

Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 46/2020

(With report dated 24.4.2020)

Shailesh Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 26.06.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Ms. Preeti Singh, Advocate

Respondent(s): Mr. Rajkumar, Advocate for CPCB

**ORDER**

1. A report was sought from the MoEF&CC and the CPCB with reference to the prayer of the applicant to restrict use of chemical pesticides, affecting health of the citizens and contaminating soil. The prayer was based on a study of the King George Medical College, Lucknow, news articles published in BBC News on 05.11.2017, the Times of India on 19.11.2017 and other similar news articles. The applicant stated that around seven lakh hectares of agricultural land in Aligarh division had turned into barren land, as per a press report. There was also a report that many patients were referred to its Clinical Ecotoxicology (Diagnostic and Research).

2. Accordingly, a compliance report has been filed by the MoEF&CC on 24.04.2020 mentioning *inter alia* as follows:

- “• With regard to pesticide contamination in fruits, vegetable and soil; it is submitted that the Directorate of Plant Protection, Quarantine and Storage under the MoAFW mandated to **popularize adoption of integrated pest management (IPM) through promotion of biological control approaches in crop protection technology, ensuring availability of safer and effective pesticides through regulatory measures under the Insecticides Act, 1968, prevent introduction of exotic pests inimical to Indian agriculture by implementation of Destructive Insects and Pests Act, 1914 supported by Plant Quarantine Order (Regulation of Import into India), 2003, advise and assist the union government on all matters including international obligations related to plant protection, keep watch and control over locust in scheduled desert area, human resource development in plant protection technology and monitoring pesticides' residues at national level in food commodities and environmental media i.e. water and soil.**
- With regard to 280 approved pesticide molecules (of which 99 are banned in other countries), it is submitted that the **Central Insecticides Board and Registration Committee (CIBRC) constituted under the Insecticides Act, 1968 and functioning under the aegis of MoAFW is the nodal agency to regulate the registration and use of pesticides in India.** While the Board advises the Central Government and State Governments on technical matters including the risk to human being or animals involved in the use of insecticides and the safety measures necessary to prevent such risk, the Registration Committee specifies the precautions to be taken against poisoning through the use or handling of insecticides.
- With regard to discharge of industrial wastes and release of sewage into dumping grounds and streams or rivers leading to soil pollution, **it is submitted that CPCB/ SPCBs/ PCCs conducts regular inspections of industrial units and Sewage Treatment Plants to assess their compliance to prescribed standards under routine inspections, investigation of VIP/ public complaints and directives of Hon'ble NGT/ Hon'ble Courts.** The Environment (Protection) Rules, 1986 prescribe industry-specific emission and effluent discharge standards. The non-compliance with regard to emission/ effluent discharge standards, practicing unauthorized disposal of effluent or hazardous wastes on land lead to initiation of action against the unit which include issuance of Show Cause Notice and/ or closure directions.”

3. A report has also been filed by the Ministry of Agriculture and Farmers Welfare, referring to the statutory provisions of the Insecticide Act, 1968 and Rules, 1971 and further stating:

“10. *The use of pesticides is of paramount importance for food security of our ever growing population and combating the vector borne diseases prevalent in the country. However, Government of India is aware and concerned that chemical pesticides are inherently toxic in nature and hence for their safe use needed to be regulated, hence, enacted the Insecticides Act 1968 and Rules were framed in 1971. It came up with a Central Sector Scheme known as **Integrated Pest Management during 1990s through which it holds Farmer Field Schools (FFSs), short duration training programmes and season long training programmes. In Farmers Field Schools the farmers are taught and trained in identification of pests and their natural enemies, and to use various cultural, mechanical and biological control methods to manage these pests below the threshold levels. They are taught to use chemical pesticides judiciously and as a last resort. They are advised to follow strictly the directions mentioned on label and leaflets which are integral part of Registration Certificates and essentially available with each pesticide packs. On label and leaflets the dose, method and time of application/s of the pesticides and waiting period after application of a pesticide, safety related issues including antidote, first aid measures and precautions to be followed during the application of pesticides and safe disposal of pesticide containers are incorporated. If a pesticide is used in accordance with directions as prescribed on the label and leaflet, it does not pose any risk.***

11. *The Central and State Governments organize training to farmers on safe and judicious use of pesticides including disposal of pesticides and used containers etc. **The information on harmful effects of pesticides and observance of safety in their use is also provided to the farmers during 'Krishi Melas' and other interactive meetings with farmers including the trainings organized by the 35 Central Integrated Pest Management Centers across the country and also 645 Krishi Vigyan Kendra (KVK) of Indian Council of Agricultural Research (ICAR), State Agriculture Universities and State Government wherein specialized scientists impart training to the farmers. In addition 588 districts have Agricultural Technology Management Agency (ATMA) centers which are instrumental in convergence of various activities at the district level to the farmers.***

12. *In this regard it is humbly apprised to the Hon'ble Tribunal, that besides active ingredient, the effect of ingredients, metabolites, contaminants, transformation by-products and synergistic effect are also examined while evaluating safety of an insecticides.*
13. *It is submitted that as stated herein above that non judicious and indiscriminate use may adversely affect human health and environment. **The strategy of integrated pest management which envisages cultural, mechanical, biological and other method of pest control is being propagated besides promoting the use of safer alternative like bio-pesticides.** Further, the central and State/UT Governments impart training to the users regarding safe and judicious use of pesticides under various programs. The respondents is regularly monitoring the pesticides residues in food commodities and environmental samples under Central Sector Scheme „Monitoring of Pesticides Residues at National Level" the scheme has 25 NABL accredited participating laboratories representing DAC&FW, ICAR, Ministry of Health and Family welfare and GSIR etc. The data generated under the scheme are shared with State Government and concerned Ministries to initiate the corrective action for judicious and proper use of pesticide on crop with IPM approach and to generate awareness among farmers. It is submitted that DAC&FW implement a scheme "Strengthening and Modernization of Pest Management Approach in India" to promote IPM which is an environment friendly broad ecological approach for managing pest problem. IPM is organizing Farmer Field Schools (FFS) and Seasonal Long Training Programme. Grant in aid is also provided to the states for the establishment of the State Biocontrol Laboratories. It is further submitted that Government is propagating Integrated Pest Management strategy, a Central Sector Scheme for minimizing the excessive use of pesticide by utilizing other methods of pest control viz cultural, mechanical, biological and only need based judicious use of pesticides. Furthermore, Government is also promoting use of safer pesticides like bio-pesticides, plant based pesticides.*
14. *Pesticides are one of the important inputs in agriculture for crop protection and also protection of stored grain from pest forever growing population of the country. Hence, the responsibility of administering the Act has been assigned to Ministry of Agriculture and Farmers Welfares. Under the Act a well-established procedure for registration and regulation of pesticides for use in the country exists. It is submitted that there has been a proper co-ordination between/amongst the Ministry of Health & Family Welfare, Ministry of Agriculture & Farmers Welfare, Ministry of Chemical & Petro-chemical and Ministry of Environment, Forests & Climate Change wherever required and also checks and balances exist to ensure safety in use of pesticides.*
15. **It is humbly apprised that, the insecticides/pesticides are not to be blamed alone for the soil pollution but**

***there are many other leading causes of soil pollution too. It is further apprised that if the pesticides are used judiciously as per the label claims as approved by the Registration Committee they do not pose any risk.”***

4. In view of the above, while certain steps are being taken to abate harmful impact of pesticides on human health and soil, monitoring needs to be enhanced by laying down a further action plan jointly by the CPCB in coordination with the State PCBs/PCCs. An appropriate protocol may be evolved for the purpose and circulated it to the concerned agencies within four months.

The application is disposed of.

A copy of this order be sent to the CPCB by email.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

June 26, 2020

Original Application No. 46/2020

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