

SUPREME COURT OF INDIA

Democratic Youth Federation of India

Vs.

Union of India (UOI)

Writ Petition (Civil) No. 213 of 2011

(S.H.Kapadia.C.J.,K.S.Panicker Radhakrishnan and Swatanter Kumar JJ.)

13.05.2011

ORDER

1. This Writ Petition is moved in public interest highlighting the harmful effects caused by the continued use of Endosulfan on human beings and on the environment. Endosulfan is now used as a pesticide for the production of crops like paddy, sugarcane, cotton, mango, cashew etc. Few studies have been conducted in this area and its adverse effects on human health and environment has been reported. Some of the studies also indicate that Endosulfan is significantly associated with Neuro- behavioral disorders, Cognitive disorders, Hydrocephalus, Mental Retardation, Cortical blindness, Seizure disorders, Parkinson's disease etc. Petitioner submits that it is a serious health hazard and the Court has got an obligation to protect human life, which is guaranteed under Article 21 of the Constitution of India. Further, it was pointed out that its ill-effects have been clearly felt in the State of Kerala and its use has been completely banned in that State. We have gone through the report published by the Government of Kerala and the photographs appearing therein are highly disturbing. Right to life, guaranteed under Article 21 of the Constitution of India, is the most fundamental of all human rights, and any decision affecting human life, or which may put an individual's life at risk, must call for the most anxious scrutiny.

2. We have heard learned senior counsel Mr. Krishnan Venugopal appearing for the Petitioner, Mr. Gopal Subramaniam, Solicitor General of India and Mr. Mukul Rohtagi, learned senior counsel appearing for the Pesticides Manufacturers & Formulators Association of India and others.

3. Learned Solicitor General of India referred to the various reports and the findings recorded therein on the use of Endosulfan. After referring to those reports, we are of considered opinion that a detailed study on all India basis needs to be undertaken by an Expert Committee, so that its ill-effects on human health and environment can be better addressed.

4. We, therefore, appoint a Joint Committee headed by the Director General of ICMR and the Commissioner (Agriculture) to conduct a scientific study on the question whether the use of Endosulfan would cause any serious health hazard to human beings and would cause environmental pollution.

5. The Committee can also co-opt experts from the field of environment as well as public health and also other allied areas. The Committee would submit its interim report within eight weeks from today and also would suggest any alternative to Endosulfan. Till the report is submitted, keeping in mind the various judgments of this Court under Article 21 of the Constitution of India, particularly keeping in mind the precautionary principle, we hereby pass an ad-interim order to immediate ban the production, use and sale of Endosulfan all over India and we further direct the statutory authorities to seize the permit given to the manufacturers of Endosulfan till further orders.

6. Place this matter in the second week after the ensuing summer vacation.