

F.No.15011/66/2012-SC/ST-W (CF-156113)
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
Centre State Division

5th Floor, NDCC-II Building
Jai Singh Road,
New Delhi, 30th August 2013

To

- 1) The Chief Secretaries of all State Governments/UT Administrations**
- 2) Administrator of Dadra Nagar Haveli, Daman & Diu and Lakshadweep**

Subject: Measures to be taken to prevent acid attacks on people and for treatment and rehabilitation of survivors

The Supreme Court case WP(Crl.)129 of 2006 Laxmi vs. U.o.I and States and UTs concerns a PIL filed by a girl who is acid attack survivor who wanted an end to such attacks.

2. As per the directions of the Supreme Court, Draft Model Poison Rules 2013 were formulated by the Ministry based on the Poison Rules of States of Karnataka, Punjab, Maharashtra and Kerala. The Supreme Court after reviewing the Model rules passed an order on the 18/7/2013 (which would have already been communicated to the States/UTs) further gave a series of directions to the Central Government and to States/UTs (**Annexure A**). The list of acids identified are those which have a pH of 0-2 and are strongly acidic and those which are strongly alkaline between pH of 11.5 to 14 and have the ability to cause dermal corrosion. There are other poisons which are not corrosive but are nevertheless toxic to life which may be identified separately and added to the Schedule by the State/UT.

3. A copy of the Poisons Act, 1919 (Act 12 of 1919) is enclosed for guidance (**Annexure B**). The Act now extends to the entire country excluding Jammu and Kashmir. It may be mentioned that the item no.19 in List III (Concurrent List) of the 7th Schedule to the Constitution deals with 'Drugs and poisons, subject to the provisions of entry 59 of List I with respect to opium' and hence States are empowered to legislate on this issue and it is well within the competence of the State to amend Section 6 and enhance the punishments if need be and insert a sub-section to make the offences committed under the Act cognizable and non-bailable.

4. In compliance to the directions given by the Supreme Court in its order dated 18/07/2013, a copy of the revised Model Poison Rules 2013 (**Annexure C**) is also enclosed. It may be borne in mind that the **revision/adoption** of the content of the Model Poison Rules should be done within three months from the date of communication of the

Rules by MHA. Since the Rule making power is exclusively with the States u/s 2 of the Poisons Act, hence States would need to exercise this power accordingly.

5. In the interim period, the following actions would need to be taken immediately in the State/UT where rules to regulate sale of acid/corrosive substances is **not operational** to regulate the existing sales through wide publicity in the media including local language:

(i) Banning over the counter sale of acid/corrosives unless the seller maintains a logbook/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 also contain the address of the person to whom it is sold.

(ii) A sale will be made only when the buyer produces a photo ID issued by the Government which also has the address of the person and proves that he/she is above 18 years of age.

(iii) The logbook/register should also specify the reason/purpose for procuring acid.

(iv) All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days and in case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose a fine on such seller up to Rs. 50,000/-.

(v) The concerned SDM may impose a fine up to Rs.50,000/- on any person who commits breach of any of the above directions. Educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, who are required to keep and store acid/corrosive shall maintain a register of usage of acid and the same shall be filed with the concerned SDM.

(vi) A person shall be made accountable for the possession and safe keeping of acid in their premises. 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 used. A draft advertisement (**Annexure D**) is enclosed for consideration.

6. States/UTs which have framed or are in the process of framing VCS would also need to implement the direction of the Supreme Court whereby acid attack victims should be paid compensation of at least Rs. 3 lakhs by the concerned State Government/Union Territory as the after care and rehabilitation cost. Out of this a sum of Rs 1 lakh shall be paid to such victim within 15 days of the occurrence of such incident (or being brought to the notice of the State Government/ Union Territory) to facilitate immediate medical attention and expenses in this regard. The balance sum of Rs. 2 lakhs should be paid as expeditiously as may be possible and positively within two months thereafter. States/UTs would need to make changes in the VCS if already notified or incorporate this direction in the proposed VCS. This may be done as soon as possible and intimated to

the MHA. A standard operating procedure (SOP) may be developed which will clarify the procedure by which the victim compensation would be disbursed.

7. All Central Govt. hospitals and establishments had already been directed to treat acid attack victims free of cost. As Health is a State subject, the MoHFW has already circulated an advisory dated 2/5/2013 (**Annexure E**) regarding the provision of free medical treatment and rehabilitation to acid attack victims. Acid attack victims need to undergo a series of plastic surgeries and hence 1-2 beds at the Apex State Tertiary Hospital could be earmarked for the treatment of acid attack victims so that the victims need not run from pillar to post to get these operations performed expeditiously. In addition, private hospitals which have availed the facility of concessional land for setting up the hospital could also be persuaded to earmark 1-2 beds for treatment of under-privileged victims of acid attacks which the State Government can identify for treatment. Apart from the medical facilities, the State should also extend social integration programs to the victims for which a NGO(s) could be funded to exclusively look after their rehabilitative requirements. It is also requested that the contents of section 357C of the Cr.P.C and 166B of the IPC be also brought to the notice of all medical institutions functioning in public or private sector to ensure strict compliance.

8. All the States/UTs are advised to take immediate steps to implement the measures for reduction of acid attacks and treatment and rehabilitation of acid attack survivors as well as any other measure as may be deemed fit.

The receipt of this letter may please be acknowledged.

Yours faithfully,

(S Suresh KUMAR)
Joint Secretary (CS)
Tel. 23438100
E mail: jscs@nic.in

Copy also for information and necessary action to:

- i. All State Governments and Union Territories - Principal Secretary/Secretary (Home)
- ii. The DGs of all State Governments/UTs.
- iii. Director General BPR&D
- iv. Secretary, Ministry of Woman and Child Development
- v. Ld.Solicitor General of India

(S. Suresh KUMAR)
Joint Secretary to Govt. of India

SUBSTANCE OF SUPREME COURT DIRECTIONS IN ITS ORDER DATED 18/07/2013

The directions given inter-alia were as follows:

- The Central Government will circulate the Model Rules to regulate sale of acid and other corrosive substances framed under the Poisons Act, 1919 to all the State Governments and Union Territories within a week from today.
- The Model Rules will include, inter alia, the form of acids (liquids or crystalline and its concentration) that can be stored and sold, issue of licenses, procurement by individuals, educational and research institutions, hospitals, industries, Government Departments and departments of Public Sector Undertakings.
- 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 Model 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.
- The Centre and States/Union Territories shall work towards making the offences under the Poison Act, 1919 cognizable and non-bailable.
- 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 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 used.

- The concerned SDM shall be vested with the responsibility of taking appropriate action for the breach/default/ violation of the above directions.
- Acid attack victims shall be paid compensation of at least Rs. 3 lakhs by the concerned State Government/Union Territory as the after care and rehabilitation cost. Of this amount, a sum of Rs 1 lakh shall be paid to such victim within 15 days of occurrence of such incident (or being brought to the notice of the State Government/ Union Territory) to facilitate immediate medical attention and expenses in this regard. The balance sum of Rs. 2 lakhs shall be paid as expeditiously as may be possible and positively within two months thereafter. The Chief Secretaries of the States and the Administrators of the Union Territories shall ensure compliance of the above direction.
- The Chief Secretaries of the States and Administrators of the Union Territories shall take necessary steps in getting this order translated into local language and publicise the same appropriately for the information of public at large.

THE POISONS ACT, 1919

(Act No. 12 of 1919)

[3rd September 1919]

An Act to consolidate and amend the law regulating the importation, possession and sale of poisons

Whereas it is expedient to consolidate and amend the law regulating the importation,

1. Short title and extent. -

(1) This Act may be called the Poisons Act, 1919.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the-importation into India of any specified poison.

2. Power of the State Government to regulate possession for sale and sale of any poison. -

(1) The State Government may by rule regulate within the whole or any part of the territories under its administration the possession for sale and the sale, whether wholesale or retail, of any specified poison.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) The grant of licences to possess any specified poison for sale, wholesale or retail and fixing of the fee (if any) to be charged for such licences;

(b) The classes of persons to whom alone such licences may be granted;

(c) The classes of persons to whom alone any such poison may be sold;

- (d) The maximum quantity of any such poison, which may be sold to any one person;
- (e) The maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same;
- (f) The safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold possession for sale; and
- (g) The inspection and examination of any such poison when possessed for sale by any such vendor.

3. Power to prohibit Importation Into India of any poison except under licence. -The Central Government may, by notification in the Official Gazette, prohibit, except under and in accordance with the conditions of a licence, the importation into India across any customs frontier defined by the Central Government of any specified poison, and may by rule, regulate the grant of licences.

4. Power to regulate possession of any poison in certain areas. -

- (1) The State Government may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to it to be of such frequent occurrence as to render restrictions on the possession thereof desirable.
- (2) In making any rule under subsection (1), the State Government may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or covering in which the same is found.

5. Presumption as to specified poisons. -Any substance specified as a poison in a rule made or notification issued under this Act shall be deemed to be a poison for the purposes of this Act.

6. Penalty for unlawful importation, etc.-Whoever-

- (a) Commits a breach of any rule made under Section 2, or

(b) Imports without a licence into India across customs frontier defined by the Central Government any poison the importation of which is for the time being restricted under Section 3, or

(c) Breaks any condition of licence for the importation of any poison granted to him under Section 3,

Shall be punishable, -

(i) On a first conviction, with imprisonment for a term which may, extend to three months, or with fine which may extend to five hundred rupees or with both, and

(ii) On a second or subsequent conviction, with imprisonment for a term, which may extend to six months, or with fine, which may extend to one thousand, rupees, or with both.

(2) Any poison in respect of which ail offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

7. Power to issue search warrants. -

(1) The District Magistrate, the Sub-divisional Magistrate and, in a presidency-town, the Commissioner of Police, may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith, and the provisions of the Code of Criminal Procedure, 1898 (5of 1898), relating to search warrants shall, as far as as may be, be deemed to apply to the execution of the warrant.

8. Rules. -

(1) In addition to any other power to make rules herein before conferred the State Government may make rules generally to carry out the purposes and objects of this Act except Section 3.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being make after previous publication.

(3) All rules made by the Central Government or by the State Government under this Act shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Act.

(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(5) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature].

9. Savings. -

(1) Nothing in this Act or in any licence granted or rule made thereunder shall extend to, or interfere with, anything done in good faith in the exercise of his profession as such by a medical or veterinary practitioner.

(2) Notwithstanding anything hereinbefore contained, the State Government may by general or special order declare that all or any of the provisions of this Act except Section 3 shall be deemed not to apply to any article or class of articles of commerce specified in such order, or to any poison or class of poisons used for any purpose so specified.

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, either wholly or partially-

(a) Exempt from the operation of any such rules, or

(b) Exclude from the scope of the exemption provided by subsection (1) any person or class of persons either generally or in respect of any poisons specified in order.

10. Repeal of Act 1 of 1904 [Repealed by the Repealing Act 1927]

THE MODEL POISONS POSSESSION AND SALE RULES, 2013

NOTIFICATION

No.G.S.R.

In exercise of the powers conferred by section 2 and 8 of the Poison Act, (Act 12 of 1919), the Central Government hereby makes the following rules for sale of specified poisons, namely:-

1. SHORT TITLE AND COMMENCEMENT:

- (1) These rules may be called the Poisons Possession and Sale Rules, 2013.
- (2) They shall extend to whole of the country.
- (3) They shall come to into force on the date of publication in the Official Gazette.

2. DEFINITIONS: In these rules, unless the context otherwise requires,-

- (a) "Act" means the Poisons Act, 1919.
- (b) "Dealer" means a person holding license under these rules
- (c) "Licensing authority" means the District Magistrate or any other officer authorized by the State Government under sub-section (1) of Section 7 to grant a license.
- (d) "Licensee" means a holder of a license;
- (e) "notification" means a notification published in the Official Gazette
- (f) "Form" means a form appended to these rules;
- (g) "Schedule" means the Schedule appended to these rules;
- (i) "Sale" means any sale by one licensed dealer to another or by a licensed dealer to any educational institution or to any research or medical institution or hospital or dispensary under a qualified medical practitioner (Registered Medical Practitioner) or any recognized public institution or industrial firm requiring poisons for its own use) or to Government Departments or Public Sector Undertakings or to an individual for personal use

3. The poisons specified in the Schedule shall be deemed to be poisons for the purposes of these rules.

4. LICENSE FOR POSSESSION OR SALE: - No person, not exempted under the provisions of the Act shall sell or possess for sale any poison specified in the Schedule except under a license in Form A granted or renewed in that behalf by the licensing authority.

5. EXHIBITION OF RULES ON THE PREMISES: - A copy of these rules shall always be displayed in prominent position at the place of Business specified in the license granted under rule 4.

6. APPLICATION FOR GRANT OR RENEWAL OF LICENSE:

(1) Every person desiring for the grant of license or renewal of a license shall make a written application to the licensing authority in Form B and such application shall bear a court fee stamp of ten rupee and provided that any application for renewal of a license which is made less than three months prior to the date of the expiry of the license shall bear a court fee stamp of five hundred rupees.

(2) Applications for duplicate licenses, when the original is lost or destroyed shall be made in writing and shall bear a court fee stamp of five hundred rupees.

(3) In the case of any change in the place of business of the licensee, a fresh application for license shall be made to the licensing authority and such application shall bear a court – stamp of five hundred rupees.

(4) The licensee shall prominently display the license in the place of business.

7. DURATION OF LICENSE: Subject to the provisions of rules 8 and 9, a license granted or renewed under these rules shall remain in force for five years from the date of issue.

8. DISCRETION OF LICENSING AUTHORITY: A license may be cancelled or revoked at any time. The grant/renewal/cancellation/revocation of a license shall be in the discretion of the licensing authority.

Provided that the licensing authority shall give an opportunity to the party concerned to show cause if any against the action proposed to be taken and shall record in writing the reasons for refusing to grant or renew a license or for cancelling or revoking a license.

Provided that the applicant for a license or a licensee whose license has been refused renewal or has been cancelled/revoked and is aggrieved by an order of the Licensing Authority can file an appeal with the Appellate Authority notified by the State Government.

9. TERMINATION OF LICENSE: A license shall terminate on the death of the licenseholder or on the transfer of his business, or if granted to a firm or company, on the winding up or the transfer of the business of such firm or company.

Provided that, if the business carried on by the licensee as such of the firm or company is transferred as a going concern and the transferee applies for a fresh license, with court fee stamp of hundred rupees, within fourteen days of the date of transfer, the subsisting license shall continue to be in force until a new license has been granted or the application for fresh license is rejected by the licensing authority.

10. DISPOSAL OF STOCK ON TERMINATION, REVOOCATION OR CANCELLATION OF LICENSE: In the event of revocation or cancellation of the license under rule 8 or in the event of the termination of license under rule 9, the stock of poison may be sold to any other license holder within a period of three months from the date of such termination, revocation or cancellation of the license, after which the remaining poison may be destroyed under the orders of the licensing authority. In the case referred to in rule 9, the proceeds of the sale, if any, shall be made over to the legal representative of the deceased license holder or his transferee or, liquidator of the dissolved firm or company of the transferee of the firm or company, as the case may be.

11. POWER TO INSPECT POISONS AND REGISTERS: Any Executive Magistrate or a Police officer of the rank of Sub-Inspector and above or a Medical Officer appointed by the State Government or an Inspector appointed under Section 21 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940) may at any time visit and inspect the premises of the license holder where a poison is kept for sale and may inspect all poisons found therein and the registers.

12. LICENSE TO WHOM GRANTED:

(1) A license shall be granted only to a person who in the opinion of the licensing authority is competent to conduct business in poisons.

(2) The license issued to a firm or company shall always be in the name of the proprietor or proprietors of the company or a responsible person to be nominated by such proprietor or proprietors for the purpose, or in the case of a public company, in the name of its manager.

(3) The name or names so given may be altered or amended by the licensing authority on a written application from the firm or company and such application shall bear a court fee stamp of hundred rupees.

13. SALE OF POISON:

(1) Every sale of poisons, shall, as far as practicable, be made by the license-holder in person or where the license-holder is a firm or a company, through or under supervision of, an accredited representative or such firm or company.

(2) A person holding license for possession and sale of poisons granted under these Rules shall store and sell from the premises specified in the license.

14. PERSONS TO WHOM POISONS MAY BE SOLD: A license holder shall not sell any poison to any person, unless the latter is personally known to him, or identified to his satisfaction by producing a photo identity card which has his address or substantiate it with a document giving his address. He shall also ascertain before selling any poison the name, telephone and address of the purchaser and the purpose for which the poison is purchased. He shall not sell any poison to any person who appears to him to be under the age of eighteen years, or to any person who does not appear to him to be in full possession of his faculties.

15. REGISTER OF SALES OF POISONS :- (1) Every license holder shall maintain a register in which he shall enter correctly all sales of poison other than those used by a Chemist, Druggist or Compounder dispensing or compounding in compliance with the prescription of a qualified medical or veterinary practitioner. The following details shall be entered in such register in respect of such sale, namely:

(a) Serial No; (b) Name of poison, (c) Quantity sold, (d) Date of sale; (e) Name and address of the purchaser, serial number of the photo-identity card produced and the name of the issuing authority (f) Purposes for which the poison was stated by the purchaser to be required, (g) Signature of purchaser (or thumb impression if illiterate or in the case of purchase by post date on which the letter was written and reference to the original in the file in which it is preserved, (h) Signature of a person identifying the purchaser if any (or thumb impression, if illiterate); and (i) Signature of Dealer.

(2) In a separate portion of the register he shall be enter in separate columns for each poison, the quantity of each poison sold daily, and those entries shall be filled up from day to day.

(3) The signature in the register prescribed under item (i) of sub rule (15) shall be that of the license –holder himself, or, when the license holder is a firm or company, that of an accredited representative of such firm or company and shall be written at the time of sale

or dispatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of rule 14 have been fulfilled.

(4) All letters or written orders referred to under item (g) of the above register shall be preserved in original by the license holder for a period not less than two years from the date of the sale.

(5) The daily balance of stock should be entered in the register.

16. CUSTODY OF POISONS KEPT FOR SALE AND LABELLING OF RECEPTACLES IN WHICH THEY ARE KEPT: All poisons kept for sale under these rules by any license-holder shall be kept securely in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act, and each poison shall be kept securely within such box, almirah, room or building in a separate closed receptacle of glass, metal or earthenware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "POISON" in red letters, both in English and in the local language and in the case of receptacles containing separate poisons, with name of such poison.

17. POISONS SOLD TO BE SECURELY PACKED AND LABELLED: When any poison is sold, it shall be securely packed in a closed receptacle or container (according to the quantity); and every such receptacle or packet shall be labeled by the licensee with a red label bearing in English and in local language giving the name of the poison and the name and address of the licensee. The following universal warning symbols shall also be displayed on the



receptacle.

18. SECURITY, STORAGE & INCIDENT MANAGEMENT OF ACIDS/CORROSIVE SUBSTANCES BY USERS (EXCEPT INDIVIDUALS)

A standard operating procedure (SOP) outlining the measures undertaken for security, storage and incident management of acids/corrosive substances shall be prepared and displayed prominently in the premises of the user.

(1) Security of acid/corrosive substances.

(a) A person shall be made accountable for possession and safe keeping of acid in the premises.

(b) The storage of acid/corrosive shall be under the supervision of this person.

(c) The storage of acid/corrosive shall be under double lock system to ensure more security.

(d) A register of usage of acid shall be maintained and the same shall be filed with the concerned SDM every quarter.

(e) There shall be compulsory checking of the students/personnel leaving the laboratories/place of storage where acid/corrosive is used/stored.

(2) Storage of acids/corrosive substances.

(a) The chemicals should be stored in plastic or other suitable containers.

(b) All storage containers should be labeled to indicated the identity of the chemicals and the hazards involved and the precautions to be taken.

(c) Incompatible chemicals should not be stored together.

(d) The inventory of corrosive chemicals should be kept to a minimum.

(e) Protective gloves, aprons, safety glasses and face shields should be worn where appropriate

(f) Acids should be diluted with care – always add acid to water, never add water to acid.

(3) Incident Management

(a) Skin contact: Quickly take off contaminated clothing, shoes and leather goods (e.g. watchbands, belts). Quickly and gently blot or brush away excess chemical. Immediately flush with lukewarm, gently flowing water for at least 30 minutes. DO NOT INTERRUPT FLUSHING. If it can be done safely, continue flushing during transport to hospital. Immediately call a Poison Centre or doctor. Treatment is urgently required. Transport to a hospital.

(b) Eye contact: Avoid direct contact. Wear chemical protective gloves if necessary. Quickly and gently blot or brush chemical off the face. Immediately flush the contaminated eye(s) with lukewarm, gently flowing water for at least 30 minutes, while holding the eyelid(s) open. If a contact lens is present, DO NOT delay flushing or attempt to remove the lens. Neutral saline solution may be used as soon as it is available. DO NOT INTERRUPT FLUSHING. If necessary, continue flushing during transport to hospital.

(c) Ingestion: Have victim rinse mouth with water. If vomiting occurs naturally, have victim lean forward to reduce risk of aspiration. Have victim rinse mouth with water again. Immediately call a Poison Centre or doctor. Treatment is urgently required. Transport to a hospital.

(d) Inhalation: Take precautions to ensure your own safety before attempting rescue (e.g. wear appropriate protective equipment). Move victim to fresh air. Keep at rest in a position comfortable for breathing. If breathing is difficult, trained personnel should administer emergency oxygen. DO NOT allow victim to move about unnecessarily. Symptoms of pulmonary edema may be delayed. Immediately call a Poison Centre or doctor. Treatment is urgently required. Transport to a hospital.

19. Penalties

Any person who breaches a Rule made under Section 2 of the Poisons Act shall be liable for punishment under Section 6 of the Poisons Act.

The Schedule
[See Rule 2 and 3]
List of Poisons

1. Acetic acid (beyond 25% concentration by weight)
2. Acetic Anhydride
3. Sulphuric acid (H_2SO_4)(beyond 5% concentration by weight)
4. Hydrochloric acid (HCl) (beyond 5% concentration by weight)
5. Phosphoric acid (H_3PO_4)
6. Hydrofluoric acid (HF)
7. Perchloric acid ($HClO_4$)
10. Formic Acid (beyond 10% concentration by weight)
11. Hydrocyanic acid except substances containing less than 0.1 per cent weight in weight of Hydrocyanic acid.
12. Hydrochloric acid, except substances containing less than 5 per cent weight in weight of Hydrochloric Acid
13. Nitric acid, except substances containing less than 5 per cent weight in weight of Nitric Acid.
14. Oxalic Acid
15. Perchloride of mercury (corrosive sublimate)
16. Potassium Hydroxide except substances containing less than 2 per cent weight in weight of Potassium Hydroxide
17. Sodium Hydroxide except substances containing less than 2 per cent weight in weight of sodium Hydroxide.
18. Hydrogen peroxide (beyond 50% concentration by weight)
19. Formaldehyde (beyond 25% concentration by weight)
20. Phenol (beyond 3% concentration by weight)
21. Sodium Hypochlorite Solution (beyond 5% concentration by weight)

FORM A
(See rule 4)
License for possession and sale of Poisons

Photograph of License Holder/Authorised Representative

Register No.

Name of Licensee

Locality of shop

Shri _____ son of shri _____ carrying on business as _____ in the _____ (Name of Local Body) under _____ Police Station, of _____ District, is hereby licensed to possess for sale by retail and to sell by retail the following poisons namely:

1. _____
2. _____
3. _____
4. _____
5. _____

This license is subject to the conditions specified on reverse, the breach of any of which shall involve forfeiture of the license as well as liability to the penalties provided by Section 6 of the Poisons Act, 1919.

This license will remain in force from the date of grant for a period of five years unless previously terminated by the death of the license holder or cancelled by the Licensing authority concerned.

Seal and Signature of Licensing Authority

CONDITIONS

1. Subject to the provisions of rules 5(1) and 8, a license granted or renewed on any day shall remain in force for a period of five years. Every applicant for the grant or renewal of a license shall make a written application to the Licensing Authority and such application shall bear a Court-fee stamp of hundred rupees.
2. A license shall terminate on the death of the license-holder or if granted to a Firm or company on the winding up or transfer of the business of such firm or company.
3. The License Authority may for any sufficient cause revoke or cancel any license.

4. Every sale of a poison shall so far as possible be conducted by the License-holder in person or where the license-holder is a Firm or a Company, through or under the supervision of an accredited representative of such firm or company.
5. A License-holder shall not sell any poison to any person unless the later is personally known to him or identified to this satisfaction by producing photo-identity card. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full possession of his faculties.
6. (i) Every license-holder shall maintain a register in which he shall enter all sales of poison other than those used by a chemist and druggist for dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner. The following particulars shall be entered in such register in respect of each sale, namely:
 - a) Serial No.
 - b) Date of sale
 - c) Name, telephone number and address of the purchaser
 - d) Name of the poison
 - e) Quantity sold
 - f) Purpose for which the poison was stated by the purchaser to be required.
 - g) Signature of purchaser or thumb impression if illiterate or in case of purchase by post, date of letter or written order and reference to the origins in the file in which is preserved.
 - h) Signature of dealer
- (2) In a separate portion of the register shall be entered, in separate column for each, poison the quantity of each such poison sold daily and these entries shall be filed in from day to day.
- (3) The signature under column(h) of the register shall be that of the License-holder himself or when the license-holder is a Firm or company that of an accredited representative of such Firm or company and shall be entered at the time of sale or dispatch to the purchaser. Such signature shall be held to imply that the writer has satisfied myself that the requirements of rule 15 have been fulfilled.
- (4) All letters or written orders referred in column (g) of the register shall be preserved in original by the license-holder or a period of not less than two years from the date of the sale.
- 7(1) A license-holder shall maintain in respect of each poison a stock register, in form II which shall contain the following particulars:
 - a) Serial No.
 - b) Date
 - c) Amount received name and address of person from whom received
 - d) Name and address of person from whom received

- e) Amount sold
- f) Balance in stock
- g) (g) Remarks.

(2) The stock register shall be balanced daily.

8. Any Magistrate or any Officer of Drugs Control Department of or above the rank of Drugs Inspector or police officer of or above the rank of Sub-Inspector or any medical officer of or above the rank of Assistant Medical Officer may at any time visit and inspect all poisons found there and the register maintained under rules 15 and 16.

9. All poisons kept for sale by any license-holder under these rules (except those kept by a chemist and druggist for the purpose of dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner) shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act and each poison shall be kept within such box, almirah, room or building in a separate closed receptacle of glass, plastic, metal, or earthen-ware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "Poison" in red characters in English and local language and in the case of receptacles containing separate poisons with the name of such poisons.

10. (a) When any poison is sold, it shall be securely packed in closed receptacle or packet (according to the quantity) and every such receptacle or packet shall be labelled by the vendor with a label bearing the name of the poison in English and local language and the number and date of the entry in the register of sales specified in rule 18.

11. The license shall be held subject to the conditions mentioned above and to the provisions of the Act and of any rules from time to time made under the Act.

12. The licensee, if he intends to sell or possess for sale any poison for medicine use will first obtain a requisite license as required under section 18 (C) of the Drugs and Cosmetics Act, 1940.

Note- A poison for medicine use means a drug as defined in section 3 of the Drugs and Cosmetics Act, 1940.

FORM B
(See rule 6)

Application for Grant/Renewal of License for possession and sale of Poisons¹

1. Name of the Applicant/firm:
2. Age of the Applicant:
3. Office and Residence Address:
4. License No. and Copy of License (applicable for renewal applications)
5. Documents regarding constitution of the applicant firm including nomination of the authorized representative:
6. Full Address of the place of business or shop or of storage for which a license is applied for, number of the flat and the name of the building with house number and the street or the road where it is situated:
7. Copy plan of the premises
8. Documents pertaining to the right of possession of the premises
9. Name of the poison proposed to be sold:

(Applicant should furnish three copies of self-attested photographs along with the application)

¹ To be accompanied with a court fee stamp of Rs.10/-

Annexure D

PUBLIC NOTICE

Whereas, the Hon'ble Supreme Court in WP(Crl.)129 of 2006 Laxmi vs. U.o.I and others on 18/07/2013 had passed certain directions regarding the sale of acid/corrosive substances.

Whereas, the _____ State/UT is yet to notify the appropriate Poison Rules under the Poisons Act, 1919.

3. As per the directions of the Hon'ble Supreme Court, it is hereby brought to the notice of the general public which includes individuals, educational and research institutions, hospitals, industries, Government Departments and departments of Public Sector Undertakings or sellers of the following acids and corrosive substances, namely that henceforth their sale would be regulated until the new Poison Rules are promulgated: Acetic acid (beyond 25% concentration by weight), Acetic Anhydride, Sulphuric acid (H₂SO₄)(beyond 5% concentration by weight), Hydrochloric acid (HCl) (beyond 5% concentration by weight), Phosphoric acid (H₃PO₄), Hydrofluoric acid (HF), Perchloric acid (HClO₄), Formic Acid (beyond 10% concentration by weight), Hydrocyanic acid except substances containing less than 0.1 per cent weight in weight of Hydrocyanic acid, Nitric acid, except substances containing less than 5 per cent weight in weight of Nitric Acid, Oxalic Acid, Perchloride of mercury (corrosive sublimate), Hydrogen Peroxide (beyond 50% concentration by weight), Formaldehyde (beyond 25% concentration by weight), Phenol (beyond 3% concentration by weight), Potassium Hydroxide except substances containing less than 2 per cent weight in weight of Potassium Hydroxide, Sodium Hydroxide except substances containing less than 2 per cent weight in weight of sodium Hydroxide.

4. It is hereby directed that:

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

(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** of this notice.

(iv) In case if any undeclared stock of acid is detected, the concerned SDM will confiscate the stock and suitably impose **fine on such seller up to Rs. 50,000/-**.

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

It is further directed that 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 used.

The concerned SDM shall be vested with the responsibility of taking appropriate action for the breach/default/ violation of the above directions.

All the buyers and sellers of acids and corrosive substances are requested to follow the above directions scrupulously.

Dated:

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Home Secretary

State/UT

ANNEXURE E

**ADVISORY OF THE MOHFW REGARDING THE FREE TREATMENT OF ACID
ATTACK VICTIMS**

No. 2.28015/46/2013 – H

Government of India

Ministry of Health and Family Welfare

(Hospital Section)

Nirman Bhawan, New Delhi

Dated 02.5.2013

To

The Principal Secretaries / Secretaries (Health)

All the States / UTs

(As per list)

Subject : Providing free medical treatment to acid attack victims – regarding

Sir,

I am directed to refer to a Writ Petition (Criminal) no. 129 of 2006 in the matter of Laxmi through her father vs. Union of India and others filed before Hon'ble Supreme Court in the context of acid attack. Hon'ble Supreme Court in its judgment dated 31.08.2012 directed the Union Home Secretary to discuss the enactment of appropriate provisions for effective regulation of sale of acids in States/UTs. One of the reliefs prayed for by the petitioner was to direct the respondent to appoint and constitute a committee for adopting measures for proper treatment, after care and rehabilitation of the victims of acid attack.

2. Attention is drawn to the Criminal Law (Amendment) Act 2013 (No. 13 of 2013), which came into force on 3rd February, 2013 and has been gazetted on 2nd April, 2013. As per the section 357-C inserted in Code of Criminal Procedure, 1973 by the amendment, it has been provided that "All Hospitals, public or private whether run by the Central Government, the State Government, Local Bodies or any other person shall immediately, provide the first aid or medical treatment, free of cost, to the victims of any offence covered under section 326-A, 376, 376-A, 376-B, 376-C, 376-D or Section 376-E of the Indian Penal Code and shall immediately inform the police of such incident."

Section 326A provides that "Whosoever causes permanent or partial damage or deformity to, or burns or maims, disfigures or disables, any part or parts of the body of a person or causes grievous hurt by

throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause any such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine :

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim :

Provided further that any fine imposed under this section shall be paid to the victim”

3. This issue was discussed in a meeting held under Home Secretary recently. It has been decided that all the State Governments / UTs may be requested to ensure free medical treatment to the victims of any offence covered under 326-A, 376, 376-A, 376-B, 376-C, 376-D or Section 376-E of the Indian Penal Code. Further the fines imposed and collected would meet the medical expenses of treatment of the victim and shall be paid to the victim.

4. Since Health is state subject, it is responsibility of State Government / UT administration to provide adequate medical treatment and rehabilitation of the acid attack victims.

5. Against the above background, the States Governments / UT Administrations are requested to issue necessary instructions to all concerned such as State/UT officials, all hospitals irrespective of run by Government, autonomous institutions, private institutions etc. for compliance of the above said provisions in right earnest manner.

6. This issues with the approval of Secretary (HFW).

Yours faithfully,

(Sanjay Pant)

Under Secretary to Government of India

Tel : 23061521

Email : san_pan_99@yahoo.com

Copy for similar action to :

- (i) Director General Health Services, Dte. GHS, New Delhi
- (ii) Director AIIMS, New Delhi
- (iii) Director JIPMER, Puducherry
- (iv) Director PGIMER, Chandigarh
- (v) Medical Superintendent, Safdarjung Hospital, New Delhi
- (vi) Medical Superintendent, Dr. RML Hospital, New Delhi

- (vii) Director, LHMC and associated Hospitals, New Delhi
- (viii) All Joint Secretaries in the Ministry of Health and Family Welfare
- (ix) Director CGHS, New Delhi

(Sanjay Pant)

Under Secretary to Government of India

Copy for information :

- (i) Shri S. Suresh Kumar, Joint Secretary (CS), Ministry of Home Affairs, New Delhi, NDCC – II Building, Jaisingh Road, New Delhi – 110001
- (ii) PPS to Secretary (HFW) / AS & DG(CGHS)/AS & MD (NHRM) / AS & FA

(Sanjay Pant)

Under Secretary to Government of India