

REVIEW ARTICLE

Aluminium Phosphide in Grain Storage: A Boon Marred by Illicit Household Use

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ABSTRACT

Background: Aluminium phosphide (ALP), marketed as Celphos, is a potent fumigant critical for grain storage. Despite regulatory restrictions, illicit household use has led to an epidemic of suicides and accidental deaths in Asia, with mortality rates exceeding 70%. This review examines medicolegal challenges under India's new criminal codes (BNS/BNSS).

Methods: A synthesis of case reports, legislative frameworks (Insecticides Act 1968, BNS 2023, BNSS 2023, Environmental Protection Act), and judicial precedents (e.g., *Et al*), augmented by AI analysis of clinical, epidemiological, and legal data.

Results: ALP poisoning remains predominantly suicidal (0.15–0.5g lethal), driven by clandestine sales to unlicensed users. Regulatory ambiguities in pouch-formulation sales persist. Manufacturers/dealers face enhanced criminal/civil liability under multiple statutes for misbranding or negligent distribution under BNS 2023. Police must trace poison sources under BNSS Sections 194/106, while victim families claim compensation via absolute liability torts or Public Liability Insurance Act, 1991.

Conclusion: Strengthening enforcement of sales restrictions, Harmonizing regulations with BNS/BNSS mandates, enforcing dealer accountability, and applying absolute liability are critical to reduce the deaths due to ALP poisoning. Medicolegal protocols must prioritize source-tracing and victim compensation under new criminal codes.

KEYWORDS

• Aluminium phosphide • Celphos poisoning • Regulatory gaps • Absolute liability • Medicolegal investigation • Suicide prevention • Poison tracing • BNS (Bharatiya Nyaya Sanhita) • BNSS (Bharatiya Nagarik Suraksha Sanhita) • Artificial Intelligence (AI) • Pesticide toxicity

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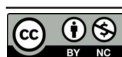
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INTRODUCTION

Aluminium phosphide (AIP), commercially known as Celphos, is a highly effective fumigant used to protect stored grains. Its reactivity with moisture releases lethal phosphine gas, causing 70–100% mortality when ingested. Despite India's Insecticides Act (1968) restricting AIP to accredited warehouses, illicit household sales fuel a suicide epidemic in rural Asia. With the implementation of the Bharatiya Nyaya Sanhita (BNS) 2023 and Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, this article analyzes evolving medicolegal duties, stakeholder liability, and victim compensation pathways under the new criminal justice framework.

Aluminium phosphide serves as a highly effective fumigant for protecting stored grains, widely employed in warehouses and large scale storage facilities. As a solution to food scarcity, it has been invaluable, leaving no harmful residues on the grains and posing minimal risk during regular use. Upon exposure to moisture in the air, it gradually emits phosphine gas at a controlled rate, and despite its extensive application, there have been no reported deaths from inhalation in storage environments.

In stark contrast, ingestion of aluminium phosphide is invariably lethal. When it reaches the acidic environment of the stomach, it triggers a sudden, explosive release of phosphine gas, causing death without any known antidote.

Regrettably, its easy access as a household fumigant has led to a significant number of impulsive suicides. Marketing aluminium phosphide for domestic grain preservation is prohibited, and the legal ramifications of its illicit promotion are under examination with the aid of artificial intelligence.

I. Epidemiology and Clinical Burden

- **High Mortality:** 0.15–0.5 g ingestion proves fatal within 1–48 hours. Survival depends on immediate ICU care.
 - **Demographics:** Rural agricultural communities (Northern India, Nepal) remain disproportionately affected.
 - **Trends:** Stricter regulations (2010s) show limited impact due to porous distribution networks.

II. Regulatory Framework and Gaps

India's Insecticides Act (1968) classifies Celphos as "restricted-use":

- **Tablets (3 g):** Exclusive to government/accredited operators.
- **Pouches (10 g/204 g):** Sold to licensed end-users but *et al.* for households.

Key Failures:

- Illicit pouch sales via licensed dealers enable diversion to households.
- Inconsistent state-level enforcement undermines central restrictions.

III. Legal Accountability Under BNS 2023

Manufacturers/dealers face stringent liability:

- **Criminal Liability:**
 - *Et al* (replacing IPC 284): Criminalizes negligent handling of poisonous substances.¹
 - *Et al* (replacing IPC 304A): Punishes death caused by negligent acts.
 - *BNS Sections 271/273* (replacing IPC 269/271): Penalizes negligent acts endangering life.
- **Civil Liability:**
 - *Et al* No-fault liability for hazardous enterprises.²
 - *Et al* Compensates for «defective product» promotion.

IV. Medicolegal Duties Under BNSS 2023:3

Police must:

1. **Document Evidence** (BNSS 194): Inquest for suspicious deaths, including poison-seized materials.
2. **Trace Sources** (BNSS 106): Seize empty Celphos packets and batch numbers.
3. **Investigate Suppliers** (BNSS 172/180): Inspect dealer registers (Insecticides Rules, Form 23/25) and record witness statements.
4. **File Final Report** (BNSS 173): Recommend prosecution for unlicensed sales under BNS 286/106.

V. Victim Compensation Pathways

Families may seek:

- **Public Liability Insurance Act (1991):** Direct insurer claims (no fault proof required).

- **Civil Suits:** Absolute liability damages for dependency loss/exemplary compensation.
- **BNSS 395/396** (replacing CrPC 357/357A): Court-ordered restitution or state victim compensation.

The BNS 2023 and BNSS 2023 provide sharper tools to address Celphos poisoning:

1. **BNS 286/106** imposes stricter penalties for negligent poison handling.³
2. **BNSS 193/105** mandates rigorous source-tracing in poisoning deaths.
3. **Absolute liability** remains pivotal for victim compensation. Critical reforms include batch-level tracking of Celphos, training police in BNSS protocols, and leveraging BNS provisions to prosecute illicit vendors. Medicolegal professionals must drive this transition to align food security with public safety.

Key Updates in BNS/BNSS, 2023

Table 1: Key Updates in BNS/BNSS, 2023

Old Code	New Code	Provision
IPC 284	BNS 286	Negligent handling of poisonous substances
IPC 304A	BNS 106	Death by negligence
IPC 269/271	BNS 271/273	Negligent acts endangering life
CrPC 174	BNSS 194	Inquest for suspicious deaths
CrPC 102	BNSS 106	Seizure of evidence
CrPC 357/357A	BNSS 395/396	Victim compensation

DISCUSSION

I. Epidemiology and Clinical Burden

ALP poisoning is a critical concern in India, Nepal, and neighboring regions. Case reports reveal:

- **High Mortality:** Ingestion of 0.15–0.5 g proves fatal within 1–48 hours. Survival is contingent on immediate vomiting and ICU care (e.g., magnesium sulfate, antioxidants).
- **Demographics:** Rural agricultural communities are disproportionately affected, with northern India (Uttar Pradesh, Punjab) and Nepal reporting peak incidence.

- **Trends:** Despite stricter regulations (2010s), ALP remains accessible due to low cost (\$1–2 per tablet) and weak enforcement.

II. Regulatory Framework and Gaps

India's Insecticides Act (1968) classifies Celphos as a "restricted-use" pesticide:

- **Tablets (3 g):** Exclusively for government warehouses and accredited operators.
- **Pouches (10 g/204 g):** Sold to licensed end-users (grain merchants, pest-control professionals) but *et al.* for household use.

Key Failures:

- **Illicit Sales:** Pesticide shops illegally stock pouch formulations, selling them to unlicensed individuals. Manufacturers risk liability under Section 7 (Insecticides Act) for misbranding or inadequate warnings (e.g., omitting Not for household use).
- **Ambiguity:** Pouch sales via licensed dealers create diversion loopholes. State licensing authorities often lack resources to monitor compliance.

III. Legal Accountability of Manufacturers and Dealers

Multiple statutes impose liability:

- **Criminal Liability:**
 - *Et al* Penalizes unlicensed sales (₹20,000 fine/imprisonment).
 - *IPC Sections 284/269:* Criminal negligence for endangering life.
 - *Et al* Breach of hazardous substance rules (₹1 lakh fine/3 years imprisonment).
- **Civil Liability:**
 - *Et al* Manufacturers/dealers engaging in "inherently dangerous" activities (ALP production/sale) are liable without exceptions. Compensation covers dependency loss, funeral costs, and exemplary damages.
 - *Et al* Allows suits for "defective product" promotion.

IV. Medicolegal Investigation Duties

Under the CrPC, police must:

1. **Document Evidence** (Section 174): Secure empty Celphos packets, log batch numbers, and photograph the scene.
2. **Trace Sources** (Sections 102/165): Inspect dealer sales registers (Insecticides Rules, Form 23/25) to identify suppliers.
3. **Prosecute Violators:** Unlicensed vendors face charges under IPC 304A (causing death by negligence).

V. Victim Compensation Pathways

Families of deceased victims may seek redress via:

- **Public Liability Insurance Act (1991):** Mandates insurers compensate victims (₹50,000–₹1 lakh) without proving fault.
- **Civil Suits:** Claim damages under absolute liability torts.
- **Section 357 CrPC:** Courts may order convicted dealers to pay restitution.

Q. Celphos - Aluminium phosphide poisoning cases reported?

AI: > Reported Cases of Celphos (Aluminium Phosphide) Poisoning

Epidemiology and Mortality

Aluminium phosphide (ALP), marketed under names such as Celphos, Alphos, Quickphos, and Phostoxin, is a leading cause of fatal pesticide poisoning in rural Asia. Globally, pesticide ingestion accounts for an estimated 300,000 suicide deaths annually, with ALP a major contributor in India and surrounding countries. The fatal dose of ALP is as low as 0.15–0.5 g, and mortality rates range from 70% to nearly 100%, typically within 1–48 hours of ingestion.

Notable Case Reports

Below is a summary of single-patient case reports highlighting the diversity of clinical presentations and outcomes:

Table 2: case reports highlighting the diversity of clinical presentations and outcomes:

Study (Citation)	Year	Location	Presentation	Key Findings
Alok Kumar <i>et al.</i> ⁴	2013	Rural Uttar Pradesh, India	Massive powder ingestion (≈15 g)	Survival attributed to immediate vomiting and prompt care
Modepalli <i>et al.</i> ⁵	2025	Nellore, Andhra Pradesh, India	Two-tablet ingestion (6 g)	Emphasized 90–100% mortality; need for community education
Ram Babu <i>et al.</i> (JIACM) ⁶	2021	Delhi, India	Single 3 g tablet ingestion	Early, aggressive supportive therapy led to survival
Satish Kumar <i>et al.</i> ⁷	2023	Lucknow, Uttar Pradesh, India	Delayed ischemic stroke on day 3	Highlighted rare neurologic complication of ALP poisoning
Kandel <i>et al.</i> ⁸	2025	Banepa, Nepal	Single-tablet ingestion with aspiration pneumonia	Comprehensive ICU care enabled recovery

Geographic Distribution

- Northern and Central India report the highest incidence, particularly in agricultural districts where Celphos is readily available without restriction.
- Southern states of India also see frequent cases, though underreporting remains a concern.
- Neighboring Nepal records a growing number of cases, reflecting similar patterns of rural pesticide access and use in self-harm.

Trends and Regulatory Impact

- First documented ALP poisoning in

India dates to 1981; since then, incidence has risen steeply in rural areas due to accessibility, low cost, and lethality.

- Stricter pesticide regulations introduced over the past decade correlate with a modest decline in availability, but Celphos remains in use, and case reports continue to accrue.
- Recent emphasis on rapid decontamination, magnesium sulphate therapy, antioxidant use (e.g., glutathione, N-acetylcysteine), and advanced ICU support has slightly improved survival odds in specialized centers.⁵

Key Takeaways

- AIP poisoning via Celphos is almost invariably suicidal and carries a very high case fatality without immediate, aggressive management.
- Single-patient case reports underscore the critical importance of early gastric decontamination, supportive ICU care, and community education to reduce incidence and improve outcomes.
- Ongoing vigilance, tighter control on Celphos sales, and dissemination of treatment protocols are essential to curb morbidity and mortality.

Q. *The licensing of aluminium phosphide (Celphos) was strictly for use of warehouse corporations. It was never permitted to be used as for household pesticide or for open sale. Is this not correct?*

AI: > **Licensing and Use Restrictions for Celphos (Aluminium Phosphide)**

Celphos tablets are classified as a “restricted-use” fumigant under the Insecticides Act, 1968,⁹ and Rules, 1971. Their manufacture, sale, stock, transport and application require:

- accreditation by the Plant Protection Adviser, and
- use exclusively by Government/ Government undertakings (FCI, Central Warehousing Corporations, etc.) or by Pest Control Operators formally approved by the Plant Protection Adviser.

Tablet Formulation vs. Pouch Formulation

Table 3: Tablet Formulation vs. Pouch Formulation

Formulation	Approved Users	Sale/Distribution
Tablets (3 g)	Only accredited agencies under PPA supervision	Through verified fumigation agencies; no open or household sale
Pouches (10 g, 204 g)	End-users holding a valid pesticide license (e.g., grain merchants, warehouses)	Free sale via licensed distributors/dealers

Celphos in pouch packs is explicitly approved for storage, transport, handling and “free sale” to end-users who hold a valid pesticide license. However, **it remains prohibited** for use in residential premises, cattle sheds or as a general household pesticide.

Regulatory Framework

- The **Directorate of Plant Protection, Quarantine & Storage** accredits fumigation agencies and operators under the National Standards for Phytosanitary Measures (NSPM-22).¹⁰
- **State Governments** issue licenses for sale, stock and use only after verifying PPA accreditation of the agency and operator.

In practice, any sale of Celphos tablets outside this tightly controlled chain (for example, open retail sale to unlicensed households) would contravene both central rules and state-level licensing requirements.¹¹

Key Takeaways

Our understanding is **partially correct**:

- **Celphos tablets** are strictly limited to government/warehouse uses and accredited operators.
- **Celphos pouches**, however, may be sold to licensed end-users (grain handlers, pest control professionals), but **never** as a domestic or open-household pesticide.

Q. *It is strictly for licensed defined end users. Pesticides shops cannot store or sell it to non licensed individuals. As per the licensing stipulation it cannot be sold to pesticide selling shops. Is it not the correct legal position?*

AI: > **Legal Position on Celphos (Aluminium Phosphide) Sales**

Format of GOI (Govt of India) for AIP fumigation Specific Licensing

Table 4: Formulation-Specific Licensing

Formulation	Who May Stock and Sell	Who May Purchase
Tablets (3 g)	Only accredited fumigation agencies and operators approved by the Plant Protection Adviser	Government warehouses (FCI, CWC) and accredited Pest Control Operators only
Pouches (10 g, 204 g)	Licensed distributors/dealers holding a valid pesticide license	End-users holding a valid pesticide license (e.g., grain merchants, licensed operators)

Key Takeaways

- No pesticide shop even if registered may stock or sell **tablets** to any retail customer or unlicensed dealer.

- **Pesticide shops with a valid dealer license** can stock and sell pouch packs, **but only** to end-users who themselves hold a valid pesticide license.
- Sale to unlicensed individuals (households, small farmers without license) is expressly prohibited for both tablets and pouches.

In sum, your understanding is correct for tablets these cannot enter general pesticide-shop channels. For pouch formulations, licensed shops may act as distributors, but they cannot sell to non-licensed persons.

Q. Its promotion as a house hold pesticide is responsible for its wide spread clandestine open sale which in turn is responsible for large scale suicide deaths by this pesticide. Are not the manufacturers accountable and liable? There is a dangerous substances Act?

AI: > Legal Accountability of Manufacturers for Celphos Misuse

Regulatory Framework

Celphos (Aluminium Phosphide) is not governed by a standalone "Dangerous Substances Act" in India. Instead, its production, distribution, labeling and promotion fall under multiple overlapping laws:

- Insecticides Act, 1968 and Rules, 1971
- Environment (Protection) Act, 1986,¹² and Hazardous Chemicals (Manufacture, Storage & Import) Rules, 1989.¹³
- Constitution of India: Directive Principles of State Policy for harmful drugs & chemicals, that are injurious to health
- Public Liability Insurance Act, 1991.¹⁴
- BNS, 2023 updated the Indian Penal Code (IPC, 1860), particularly sections on negligent handling of poisons
- Consumer Protection Act, 2019.¹⁵

Insecticides Act: Misbranding & Unauthorized Promotion

1. All technical literature, packaging and advertising must carry warnings such as "Not for household use" and "For licensed users only."
2. Section 7 of the Act penalizes any person who manufactures, sells or distributes a

misbranded insecticide up to Rs 20,000 fine and/or imprisonment.

3. Promotion of Celphos as a "household pesticide" directly contravenes these labeling and distribution norms and attracts prosecution.

Environment (Protection) Act & Hazardous Chemicals Rules

- Hazardous Chemicals Rules require a detailed safety data sheet, emergency response plan, and clear segregation of "industrial/warehouse use" from domestic applications.
- Any advertisement or brochure encouraging open-market or household usage breaches Rule 13 ("handling of hazardous substances") and invites penalties (up to Rs 1 lakh or three years' imprisonment).

Criminal Liability under IPC

- Section 284 IPC ("negligent conduct with respect to poisonous substance") punishes anyone whose negligent actions endanger life or safety.
- Section 287 IPC penalizes negligent use or management of any mechanically propelled vehicle or weapon but courts have applied analogous reasoning to dangerous chemicals improperly promoted.

Civil & Consumer Remedies

- Under the Consumer Protection Act, 2019, end-users or victims' families can sue for "defect in product" and "deficiency in service" where Celphos was marketed deceptively.
- Tort principles of negligence, strict liability (Rylands v. Fletcher doctrine as adopted in India)¹⁷ and absolute liability (M.C. Mehta v. Union of India)¹⁸ provide additional bases to hold manufacturers and distributors financially accountable for harm.

Public Liability Insurance Act, 1991

- Mandates that manufacturers of hazardous or lethal substances maintain insurance to cover third-party liability arising from accidental death or injury.
- Failure to procure or maintain such insurance can incur further fines and invalidate statutory defenses.

Harmful Drugs & chemicals are Prohibited

Article 47 of the Indian Constitution (Directive Principles of State Policy)¹⁶ mandates the State to prioritize **improving public health**, nutrition, and living standards. Crucially, it directs the **prohibition** of intoxicating drinks and **harmful drugs & chemicals**, permitting their use *et al.*

Key Take away

Manufacturers and marketers of Celphos can indeed be held accountable criminally and civilly if they promote it for household or open-market use. Though India lacks a single “Dangerous Substances Act,” the combined force of the Insecticides Act, Environment (Protection) Act, IPC, Consumer Protection Act and Public Liability Insurance Act creates a robust legal framework to prosecute and compensate victims of such misbranding and negligent promotion.

Q. Accidental, suicidal and homicidal deaths have been reported by Celphos (Aluminium phosphide). Under CrPC when the police investigates a death by poisoning, is it not their duty to try and trace the source of that poison for fixing criminal liability? Especially when the police recovers the empty Celphos package from the site of crime?

AI: > Duty of Police under CrPC to Trace the Source of Poison

When a death appears to be caused by poisoning whether accidental, suicidal or homicidal the Code of Criminal Procedure casts on the police a mandatory duty not only to record the facts of death but also to seize every piece of material evidence and to investigate its origin.

1. Inquest and Initial Inquiry (Section 174 CrPC)

- Section 174 CrPC requires that any death “under circumstances raising a reasonable suspicion that some other person has committed an offence” must be inquired into immediately by the police officer-in-charge of the station.
- The officer must visit the scene, draw up a report describing injuries and any marks on the body, and forward that report to the Magistrate.

2. Seizure of Evidence (Sections 102, 165 & 161 CrPC)

- Section 102 empowers the police to seize any property which they have “reason to believe” may furnish evidence of an offence. An empty Celphos packet is quintessential evidence, and must be seized, logged and sealed.
- Under Section 165, if the poison (or its container) lies in a “closed place,” a search-warrant may be obtained to secure it.
- Section 161 allows the police to examine witnesses and record their statements crucial for tracing who bought or supplied the poison.

3. Tracing the Commercial Source

- Aluminum phosphide (Celphos) is a “restricted” insecticide under the Insecticides Act, 1968. Dealers must maintain statutory sale-registers (Form 23/25).
- Once an empty package is seized, the investigating officer should obtain the dealer’s sales register, note the batch number, date and purchaser’s identity, and follow that trail to pinpoint the supplier.
- If the vendor cannot produce a license or register, or if the purchase violates the Act’s conditions, criminal liability arises under both the Insecticides Act and the Indian Penal Code (e.g., Sections 269–271 IPC for negligent or malignant acts endangering life).

4. Completion of Investigation and Filing Report (Section 173 CrPC)

- After gathering all evidence including the empty packet, forensic analysis report and supplier details the police must complete their investigation under Sections 157–158 and submit a written report (Final Form) to the Magistrate under Section 173.
- That report should chronicle efforts to trace the origin of the poison and recommend prosecution against anyone whose unlawful act or omission facilitated its misuse.

Proactive Next Steps

- If the police fail to pursue the supplier, a relative or public-spirited person can approach the Magistrate under Section 156(3) CrPC, seeking an order directing the officer to complete the investigation properly.
- For deeper insights, you may wish to explore:
 - Model forms/registers under the Insecticides Rules, 1971
 - Case law on vendor-liability for sale of restricted poisons
 - Forensic protocols for phosphide poisoning analysis.

Q. What is the relevance of MC Mehta vs UOI judgment to Celphos deaths? Can it be invoked to fix liability of the manufacturer and the dealer?

AI: > Relevance of M.C. Mehta vs. Union of India to Celphos Deaths

When deaths arise from a hazardous product like Celphos (aluminium phosphide), the Supreme Court's landmark ruling in M.C. Mehta vs. Union of India (the "Oleum Gas Leak Case") offers a potent doctrine **absolute liability** that can be invoked to secure compensation and fix responsibility, not only on end-users but upstream on both the manufacturer and the dealer.

1. Principle of Absolute Liability

- In M.C. Mehta,¹⁹ the Court departed from traditional "strict liability" (Rylands v. Fletcher)²⁰ and held that any enterprise engaged in a hazardous or inherently dangerous activity bears **absolute liability** for harm, with **no exceptions** for "acts of God," third-party sabotage or even statutory compliance.
- This doctrine is "non-delegable" and imposes a **no-fault** standard if the activity poses a potential threat to life or health, the enterprise must compensate victims in full.

2. Celphos as a Hazardous Activity

- Manufacture and distribution of aluminium phosphide are squarely within the realm of inherently dangerous activities. Celphos releases lethal

phosphine gas on contact with moisture, making any leak immediately life-threatening.

- Under the **Insecticides Act, 1968**, Celphos is a "restricted insecticide." Dealers must maintain sale registers and manufacturers must secure licences, underscoring its regulated but perilous nature.

3. Extending Mehta's Doctrine to Manufacturer Liability

- By analogy to Oleum-gas industries, a Celphos manufacturer can be treated as an "enterprise" whose product, if misused or defectively packaged, causes death.
- Courts can invoke **absolute liability** to:
 1. Hold the manufacturer accountable for full compensation no defence of due diligence or unforeseeable misuse will avail.
 2. Impose an obligation to set up a **Public Liability Insurance Fund** (as later codified in the Public Liability Insurance Act, 1991).

4. Fixing Dealer Liability

- Dealers occupy the critical link in the hazardous-product chain:
 - They must verify purchasers' credentials and record batch-wise sales.
 - A failure in these statutory duties that leads to illicit access or overdose can attract **absolute liability** as an accessory "enterprise."
- Even absent a direct manufacturing role, a dealer's defective packaging, mislabelling or unlawful sale invites the full force of Mehta's no-fault liability.

5. Practical Invocation

1. **Public Interest Litigation (PIL):** Victims or NGOs can invoke Article 32/226 to press the Court to apply absolute liability against both manufacturer and dealer.
2. **District Court Suits:** Under tort law, plaintiffs can claim "absolute liability" damages in civil courts, seeking exemplary and compensatory relief.
3. **Regulatory Prosecutions:** Simultaneous action under the Insecticides Act (for license or register violations) and IPC

Sections 269–271 (negligent or malignant acts endangering life) can be pursued.

6. Caveats and Complementary Routes

- **Criminal vs. Civil:** Absolute liability secures civil compensation; criminal culpability for poisoning still requires proof of mens rea or negligence under IPC.
- **Insurance Cover:** Under the Public Liability Insurance Act, a statutory insurance pool must exist to guarantee prompt victim relief.
- **Standard of Proof:** While absolute liability dispenses with conventional defences, plaintiffs must establish causation between the Celphos (or its empty packet) and the death.

Takeaway

M.C. Mehta vs. Union of India planted the seeds of a rigorous, no-escape liability regime for hazardous industries. By treating Celphos manufacture and distribution through the same lens, courts can compel manufacturers and dealers to shoulder the full burden of tragic poisonings ensuring victims are compensated swiftly and comprehensively, and that public health trumps commercial convenience.

Q. Family members of a person who dies of Celphos poisoning accidental, suicidal or homicidal are entitled to claim compensation from the manufacturer and dealer?

AI: > Entitlement to Compensation: Family Members' Civil and Statutory Remedies

When a death results from Celphos poisoning whether accidental, suicidal or homicidal next of kin have both common-law and statutory avenues to seek compensation from upstream actors in the supply chain, namely the manufacturer and the dealer.

1. Civil Action in Tort – Absolute Liability

- Under the **absolute liability** principle (M.C. Mehta v. Union of India), any enterprise engaged in an inherently dangerous activity (like producing or distributing aluminium phosphide) owes a no-fault duty to pay full compensation for harm.

- Families can file a **civil suit for damages** in the local civil court, claiming:
 - Loss of dependency (future earnings of the deceased)
 - Loss of consortium and funeral expenses
 - Exemplary damages, given the hazardous nature of the product

2. Statutory Insurance Cover – Public Liability Insurance Act, 1991

- Manufacturers and dealers of restricted poisons must carry **public liability insurance** covering third-party death or injury.
- Under Section 6 of the Act, family members can approach the **Claims Commissioner** (within one year of the incident) to claim compensation directly from the insurer without proving negligence or fault by the manufacturer/dealer.
- This process is streamlined, fast-track, and does not bar concurrent civil suits for additional damages.

3. Breach of Statutory Duties – Insecticides Act, 1968

- Dealers and manufacturers must comply with license-and-register requirements when selling restricted insecticides.
- If a death arises from an unlicensed sale, mis-labelling or record-keeping lapse, families can sue for **breach of statutory duty**, seeking compensatory damages in tort.

4. Victim-Compensation Schemes under Criminal Procedure

- In a homicide, courts under Section 357 CrPC may direct convicted offenders (including dealers) to pay **compensation to victims' families**.
- Under Section 357A CrPC, State Victim Compensation Funds can grant relief though typically limited to violent crimes and dependent on state schemes.

Practical Steps for Families

1. **Secure FIR/Charge-sheet:** Ensure police record the case as death by poisoning and investigate both manufacturer and dealer.
2. **Civil Suit & Insurance Claim:** File a tortious damages suit in the district court

and a parallel insurance claim under the Public Liability Insurance Act.

3. **PIL or Writ Petition:** Where systemic lapses exist (e.g., widespread Celphos misuse), a Public Interest Litigation under Article 32/226 may broaden relief and enforce stricter oversight.
4. **Legal Aid:** Engage a lawyer experienced in environmental torts and statutory-liability cases to synchronize civil, insurance and criminal remedies.

Families of Celphos victims thus have multiple, overlapping channels to hold both manufacturer and dealer financially accountable ensuring that the burden of tragic poisoning doesn't rest on bereaved dependents alone.

The Celphos Paradox: Grain's Guardian, Life's Thief"

In granaries deep where harvests sleep,
A silver guard doth stand;
Et al, sworn to keep
The bounty of the land.
Et al they name this potent grain,
A fumigant supreme
No pest dare touch the golden chain
Of plenty, safe, serene.

But woe! When greed or sorrow's plea
Unlocks its lethal might,
A household curse, this guardian free
Turns day to endless night.
Et al barely half a gram
Unleashes poison's breath;
No antidote for life's last cramp,
Just *et al*. and death.

From *Et al* vale,
The rural heartlands weep:
Et al lift sorrow's veil
Where *et al*. creep.
The law forbade its open trade *Et al*
Yet pouches slipped through safeguards frayed,
Seeds of despair were sown.

Et al Bear the weight
Of *et al*'s call;
When profit blinds to deadly fate,
Et al must lift her shawl.
Et al voice still rings:
"Et al demands its cost!"
No shield for commerce while life clings
Et al not lost in frost.

Et al Trace the poison to its source
Et al commands!
Seize packets, track the dealer's course
With firm, unwavering hands.
Et al now decrees:
Et al must pay the fee;
For every death the law shall seize
Accountability.

To *et al*, pathways clear:
Et al and courts of grace;
Et al dries the tear,
Assigns the guilty place.

Et al stands the truest guard *Et al*,
teach the village folk;
Et al, hold them hard,
Lest more in silence choke.

So hark, ye stewards of the soil:
Et al must serve, not slay!
With tightened laws and ceaseless toil, *Et al*.

Et al confined, its purpose true;
A *et al*, the highest goal, *Et al*.

Figure 5: Medicolegal Poem in Rhymes

CONCLUSION

AlP poisoning represents a complex intersection of public health failure, regulatory ambiguity, and medicolegal negligence. While Celphos is indispensable for food security, its unrestricted availability perpetuates avoidable deaths. Critical reforms include:

1. **Harmonizing Regulations:** Ban all retail sales of pouch formulations; centralize tracking via batch-number databases.
2. **Strengthening Enforcement:** Train police to prioritize poison-source tracing in death investigations.
3. **Judicial Action:** Apply *Et al*'s absolute liability to ensure manufacturers/dealers fund victim compensation.
4. **Prevention:** Mandate community education on AlP risks and restrict production quotas. Medicolegal professionals must advocate for these changes to transform Celphos from an agent of death to a controlled safeguard.

Conflict of Interest

The authors declare no conflicts of interest.

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