

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

IA Nos. 8 & 14 in WRIT PETITION (CIVIL) NO(s). 213 OF 2011

DEMOCRATIC YOUTH FEDERATION OF INDIA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions)(for final disposal)

WITH

CONMT. PET. (Crl.)No. D23948/2012 In W.P.(C)No. 213/2011

Date: 09/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SWATANTER KUMAR

HON'BLE MR. JUSTICE MADAN B. LOKUR

For the appearing parties:

Mr. Krishnan Venugopal, Sr. Adv.  
Mr. Deepak Prakash, Adv.  
Mr. Beneesh Karat, Adv.  
Ms. Leena Nair, Adv.  
Ms. Usha Nandini, Adv.

for UOI

Mr. J.S. Attri, Sr. Adv.  
Ms. Asha G. Nair, Adv.  
Mr. T.M. Singh, Adv.  
Mr. D.S. Mahra, Adv.

Ms. Pinky Anand, Sr. Adv.  
Mr. D.N. Goburdhan, Adv.  
Mr. Aayash Chandra, Adv.

for Kerala

Mr. K.K. Venugopal, Sr. Adv.  
Mr. Ramesh Babu M.R., Adv.

For R.30

Mr. Jay Savla, Adv.  
Ms. Renuka Sahu, Adv.

For State of T.N.

Mr. B. Balaji, Adv.  
Mr. P. Krishnamoorthy, Adv.  
Mr. M. Palani, Adv.  
Mr. R. Rakesh Sharma, Adv.

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For State of Sikkim

Mrs. Aruna Mathur, Adv.  
Mr. Yusuf Khan, Adv.  
Ms. Movita, Adv.

Mrs. K. Enatoli Sema, Adv.  
Mr. Amit Kumar Singh, Adv.

Mr. Manjit Singh, AAG. (Har.)  
Mr. Kamal Mohan Gupta, Adv.

for Jharkhand Mr. S.Chandra Shekhar,Adv.  
Mr. Kumar Anurag Singh,Adv.

For Maharashtra Mr. Shankar chillarge,Adv.  
Ms. Asha G.Nair,Adv.

For A.P. Mrs. C.K.Sucharita,Adv.  
Ms. Rumi Chanda,Adv.

For Manipur Mr. K.N.Singh,Adv.  
Mr.Sapam Biswajit Meitei,Adv.

For Chhatisgarh Mr. Atul Jha,Adv.  
Mr. Sandeep Jha,Adv.  
Mr. D.K.Sinha,Adv.

for Gujarat Ms. H.Wahi,Adv.  
Ms. Jesal,Adv.  
Mr. S.Panda,Adv.

for Assam Mr. Riku Sharma,Adv.  
Mr. Navnit Kumar,Adv.for  
M/s. Corporte Law Group.

for Mizoram Mr. K.N.Madhusoodhnan,Adv.  
Mr. M.T.George,Adv.

for J.& K. Mr. Sunil Fernandes,Adv.  
Ms. Vernika Tomar,Adv.  
Ms. Astha Sharma,Adv.

for Bihar Mr. Gopal Singh,Adv.  
Mr. Manish Kumar,Adv.  
Mr. Chandan Kumar,Adv.

for U.P. Mr. Gaurav Bhatia,Adv.  
Ms. Pragati Neekhara,Adv.

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Mr. G. Prakash ,Adv  
Mr. Radha Shyam Jena,Adv.  
Ms. Rakhi Ray,Adv.  
Mr. Milind Kumar,Adv.  
Ms. Prerna Mehta,Adv.

UPON hearing counsel the Court made the following  
O R D E R

This order is passed in furtherance to the earlier orders of this Court dated 13.5.2011 and 5.8.2011. The Committee constituted under those orders was required to make specific answers to the queries raised in the order dated 5.8.2011. However, no satisfactory answer has been furnished to the Court.

The Committee constituted consists of Director General of ICMR and the Commissioner (Agriculture), who was

required to conduct scientific study on the question whether the use of Endosulfan would cause any serious health hazards to human being and would cause environmental pollution. Again, there is no specific answer provided by the Committee in its report filed before this Court.

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One of the issues raised before us is that this Committee does not fully represent all the relevant stake holders, thus, is unable to examine all the facets and answer completely and with certainty, the queries of this Court. Thus, it is submitted that it will be appropriate to add more members to this Committee from relevant and specialized fields, who will help to come to a more definite conclusion. Such a constitution would enable the Committee to express a definite conclusion and assist the Court better to finally dispose of the petition in accordance with law.

Having heard the learned counsel appearing for the various parties, we are of the considered view that the Director General of Health Services, Government of India, two scientists, one from the ICMR and the other Joint Secretary of Plant Protection, Ministry of Agriculture and the Member Secretary of the Central Pollution Control Board shall be the additional members to this Committee henceforth. This Committee shall hold its meeting at the earliest, and in any case, not later than one week from today.

The issues in addition to the queries raised by this Court in its earlier orders, which are required to be answered by the Committee specifically shall be inter alia, but primarily as follows:

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1. What is the exact quantity of Endosulfan formulation, dust form or any other form or raw material as is available in India as of today?
2. Whether use of Endosulfan should at all be remitted or will it be in the greater human and environmental interest to ban the use of Endosulfan in its entirety?
3. If the use of balance Endosulfan, available as of now, is not permissible, in that event, how much Endosulfan can be exported to other countries on the lines as was permitted by this Court vide interim order passed earlier by this Court?
4. If the answer to question No.2 is in the negative, whether is it possible to destroy the entire balance Endosulfan in any form or raw material and what shall be the cost economic ramification of such destruction?
5. The Committee shall take into consideration the views expressed by different State Governments and if it considers it appropriate it may hear the stake holders who are present and represented before this Court.

The Committee shall submit its report positively within six weeks from today. Needless to note that this petition is pending before this Court now for years only awaiting a definite view of the Union of India in this regard. Needless to again mention that interim orders had been passed as it was not in the interest of human health or environment to use Endosulfan.

We make it clear that we will not be inclined to grant any further time to the Committee and do express a definite hope that the report will be placed within the time granted by this Court, as it is not possible for this Court to pass any further direction without having the opinion of the Expert Committee before it.

List these matters on 20th November, 2012 with the report of the Committee.

[SUMAN WADHWA]  
COURT MASTER

[S.S.R. KRISHNA]  
COURT MASTER