit, draft model Rules entitled 'The Poisons Possession and Sale Rules, 2013' have been placed on record. Before draft model Rules take the shape of law in consultation with the States/Union Territories, we are of the considered view that, as the frequency of acid attacks has increased, it is necessary to issue certain interim directions, particularly with regard to retail sale of acid and the persons to whom acid may be sold.

Mr. Mohan Parasaran, learned Solicitor General, and Mr. Aparna Bhat, learned counsel for the petitioner, submit that a couple of days may be given to them to discuss the matter amongst themselves and come out with draft directions.

List the matter on July 18, 2013.