

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 18294 of 2016

Petitioner :- Muhim

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Himanshu Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud,Chief Justice
Hon'ble Yashwant Varma,J.

In **Laxmi vs. Union of India: Writ Petition (Criminal) No. 129 of 2006**, the following directions were issued by the Supreme Court in regard to regulating the sale of acid and other corrosive substances:

“In the States/Union Territories, where rules to regulate sale of acid and other corrosive substances are not operational, until such rules are framed and made operational, the Chief Secretaries of the concerned States/Administrators of the Union Territories shall ensure the compliance of the following directions with immediate effect.

(i) Over the counter, sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person (s) to whom acid (s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.

(ii) All sellers shall sell acid only after the buyer has shown :

(a) a photo ID issued by the Government which

also has the address of the person;

(b) specifies the reason/purpose for procuring acid.

(iii) All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.

(iv) No acid shall be sold to any person who is below 18 years of age.

(v) In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to Rs.50,000/-

(vi) The concerned SDM may impose fine up to Rs.50,000/- on any person who commits breach of any of the above directions.”

The State of UP has formulated rules in 2014 which have been gazetted on 14 July 2014. Recently, following the previous order of this Court dated 4 May 2016, the Secretary to the State Government has issued a government order dated 10 May 2016 to all the Collectors as well as Senior Superintendents of Police (or as the case may be the Superintendents of Police) for strict enforcement of the provisions contained in the rules. On this aspect, the Court should have the benefit of a full and complete affidavit setting out the enforcement action which has been taken and the steps which have been adopted by the Collectors to ensure compliance with the rules.

Insofar as the enhancement of compensation to the victims

whose names have been spelt out in prayer (i), we deem it appropriate and proper to await the evaluation by the Medical Board as has been directed in the previous order dated 4 May 2016 and the report to be submitted thereon by the District Collector. The District Collector, we clarify, would be at liberty to take an independent decision on its own which will be subject to further orders which may be passed in these proceedings.

The petition shall now be listed under the same caption on 12 July 2016 to facilitate compliance.

Order Date :- 11.5.2016
RK

(Yashwant Varma, J) (Dr D Y Chandrachud, CJ)