

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

O.A. No. 717 of 2024

IN THE MATTER OF:

News Item titled "**People Are
Breathing In Cancer-Causing
Chemicals in their cars study
find**" appearing in NDTV.com
dated 08.05.2024

... *SUO-MOTO*

Versus

UNION OF INDIA & ORS.

... RESPONDENTS

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Filed by:


M/s. SIKRI & COMPANY

ADVOCATES FOR RESPONDENT NO. 3
229, LAWYERS CHAMBERS BLOCK,
DELHI HIGH COURT
NEW DELHI 110003

Place: New Delhi
Dated: 22/05/2025

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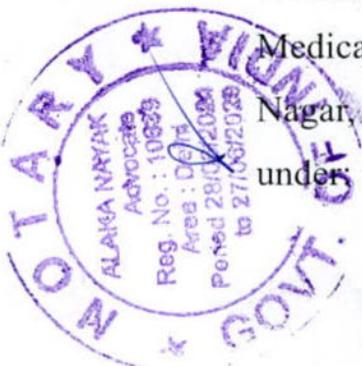
... RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 - INDIAN COUNCIL OF MEDICAL RESEARCH (ICMR) TO THE SUO-MOTO ORIGINAL APPLICATION UNDER THE NATIONAL GREEN TRIBUNAL ACT, 2010 IN TERMS OF THE ORDER DATED 24.04.2025:

Most Respectfully Showeth:

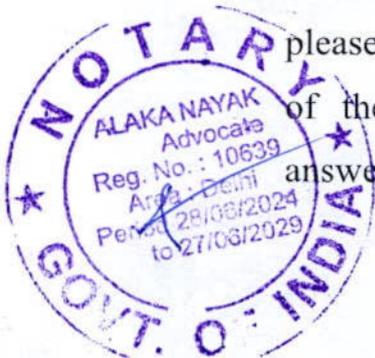
I, Jagdish Rajesh, S/o Shri R. Jagdish, aged about 56 years, presently working as Assistant Director General (Admn.), Indian Council of Medical Research (ICMR), V. Ramalingaswami Bhawan, Ansari Nagar, New Delhi-110029, do hereby solemnly affirm and state as under:

जगदीश राजेश / JAGDISH RAJESH
सहा. महादिनेशक (अ.प्र.) / Asstt. Director General (Admn.)
भारतीय आयुर्विज्ञान अनुसंधान परिषद
Indian Council of Medical Research
स्वास्थ्य अनुसंधान विभाग / Department of Health Research
भारत सरकार / Government of India
असारी नगर, नई दिल्ली-29 / Ansari Nagar, New Delhi-29



1. That I am presently working as Assistant Director General (Admn.), Indian Council of Medical Research (ICMR), and authorized to file this Reply Affidavit on behalf of Respondent No. 3.
2. That liberty is further sought in making such other and further submission/filing Additional Affidavits as may be required in the facts of the matter subsequently or as may be directed by this Hon'ble Tribunal.
3. That this Hon'ble Tribunal *vide* Order dated 02.07.2024, was pleased to implead the answering Respondent in the instant Original Application on the issue involved in the present matter.
4. That this Hon'ble Tribunal *vide* Order dated 12.09.2024 had while observing that the answering Respondent though has filed the reply dated 10.09.2024 but no definite stand has been taken therein in respect of the substances specifically, Tris (1-chloro-2propyl) phosphate, Tris (1, 3-dichlore-2 propyl) phosphate and Tris(2-chloroethy) phosphate being carcinogenic or non-carcinogenic, directed the answering Respondent to submit a report in respect of the availability of the testing facility for the said compounds/ elements involved in the instant Original Application.

4. That this Hon'ble Tribunal *vide* Order dated 03.01.2025 was pleased to grant further four weeks' time to file the report in terms of the previous Order dated 12.09.2024. Accordingly, the answering Respondent duly filed their additional affidavit.



जगदीश राजेश / JAGDISH RAJESH
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 अंसारी नगर, नई दिल्ली-28 / Ansari Nagar, New Delhi-28

5. That on the next date of hearing i.e., 24.04.2025, the Hon'ble Tribunal was pleased to direct the answering Respondent to file another detailed affidavit. That the instant affidavit is being filed in compliance of the directions passed *vide* the said Order on the basis of the information received.
6. That it is humbly submitted that the answering Respondent- Indian Council of Medical Research (*hereinafter referred to as 'ICMR'*), New Delhi, is the apex body in India for the formulation, coordination and promotion of biomedical research and is one of the oldest medical research bodies in the world. That there are around 27 Institutes under the aegis of the answering Respondent- ICMR having various thrust areas, conducting research in respect of their respective thrust areas.
8. That it is humbly submitted that international agencies, such as International Agency for Research on Cancer of World Health Organization (IARC), United States- Environmental Protection Agency (US-EPA), United States- National Toxicology Program (US-NTP), European Chemical Agency (ECHA) through extensive systematic reviews have published lists of carcinogenic chemicals, humans are exposed to through various routes (ingestion, inhalation, direct skin contact etc.).

That as per IARC, these chemicals are classified into the different groups based upon the strength of evidence which are as follows:

- (i). Group 1: Human carcinogen;
- (ii). Group 2A: Probable carcinogen;

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 अज्ञात नगर, नई दिल्ली-29 / Ansari Nagar, New Delhi-29



- (iii). Group 2B: Possible carcinogen and
- (iv). Group 3: Unclassified.

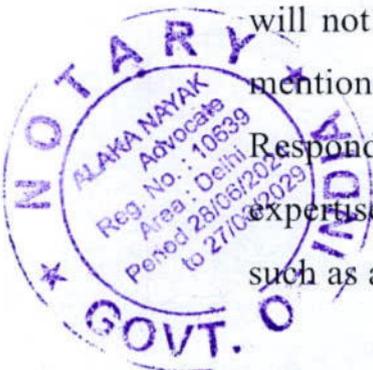
That as on date, only one of the compounds namely, TCEP qualifies for any of these categories specifically, Group 3, while the other two chemicals, namely TDCIPP and TCIPP do not show up in the list.

9. That in addition to the above it is humbly submitted that India follows the World Health Organization- IARC on carcinogens.

10. That it is further humbly submitted that the answering Respondent, if so directed by this Hon'ble Tribunal, can undertake a systematic review of published literature on carcinogenic nature of above-mentioned compounds, to review any new published evidence, if any.

That in addition, it is humbly submitted that within the various institutes under the aegis of the answering Respondent, the equipment and expertise to measure TCIPP, TDCIPP and TCEP or their metabolites in biological samples, such as blood, urine etc. is available and the same can be done for people exposed to the car's environment for long time on regular basis and control subjects who have not been exposed to the same environment. That however, it is humbly submitted that such measurements will not shed light on the carcinogenic potential of the above-mentioned compounds. That furthermore, the answering Respondent does not have the mandate or required technical expertise to measure the chemicals in environmental samples such as air.

जगदीश राजेश / JAGDISH RAJESH
 सहा. महादेशिक (स.ग.) / Asstt. Director General (Admin)
 भारतीय आयुर्विज्ञान अनुसंधान परिषद
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 भारत सरकार / Government of India
 अंशुवती नगर, नई दिल्ली-29 / Anshu Nagar, New Delhi-29



11. That in light of the above submissions it is most respectfully submitted that the answering Respondent shall be complying with the directions of the Hon'ble Tribunal as and when passed by this Hon'ble Tribunal.

10. PRAYER:

That therefore, in view of the above factual scenario and circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to take on record the instant affidavit and consider the submissions made therein.



DEPONENT
जगदीश राजेश / JAGDISH RAJESH
सहा. महानिदेशक (प्रशा.) / Asstt. Director General (Admn.)
भारतीय आयुर्विज्ञान अनुसंधान परिषद्
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अंसारी नगर, नई दिल्ली-29 / Ansari Nagar, New Delhi-29

VERIFICATION:

I, Jagdish Rajesh, s/o Shri R. Jagdish, aged about 56 years, presently working as Assistant Director General (Admn.), Indian Council of Medical Research (ICMR), V. Ramalingaswami Bhawan, Ansari Nagar, New Delhi-110029, do hereby solemnly affirm and declare, that the above reply has been drafted by our counsel as per instructions and the contents of the reply are true and correct as per official record and the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Verified at New Delhi on 22 MAY 2025 day of May, 2025.

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km.....
S/o, W/o R/o.....
Identified by Shri/Smt.....
Delhi on.....
That the contents of the affidavit which
have been read & explained to him/her
are true & correct to his/her knowledge

22 MAY 2025

NOTARY

DEPONENT
जगदीश राजेश / JAGDISH RAJESH
सहा. महानिदेशक (प्रशा.) / Asstt. Director General (Admn.)
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Identified
by
22/05/2025
I identified the deponent who
has signed in my presence