

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 30372 of 2014

Petitioner :- Anubhav Verma

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Pradeep Verma

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice

Hon'ble Dilip Gupta, J.

We direct the learned Standing Counsel to take instructions on the steps which have been taken by the State Government in pursuance of the order of the Supreme Court dated 18 July 2013 in Laxmi Vs. Union of India And Others [Writ Petition (Criminal) No.129 of 2006] for the notification of rules for the possession and sale of acid and for the formulation of an appropriate scheme under Section 357A of the Code of Criminal Procedure, 1973.

List on 22 July 2014 as fresh. The learned Standing Counsel shall, in the meantime, file a short counter affidavit.

Order Date :- 1.7.2014

VMA

(Dr. D.Y. Chandrachud, C.J.)

(Dilip Gupta, J.)

Court No. - 29

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 30372 of 2014

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Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Pradeep Verma

Counsel for Respondent :- C.S.C.

Hon'ble Dilip Gupta,J.

Hon'ble Mahesh Chandra Tripathi,J.

Supplementary affidavit filed today be kept on record.

Learned Additional Chief Standing Counsel prays that the matter may be adjourned to enable him to obtain necessary instruction.

As prayed, list on 01-08-2014 as fresh.

Order Date :- 22.7.2014

Jaswant

(M.C. Tripathi, J.) (Dilip Gupta, J.)

Chief Justice's Court

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Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice

Hon'ble Dilip Gupta, J.

The State has filed a counter affidavit in pursuance of our previous order dated 1 July 2014. The State Government has notified the Uttar Pradesh Victim Compensation Scheme, 2014. Clause 4 of the Scheme provides as follows:-

"4. A victim shall be eligible for the grant of compensation if:

(a) the offender is not traced or identified, but the victim is identified and where no trial takes place; such victim may also apply for grant of compensation under sub section (4) of section 357-A of the Act;

(b) the victim/claimant reports the crime to the officer-in-charge of the police station within 48 hours of the occurrence or any senior police officer or Executive Magistrate or Judicial Magistrate of the area provided that the District Legal Services Authority, if satisfied for the reasons to be recorded in writing, may condone the delay in reporting;

(c) the victim/claimant cooperates with the police and the prosecution during the investigation and trial of the case."

We have perused both the English and the Hindi versions of the Scheme. It appears, on a reading of the Scheme, that clause 4 requires to be revisited. Sub clause (a) of clause 4 of the Scheme makes a victim eligible for the grant of compensation if the offender is not traced or identified but the victim is identified and no trial takes place. This immediately raises an issue as to whether a claim for compensation can be made where the offender is traced and identified or where a trial is taking place. There is no reason or justification to exclude a claim for compensation in a situation in

which, for instance a victim of rape or of an acid attack identifies the offender or where the offender has been traced. In other words, the Scheme should not be confined only to situations where the offender is not traced or is not identified.

Learned Standing Counsel states that clause (4) would also make eligible a victim who is identified irrespective of whether or not the offender is traced or identified. However, there is clearly an ambiguity in clause (4). Moreover, sub clauses (a), (b) and (c) provide for cumulative conditions which are required to exist for being eligible for the grant of compensation. However, sub clause (a) refers to a situation where no trial takes place but sub clause (c) requires the victim to cooperate in the investigation and trial.

In our view, the interests of justice would require a modification for bringing out the true object and purpose of the Scheme by specifically revisiting clause (4). We are of the view that it is necessary for the State Government to do so and thereafter report to the Court on the decision of the Government in that regard. The conditions of eligibility have to be clear, precise and should enable victims to have access to the remedy of compensation.

Even as regards the quantum of compensation, perhaps it is necessary for the State Government to reconsider as to whether in serious cases such as rape and death, compensation of Rs. 2 lacs or, as the case may be, Rs. 1.50 lacs would be sufficient. Similarly, in the case of victims of acid attacks, it is common experience that repeated surgeries, follow up treatment and rehabilitation is required. It is difficult to assume that in all such cases an amount of Rs.3 lacs would meet the ends of justice in all such cases. While it is to be noted that the State Government has framed the Scheme under Section 357-A of

the Code of Criminal Procedure, 1973, it is necessary for the State Government to be more proactive, since the basic object and purpose is to provide a remedy for victims of violence and crime.

The affidavit also discloses that Rules, namely the Uttar Pradesh Poisons (Possession and Sale) Rules, 2014 have been framed and notified on 14 July 2014. The mere framing of the Rules will not, however, be adequate. Necessary action has to be taken to ensure that the Rules are strictly enforced by the State Government so as to prevent the sale of poisonous substances including acid.

We, therefore, direct the State Government to revisit the issues on both the aspects which we have referred to above. The first would entail a fresh look at the Scheme for compensation. The second would require the State Government to put in place stringent administrative measures for the control and regulation of the sale of poisonous substances.

We direct that the petition be listed as fresh on 29 August 2014. An affidavit shall be filed by the State in the meantime.

Order Date :- 1.8.2014
VMA

(Dr. D.Y. Chandrachud, C.J.)

(Dilip Gupta, J.)

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Counsel for Petitioner :- Pradeep Verma

Counsel for Respondent :- C.S.C.

Hon'ble Dilip Gupta,J.

Hon'ble Suneet Kumar,J.

As prayed for by learned Standing Counsel, place this petition as fresh on 26 September 2014 to enable him to seek instructions and/or file a counter affidavit.

Order Date :- 29.8.2014

NSC

(Dilip Gupta, J.)

(Suneet Kumar, J.)

Chief Justice's Court

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Counsel for Respondent :- C.S.C.

Hon'ble Dilip Gupta,J.

Hon'ble Suneet Kumar,J.

Short counter affidavit filed on behalf of respondent Nos. 1, 2 and 3 be kept on record. A copy may be served on learned counsel for the petitioner within ten days. The petitioner may file a reply to the said counter affidavit within two weeks.

List on 28 October 2014.

Order Date :- 26.9.2014

NSC

(Dilip Gupta, J.)

(Suneet Kumar, J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 30372 of 2014

Anubhav Verma

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pradeep Verma
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

**HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE VIVEK SARAN, J.**

1. Present Public Interest Litigation has been entertained on genuine cause brought by the petitioner to restrict and regulate sale of acids in the State of Uttar Pradesh.
2. We have perused the order sheet. This court has taken a serious view as noticed in the earlier orders.
3. Today, Sri Chandra Datta, learned Advocate holding brief of Sri Pradeep Kumar, learned counsel for the petitioner states that the original petitioner is not inclined to pursue of this litigation.
4. While we cannot judge the choice or motive of the original petitioner who wishes to withdraw from such a genuine public interest litigation, we observe that the interest of justice may be defeated if such litigation is permitted to be withdrawn on the volition of the original petitioner, to the extent this is not adversarial litigation but public interest litigation.
5. We permit the original petitioner Anubhav Verma and Sri Pradeep Kumar, learned counsel for the petitioner to withdraw from the case but we maintain the cause. Accordingly, let the present proceeding be re-registered as a suo moto proceeding after making necessary changes in the party description etc.

6. Accordingly, we appoint Ms. Akansha Mishra and Ms. Utkarshini Singh as amicus curiae to assist the court.

7. Sri Arimardan Singh Rajput, learned Additional Chief Standing Counsel may complete his instructions.

8. Put up this case on 16.12.2025 amongst top ten cases showing the name of Ms. Akansha Mishra and Ms. Utkarshini Singh as amicus curiae.

(Vivek Saran,J.) (Saumitra Dayal Singh,J.)

December 9, 2025

Sushma