

# MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

## NOTIFICATION

New Delhi, the 25<sup>th</sup> October, 2005

**\*S.O. 1533(E)** – Whereas there have been widespread reports in the media alleging serious health deformities due to the use of Endosulfan in the casehew plantation areas in the State of Kerala;

And, whereas, the National Institute of Occupational Health (NIOH) conducted a study in the affected areas in Kasargod district of Kerala and reported higher prevalence of unusual diseases;

And, whereas, the Central Government set up an Expert Committee to review the safety of Endosulfan;

And, whereas, the Hon'ble High Court of Kerala in OP Nos. 20716/2002, 17026/2002, 16300/2001 and 29371/2001 passed an Interim Order on the 12<sup>th</sup> August, 2002 that pending further decision by the Central Government in the light of the advice tendered to it by the Expert Committee appointed to consider the hazards of Endosulfan, the use of Endosulfan, or any of its formulations under any trade name, shall not be permitted within the State until further orders with liberty to parties to move for modification of the said order in the light of the report of Expert Committee and the decision taken by the Central Government in the matter;

And, where as, the Central Government, after considering the recommendations of the said Expert Committee and after consultation with the Registration Committee set up under the Insecticides Act, 1968 (46 of 1968) has decided that the use of Endosulfan be kept on hold in the State of Kerala till such time that the results of the epidemiological study to pin-point the factors responsible for the health problems in Padre village become available;

Now, therefore, in exercise of the powers conferred by the sub-section (2) of Section 27 read with Section 28 of the Insecticides Act, 1968 (46 of 1968), the Central Government hereby proposes to make the following Order, namely:-

### DRAFT ORDER

1. (1) The use of Endosulfan in Kerala State shall be kept on hold from the date of publication or the final notification till such time that the results of the epidemiological study to pin-point the factors responsible for the health problems in village Padre become available and a decision thereon is taken by the Central Government.

(2) The certificates of registration granted for Endosulfan shall be called back by the Registration Committee from all registrants including new registrants for incorporation of the requirement of the instruction in bold letters "**PROHIBITED FOR SALE, DISTRIBUTION AND USE IN THE STATE OF KERALA TILL FURTHER ORDERS**" on labels and leaflets.

(3) In respect of those registrants who do not return the registration certificates to the Registration Committee, as per this Order within a period of six months with effect from the date of publication of this notification, their license granted under Section 13 of the Insecticides Act, 1968, shall not be renewed and/ or action under Section 14 of the Act shall be taken.

2. The State Government of Kerala shall take all such steps in its jurisdiction as it may deem fit for carrying out this Order as per the Insecticides Act, 1968 and the rules framed thereunder."

II. The draft Order, which the Central Government proposes to make, is hereby published for information of all persons likely to be affected thereby, and notice is hereby given that the said draft Order shall be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Gazette of India containing this Order are made available to the public.

Any person desirous of making any suggestions or objections in respect of the said draft Order may forward the same for consideration of the Central Government within the period so specified to the Joint Secretary (Plant Protection), Ministry of Agriculture, Department of Agriculture & Cooperation, Krishi Bhavan, New Delhi.

III. It is hereby clarified that the proposed putting on hold of the use of Endosulfan in Kerala is without prejudice to the directions of the Hon'ble High Court of Kerala referred to earlier, and the directions of the Hon'ble High Court shall be complied with, notwithstanding the proposed order.

[F. No. 19-6/2001-PP-I Vol.-II]

Ashish Bahuguna, Jt. Secy.

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