

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI

MEMORANDUM OF APPLICATION

(Under section 18(1) read with sections 14, 15 of
National Green Tribunal Act of 2010)

Application No.155 Of 2017 (SZ)

In the matter of

M. Gobineelan,
Son of P.P.Mani,
No.5/1-1, Rest House Road,
Sirumugai,
Coimbatore-641 302.

-Applicant

Vs.

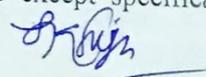
1. The Secretary to the Government,
Department of Environment and Forest
Government of Tamil Nadu
Secretariat, Fort St. George,
Chennai,
2. The Commissioner,
Office of Commissioner of Food and Safety,
5th Floor, DMS Office Building,
No.259, Anna Salai, DMS Campus
Teynampet, Chennai
3. Indian Council of Agricultural Research.
Dr. Rajendra Prasad Road,
Krishi Bhawan,
New Delhi,
4. Tamil Nadu Agricultural University,
Lawley Road,
Coimbatore,
5. Food Corporation of India,
Haddows Road,
Chennai,

- Respondents.

COUNTER/ REPLY STATEMENT FILED BY THE RESPONDENT NO.8- ICAR

The above named Respondent No.8 hereby pray leave of this Hon'ble
Tribunal to file their counter/ reply as hereunder.

This, 8th Respondent denies the allegations, accusations, averments,
contentions and statements made by the Applicant in his application is to be put to
strict proof and each and every one of the same except specifically admitted
hereinafter.



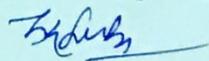
एस. के. रिट/ए. ए. स्टेशन

भारतीय कृषि अनुसंधान परिषद

ICAR

1. The Application and the prayer made therein are untenable, unsustainably and not maintainable both of law, facts and circumstances of the case.
2. This, 8th Respondent submits the parawise reply as hereunder to the Application No.155/2017. With reference to the Application paragraph 1 and 2, this respondent has no comments to offer.
3. With reference to the contentions made in Application para 3, this Respondent humbly submits that the contention that chemical pesticides are toxic to humans and the environment may not be entirely true. It may be noted that pesticides are not toxic by themselves but it is their dose that make them toxic. For example, even the safer compounds like sugar and common salt if taken in larger does can be toxic to diabetes and BP patients. Similarly, pesticides in the recommended does do not harm human health and non-target organisms but if used in larger than the recommended doses can be highly toxic. Pesticide contamination of lakes, ponds and surface water is also due to excessive use of pesticides. Six photographs attached by the applicant as Annexure I are the result of their excessive, non-judicious and wrong ways of pesticide application and handling by the applicators. Such situations do not arise if pesticides are used in the fields as per the recommended practices.
4. With reference to the contentions made in Application para 4, this Respondent humbly submits that Nitrogen, phosphorus and potassium (N,P, K) fertilizers are as important agricultural input for increasing soil fertility and enhancing agricultural productivity. The applicant's submission that N,P, K chemical fertilizers are made up harmful substances is not supported by technical findings data. There is no evidence to suggest that chemical fertilizers enter the vegetable and fruit crops and make the resultant fruits toxic. The possibility of entire groundwater and air becoming poisonous or venomous due to use of fertilizers and other chemicals is also remote as such chemicals get mineralized and/ or metabolized to non-toxic degradation products/ metabolites. The fate of pesticides in terms of toxicity, persistence & residue on crop and soil, environmental effect, shelf life etc. are critically examined and evaluated by the CIB & RC based on the data generated under different Indian agro-climatic conditions. Information on the recommended usage of pesticides on the specified crops, their dosages, number of application, waiting period, precautionary measures to protect aquaculture and pollinators etc are worked out before registration of pesticides.

5. With reference to the contentions made in Application para 5, this Respondent humbly submits that Mosquito menace is a serious health problem in India as it is the cause of various deadly vector borne diseases. Therefore its eradication is of utmost importance to protect general public from deadly malaria, dengue and other vector borne diseases. The applicant's submission that all municipalities, town and village panchayats use harmful pesticides and chlorine around dwellings, ponds, sides of the river and surface waters for mosquito control which ultimately pollute soil, air and destroy fish, frog and other non-target organisms in soil and water is not entirely true. It may be pointed out that use of admissible amount of chlorine in water is to disinfect water to make it drinkable. Further the municipalities never pump chemical contaminated water to individual houses through underground water pipelines. Under the Department of Agriculture, Cooperation & Farmers Welfare, Ministry of Agriculture & Farmers Welfare sponsored central sector scheme, "Monitoring of Pesticide Residues at National Level (MPRNL), the samples are collected and analyzed by 25 NABL accredited participating laboratories for the possible presence of pesticide residues. The samples of vegetables, fruits, spices, red chilli powder, curry leaves, rice, wheat, pulses, fish/ marine meat and egg, tea and milk were collected from the retail outlets, mother dairy and agricultural produce marketing committee (APMC) markets, farm gate, organic outlets and surface water samples from water resources such as ponds, reservoirs, lakes, river etc. located at different parts of the country. During 2012-17, a total of 98,275 samples have been collected and analyzed for the presence of pesticide residues and the residues were above MRL in only 2411 (2.5%) samples.
6. With reference to the contentions made in Application para 6, this Respondent humbly submits that on the basis of monitoring data generated under MPRNL scheme, it can be inferred that if the farmers use pesticide as per the good agricultural practices (GAP) and approval label claims, there will be no adverse effect of pesticide residues on food, feed and environment.
7. With reference to the contentions made in Application para 7, this Respondent humbly submits that Instructions for safe disposal of used containers are provided on and in the pesticide packing. The used package shall not be left outside to prevent their re-use. The packages shall be broken and buried away from habitation. As per the Government guidelines, it is the duty of manufacturers, formulators of insecticides and operators to dispose packages or surplus materials and washing in a safe manner so as to prevent environmental or water pollution.

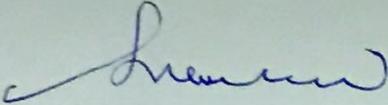


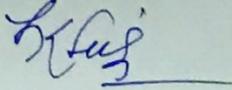
In view of the aforesaid replies, statements, submissions made above, this Hon'ble Tribunal may be pleased to pass appropriate orders on merits in accordance with law and thus render justice.

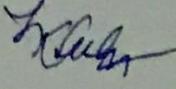
Dated ^{M 2021} 17 December, 2021, New Delhi

Verification

We, Indian Council of Agricultural Research, New Delhi represented by its official S.K. SINGH, I.A. do hereby declare and state that the contentions made in Para 1 to 13 are based on facts and are true to the best of my knowledge, belief and information.


COUNSEL FOR RESPONDENT No.8
(Dr. S.R. SUNDARAM)


RESPONDENT No.8
एच. के. सिंग/ S. K. SINGH
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भारतीय कृषि अनुसंधान परिषद, I.C.A.R.
कृषि भवन, नई दिल्ली-110001
Krishi Bhavan, New Delhi-110001


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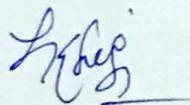
M. Gobineelan ... Applicant

Vs

Indian Council of Agricultural
Research (ICAR) Represented by
its Director General and others

... Respondents

REPLY STATEMENT FILED
BY THE RESPONDENT NO.3



Dr. S. R. SUNDARAM
COUNSEL FOR
RESPONDENT NO.3

एच. के. सिंह/S. K. SINGH
भारतीय कृषि अनुसंधान परिषद, आर.
कृषि भवन, नई दिल्ली-110001
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