Subject: Regulating sale of acid/corrosive substances.

Circular No. 01 of 2015
Dated 15.01.2015

The Hon’ble Supreme Court vide its order dated 18.07.2014 has passed the following directions in PIL titled Laxmi (Minor) v. Union of India and others:

a) All the States and Union Territories which have not yet framed Rules will do well to make Rules to regulate sale of Acid and other Corrosive substances in line with the Model Rules framed by the Central Government. The States, which have framed Rules but these rules are not as stringent as the Models Rules framed by the Central Government, will make necessary amendments in their Rules to bring them in line with the model rules. The Chief Secretaries of the respective states and the Administrators of the Union Territories shall ensure compliance of the above expeditiously and in no case later than three months from the receipt of the draft model rules from the central Government.

b) The Centre and States/Union Territories shall work towards making the offence under the Poison Act, 1919 Cognizable and non-bail able.

c) 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 the Acid is completely prohibited unless the Seller maintains a log/ register regarding the sale of Acid which will contained the details of the person(s) to whom Acid (s) is/are soled.
and the quantity sold. The log/register shall contain the addresses 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 Su-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.

d) The educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, who are required to keep and store acid, shall follow the following guidelines:

i) A register of usage of acid shall be maintained and the same shall be filed with the concerned SDM.

ii) A person shall be made accountable for possession and safe keeping of acid in their premises.

iii) The acid shall be stored under the supervision of this person and there shall be compulsory checking of the students/personnel leaving the laboratories/place of storage where acid is use.
The concerned SDM shall be vested with the responsibility of taking appropriate action for the breach/default/violation of the above directions.

In anticipation of the notification of the Poison Rules under section 9 of the Poisons Act, 1977, the Home Department issued a detailed Circular under No.Home/240/OWP/2012/6105 dated 24.09.2013 enjoining upon all District Magistrates, SDMs and Tehsildars to give wide publicity to the aforesaid directions issued by the Hon’ble Supreme Court after translating them into local language through print and electronic media for information of the general public and ensure their strict compliance.

After notification of the draft of the Jammu and Kashmir the Poison (Possession and Sale) Rules, 2013 vide SRO-491 dated 2nd March, 2013, the Home Department vide SRO-49 dated 03-03-2014 notified the Jammu and Kashmir, the Poison (Possession and Sale) Rules, 2014 for information of all concerned. Copy of these rules is also available on the departmental website (www.jkhome.nic.in).

Section 7 of the Poisons Act, 1977, prescribes penalties for breach of any provision of the Act or Rules made thereunder. A copy of the Poisons Act, 1977 is enclosed as Annexure-‘A’.

With a view to regulating the sale of acid and other corrosive substances and to ensure their bonafide use, it is again impressed upon all the District Magistrates, Sub-Divisional Magistrates and Tehsildars to give wide publicity to the Jammu and Kashmir, the Poison (Possession and Sale) Rules, 2014 and ensure their strict compliance within their jurisdictions. The concerned District Magistrates, Sub-Divisional Magistrates and Tehsildars are also enjoined upon to take action as warranted under law for the breach/default/violation of the Jammu and Kashmir the Poison (Possession and Sale) Rules, 2014, if any.

(Suresh Kumar) IAS
Principal Secretary to the Government
Home Department

Dated. ✓01.2015

Copy for information and necessary action to the:-

1. Financial Commissioner to Government, Industries and Commerce Department.
2. Director General of Police, J&K.
3. Divisional Commissioners, Jammu/Srinagar.
4. IGP Jammu/Srinagar.
5. Commissioner/Secretary to Government, Revenue Department.
6. Commissioner/Secretary to Government, Health and Medical Education Department.
7. Secretary to Government, General Administration Department.
8. Secretary to Government, Higher Education Department.
9. Secretary to Government, School Education Department.
10. Registrar, University of Kashmir/Jammu.
11. Director Information, J&K, Jammu with the request to give wide publicity to the circular in local dailies of Srinagar and Jammu.
12. All District Magistrates/SSPs/Sub Divisional Magistrates/Tehsildars.
14. Private Secretary to Principal Secretary to Government, Home Department.

(Sarib Sahranjxss)
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