

Laxmi

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE R.M. LODHA HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE KURIAN JOSEPH

Writ Petition (Criminal) No. 129 Of 2006 | 03-12-2013

It was observed in the order dated 18.07.2013 that the States and Union Territories which have not yet framed rules to regulate sale of acid and other corrosive substances in line with the Model Rules framed by the Central Government shall do the same within three months from the receipt of the draft Model Rules from the Central Government.

2. The three or four States have sought response from the public with regard to the proposed rules to regulate sale of acid and other corrosive substances, but the progress made by other States in this regard is not yet known.

3. The framing of rules to regulate sale of acid and other corrosive substances is one of the necessary steps for minimising the acid attacks which, of late, is on the rise. It was after series of hearing and orders passed by this Court that finally the Central Government came out with the Model Rules in consultation with the State Governments/Union Territories. The Court hoped, when it passed the order on 18.07.2013, that within three months therefrom, all the States and Union Territories shall comply with the directions and put in place the rules to regulate sale of acid and other corrosive substances. It appears that in none of the States and Union Territories such rules are operational. In the circumstances, we direct the Chief Secretaries of the States and the Administrators of the Union Territories to comply with the directions given in the order dated 18.07.2013 and put in place the rules in line with the Model Rules framed by the Central Government to regulate sale of acid and other corrosive substances at the earliest and positively before March 31, 2014.

4. In the order dated 18.07.2013, the Court has given certain directions, by way of interim arrangement, with regard to payment of compensation to the acid victims by the States/Union Territories. The Court has to finally take a call on the measures for the proper treatment, after care and rehabilitation of the acid attack victims and the States' responsibility in making payment of compensation to them.

5. Ms. Aparna Bhat, learned counsel for the petitioner, has brought to our notice an affidavit filed on behalf of the State of Haryana through Smt. Sarita Malik, Under Secretary, Women

& Child Development Department wherein it is stated that the Government of Haryana is in the process of framing a scheme for the medical treatment, short term as well as long term for specialised plastic surgery, corrective surgeries, providing specialised psychological treatment to the acid victims to help them to come out of the horror and trauma of the acid attack and their rehabilitation. It further transpires from that affidavit that a decision has been taken by the State Government to bear 100% cost of treatment on the above account. The Government resolution/order which incorporates the decision of the Government of Haryana to bear 100% cost of treatment of the acid victims is not available on record nor the entire scheme for the medical treatment of the acid victims by the Government of Haryana has been placed. We direct the advocate-on-record for the State of Haryana to place on record within four weeks the State Government's decision to bear 100% cost of treatment of acid victims and also the scheme for medical treatment for the acid victims. The copy of such decision and the scheme shall be also given to the advocate-on-record for the Union of India.

6. The advocate-on-record for the Union of India shall then circulate to all the Chief Secretaries of the States (other than Haryana) and the Administrators of the Union Territories, the copy of the scheme framed by the Government of Haryana for medical treatment of acid victims and the copy of the Government resolution/order issued by the Government of Haryana with regard to the State Government bearing 100% cost of treatment of the acid victims.

7. We direct the Chief Secretaries of the States (other than Haryana) and the administrators of the Union Territories to file affidavit and indicate to this Court, the State's view in bearing 100% cost of treatment of the acid victims in line with the decision taken by the Government of Haryana and also with regard to framing of scheme on the lines of Haryana Government for the medical treatment at specialised hospitals having facility for plastic surgery, corrective surgery and psychological as well as other treatment to the acid victims.

8. If any other State or Union Territory has taken a decision to provide free medical treatment to acid attack victims, the advocate-on-record for such State/Union Territory shall also supply copy thereof to the advocate-on-record for the Union of India. The advocate-on-record for the Union of India shall forward the decision of such State/Union Territory to the Chief Secretaries of other States and Administrators of Union Territories as well.

9. In addition to the directions already issued on 18.07.2013 and the above directions, the Chief Secretaries of the States and Administrators of the Union Territories are directed to issue necessary instructions to the Police Stations within their respective State/Union Territory that as and when an FIR is lodged with the police relating to acid attack, the concerned Police Station will send a communication to the jurisdictional S.D.M. about receipt of such information. Upon receipt of such information, the jurisdictional S.D.M. shall then make inquiry into the procurement of acid by the wrong doer and take appropriate action in the matter.

10. List the matter on April 15, 2014.