To: March 23rd, 2018

Dr J S Sandhu,
Deputy Director General (Crop Science) &
Chairman, Registration Committee,
Indian Council for Agricultural Research (ICAR),
New Delhi.

Dear Dr J S Sandhu,

**Sub: Filing of representation before the Committee headed by you, following the Orders of the Supreme Court's Bench of Hon'ble Justice Arun Mishra and Hon'ble Justice Navin Sinha, on 19/03/2018, in Writ Petition (Civil) No. 1079/2017, in Kavitha Kuruganti & Ors Vs. Union of India & Ors – reg.**

Greetings! Following the Orders of the Hon'ble Supreme Court dated 19/03/2018 (attached herewith), in the said Public Interest Litigation, I am filing this formal representation (on behalf of all 3 petitioners) to your Committee, headed by you and consisting additionally of Dr P K Chakrabarty, ADG (PP), ICAR; Shri DDK Sharma, APPA & Secretary CIBRC; Shri Vipin Bhatnagar, Ex-APPA, Directorate of Plant Protection, Quarantine & Storage; and Dr S K Khurana, Consultant, Directorate of Plant Protection, Quarantine & Storage (Member Secretary).

**No concrete action seen for nearly 5 years now**: We understand that your Committee was directed to submit its report within one month from the Constitution of the Committee, which itself was on 30/03/2017. In fact, in January 2017, members of our Alliance, including one of the petitioners in the current PIL in the Supreme Court, had sent a representation to your Committee and it would be part of the 108 representations that your Committee is supposed to be studying at this point of time.

We would like to record the fact that from the time that Anupam Verma Committee was constituted on 19th August 2013, to June 2018 which is the time given to your Committee by the Hon'ble Supreme Court in its latest orders dated 19/3/2018, ***nearly five years would have lapsed with hardly any action with regard to banning of deadly pesticides***. Meanwhile, 2017 brought into public debate yet again the continuing saga of pesticide poisoning of farm workers and farmers resulting in deaths in many cases. Reports from Maharashtra, Telangana, Tamil Nadu and Punjab exist in the public domain. We took up fact finding visits to investigate into these pesticide poisoning cases in Maharashtra and Tamil Nadu and these are available here: http://www.kisanswaraj.in/2017/10/12/indian-farmers%e2%80%99-lives-come-cheap-for-governments-industry-fact-finding-report-on-pesticide-poisonings-in-yavatmal-district-maharashtra/ and http://www.kisanswaraj.in/2017/12/07/activists-slam-tamil-nadu-govt%e2%80%99s-lack-of-action-on-pesticide-poisonings-%e2%80%9ccitizens%e2%80%99-right-to-life-being-violated-by-wilful-continuation-of-deadly-pesticides%e2%80%9d/ . As you are aware, pesticides like Monocrotophos, banned in a large number of other countries, were implicated in these poisoning cases.

**Objection against the Constitution of this Committee**: To begin with, we would like to place our objection to the very constitution of this Committee on at least two grounds: (a) As the Chairperson of Registration Committee, in the 361st Special Meeting of the Registration Committee on 22/12/2015 (http://www.cibrc.nic.in/361rc2015.pdf), you already had an opportunity to look at the Anupam Verma Committee recommendations in detail and give your decisions as the Committee. In this meeting, Dr P K Chakraborty and Dr S K Khurana of the current committee were also present, which means that 3 of the 5 member-Committee constituted on 30/03/2017 by the Ministry of Agriculture and Farmers' Welfare were already part of a review process; (b) The current 5-member Committee has no health safety experts, and the Anupam Verma Committee also had an overwhelming presence of non-medical experts, in addition to co-option of representatives of Pesticide Associations.

We therefore feel that the Ministry of Agriculture should have constituted a Committee that did not include the CIBRC officials who were already part of a detailed review of the Anupam Verma Committee recommendations, and that it should have collaborated with the Ministry of Health and Family Welfare in drawing in appropriate experts to look at comments/suggestions/objections that had come in, after the Government of India's draft notification dated 28/12/2016 on draft "Banning of Pesticides Order 2016" (http://agricoop.nic.in/sites/default/files/banning%20of%20pesticides.pdf). In fact, much of our contention is over the narrow regulatory regime that the CIB&RC adopt, without fulfilling the very objective of Insecticides Act 1968.

**Our Public Interest Petition in the Hon'ble Supreme Court, Evidence Presented and our Demands**:

This petition (attached herewith) sought to make a case for the Prayers that were sought from the Hon'ble Court based on the following grounds:

- **Scientific Evidence on Adverse Impacts on Farmers & Farm Workers**: There is adequate scientific evidence on the health impacts of pesticides on farmers and agricultural workers (apart from consumers) both in terms of acute and chronic effects, that shows that the Right to Life, a fundamental right of all citizens, is being violated by this toxic technology of synthetic pesticides, mainly from its agricultural uses.
- **Pesticide use & Suicidal Ideation**: In the Writ Petition, we had also alluded to the scientific evidence that exists on the link between pesticide use and depression, and the link between pesticide use and suicidal ideation. The fact is that there is no sound scientific evidence to rule that the enormous number of farm suicides that India has witnessed for many years now is not correlated to the use of neuro-toxic pesticides. The relevance of this matter is again in the context of Right to Life of all citizens.
- **Risks to Consumers**: There is also the matter of scientific evidence of risks to consumers, which the Writ Petition showcased.
- **Serious Limitations of Anupam Verma Committee**: Our Petition points out that the Anupam Verma Committee itself had a very limited task of reviewing only 66 pesticides, whereas there are at least 99 pesticides that have been banned or restricted, in one or another country elsewhere; within that list of 66 pesticides, the Committee recommended for ban of only 13 of the 66 pesticides that too after a time period of 2 years, at that point of time (2015 was when the report was submitted). Meanwhile, the draft notification of the Government of India dated

15/12/2016 had ban orders for 12 pesticides with effect from 1st January 2018, with a further list of 6 pesticides scheduled for a ban with effect from January 1st 2021. Following the draft notification and obtaining of public feedback, the process is now stuck with your Committee for nearly one year now. All of this means that the Government of India should actually be looking at a total of 99 "bannable" pesticides at least at this point of time, and not the narrow mandate that your Committee has.

- **Dangers of Increasing Herbicide Usage, often illegal**: We also raised the matter of dangers of herbicides, the use of which is on the increase in India, and this includes herbicides like Glyphosate that have been banned in one or more countries elsewhere. This has not been reviewed by the Anupam Verma Committee. The usage of glyphosate for instance, is also illegal in so far as it is on crops like cotton (on illegal herbicide tolerant genetically modified cotton), even though it has not been permitted for usage on cotton.
- **Failure to regulate and restrict use of pesticides**: We showcased through various pieces of evidence that the Central and State Governments have failed to regulate and restrict the use of pesticides, causing the violation of the right to health of farmers and farm workers of India.
- **Farmers caught in a vicious cycle and need to be assisted to transition to organic, pesticides-free farming – much evidence exists of the profitability of organic farming**: Other than the fact that there is scientific evidence on the ill-effects of pesticides and that India is continuing the use of at least 99 bannable pesticides within the terrible context outlined above, with unsuspecting and innocent citizens and their environment affected in numerous ways, we also pointed out that farmers have been caught in a vicious cycle, a pesticides treadmill. We pointed out that other than banning pesticides, farmers and farm workers will also have to be assisted to transition from chemical farming to organic, (synthetic) pesticides-free farming. We referred to the All India Network Project on Organic Farming coordinated by the IIFSR in Modipuram, which is an ICAR Centre and the results of their multi-year, multi-location trials which are very encouraging towards organic farming (http://www.iifsr.res.in/npof/ with a presentation on research findings available here: https://drive.google.com/open?id=0Bw5DAkInl0EJcEg1UVlXZ3g4em8). We also showed the example of Sikkim, in this context. We showcased the positive example of Indonesia as well as within India, the un-ignorable large scale NPM (Non Pesticidal Management) experience in the Community Managed Sustainable Agriculture project of the undivided state of Andhra Pradesh (http://documents.worldbank.org/curated/en/805101468267916659/Ecologically-sound-economically-viable-community-managed-sustainable-agriculture-in-Andhra-Pradesh-India and http://65.19.149.140/pilots/cmsanew/ab_us/evaluation.html#). We presented a compilation of hundreds of studies which show the benefit of ecological agriculture (http://www.kisanswaraj.in/wp-content/uploads/scientific-evidence-on-eco-farming-in-india.pdf). These studies are mainly from the National Agricultural Research Systems (NARS) in India.
- **Policy Shift to Well Being of Farmers**: We point out that the official policy discourse has also moved away from production- and yield-centrism to well-being of farmers, starting from the National Policy for Farmers 2007. The Prime Minister of this country as well as Agriculture Minister have also been articulating the same emphasis on the well being of farmers in numerous platforms. However, the Agriculture Ministry and the Pesticides Industry, in their arguments in defence of toxic pesticides always bring in a production and yield argument, even though this is a settled debate, both in terms of how we have enough production/supply

existing, of the lack of need of synthetic pesticides for yield protection and of the yield and other performance indicators of organic farming.

**It is time that decisive action is taken on removing deadly pesticides from our environment, food and farming systems.** Therefore, we demand that your Committee recommend the following to the Government of India, for immediate implementation without any delay, which are also our Prayers to the Hon'ble Supreme Court:

1. Ban as a first step all the 99 pesticides that have been banned or restricted in one or other countries elsewhere in the world;
2. Ban the advertising and unacceptable practices of marketing and promoting of pesticides, which are after all poisons;
3. Put into place a system by which the precautionary principle is to be followed before registering any pesticide for use or manufacture;
4. Make it mandatory to perform a Needs and Alternatives Assessment before registering any pesticide;
5. Appoint an Expert Committee comprising individuals of unimpeachable integrity mainly from the field of Organic Agriculture / Agro-Ecology to examine the issue of making a road map for phasing out all chemical pesticides in a time bound manner, preferably within 5 years, and for making recommendations on the assistance to be given by the Central and State Governments to farmers for the period of time it will take for their farms to convert to chemical pesticide free organic farms, as well as for providing the requisite impetus to organic farming in the country. Thereafter, Central and State Governments should implement the recommendations of the said expert committee in a time-bound manner. Such an Expert Committee should comprehensively and thoroughly examine and recommend the structural, institutional, legal and programmatic reforms that are needed to convert to organic farming in the country.

We want to end by pointing out to the Committee that there is indeed a fresh context for the current debate on deadly pesticides being continued to be manufactured/used in India, because of the pesticide poisonings that were experienced in different states in 2017, leading to number of deaths too in addition to hundreds of hospitalisations. While these have become routine happenings in India over the years, the public debate that it generated in 2017 gives us hope that the government will take up long-pending measures to protect the Right to Life of its citizens, from the deadly impacts of synthetic pesticides that should not be there in the first instance. Thank you.

Sincerely,



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