

The question was put and the motion was adopted.

SHRIMATI RENUKA CHOWDHURY: Sir, I introduce the Bill.

The Constitution (Amendment) Bill, 2014 (Amendment of Article 151)

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, I move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

DR. T. SUBBARAMI REDDY: Sir, I introduce the Bill.

The Central Vigilance Commission (Amendment) Bill, 2014

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, I move to for leave introduce a Bill to amend the Central Vigilance Commission Act, 2003.

The question was put and the motion was adopted.

DR. T. SUBBARAMI REDDY: Sir, I introduce the Bill.

(THE VICE-CHAIRMAN, DR. E.M. SUDARSANA NATCHIAPPAN, in the Chair)

The Endosulfan Pesticide (Prohibition) Bill, 2011

SHRI ANANDA BHASKAR RAPOLU (Telangana): Mr. Deputy Chairman, Sir, from the speech on July 25, I move forward to make a few important mentions about the hazards surrounded around the Endosulfan. I was mentioning while asking for a break that across the globe about 70 nations, in particular the advanced nations, have absolutely banned the Endosulfan usage. Way back in 1989 in India, the CSIR's Lucknow based Industrial Toxicology Research Centre has advised to ban Endosulfan after having an elaborate study. Paracelsus a famous Swiss alchemist known, as the father of modern toxicology, made a mention that the 'dose' is poison. The spread of pesticides becoming universal is eating away generations and generations and their natural resources. They have travelled much far from the usage of organic natural pesticide to control the pests. Now the pesticides are playing a very important role in the rescue operations of farming. Keeping in view the hazards across the nation, particularly in Kerala and several districts of Telangana as well as residuary State of Andhra Pradesh, the Endosulfan has become a terrifying chemical. For the control of the pests, Mr. Vice-Chairman, Sir, the usage of herbicides, insecticides and other pesticides has become a very normal practice these days. As it is, the usage of pesticides is carrying hazards to the soil, to the water, particularly the drinking water and health of the living milieu of the rural India. This complication

has guided the advanced nations to create a citizen charter. There must be a citizen guide to save themselves from the spreading complications of pesticides and even at times fertilizers.

But as per my knowledge and study, there is no sensitizing mechanism or proper manual to guide the citizens to save themselves from the complications of the pesticides. Our risk assessment attitude is very poor. Our risk management is also very, very poor. For the several years, farming community has been also asking for improvements and innovations. People are dreaded to take several types of fruit, cereals and other food items, as those food items may carry the residues of Endosulfan-like pesticides. If we take risk assessment in a very precise way, health hazard can be short-term; it may be a normal disturbance to the health; and it can also be chronically dangerous to health. The normal complications being the headache, dizziness and fatigue. That can be manageable. For that, there is citizens' guide. Even if that is not available, we can manage that. But the usage of pesticides like Endosulfan is creating havoc of cancer all across the rural milieu, the farming localities. Agricultural labourers and their families are falling prey to the complications of these hazardous pesticides. At this occasion, this move by my learned colleague, Rajeeveji, of taking note of the findings of 1989 learnings from advanced nations, guidance and directives from the Supreme Court and the prevalent complications all across the nation, shall lead to immediate sensitization of the Union Government to come out with a citizens' guide to save the people from the hazardous environment such as industrial residues, toxic elements and pesticides and also the risk assessment attitude by the Union Health Ministry. Besides that, there shall be an established risk management plan to save the generations. Because the penetration of pesticides is having the sustenance in the human body and also in water for decades and decades. This complication can be properly addressed by a proper risk management plan. With this suggestion, while appreciating the efforts of Rajeeveji to highlight the necessity of moving away from the Endosulfan usage to the extent of complete ban from the nation, I will also call upon the Union Government to take it as a very important life-saving effort for the population of the nation. Thank you very much, Sir.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, Mr. S.N. Balagopal. Have you already spoken?

SHRI K.N. BALAGOPAL (Kerala) : Sir, don't change my initials.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): You have already spoken or not.

SHRI K.N. BALAGOPAL: No, Sir.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): One minute. Before you start, if the House permits, I will just call one hon. Member who has to introduce a Bill. Is Dr. Kanwar Deep Singh here? Okay, he is not here. Now, you can start.

SHRI K.N. BALAGOPAL: Sir,...

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Mr. Balagopal, please confine to your time limit, because we have to complete it.

SHRI K.N. BALAGOPAL: I know, Sir, that there are two other Bills. So, I will not take much time.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): The Minister has to give the reply. Then, he has to come. We have to complete it within 28 minutes.

SHRI K.N. BALAGOPAL: Sir, principally, I want to support the Bill introduced by Shri P. Rajeeve. The Endosulfan Pesticide (Prohibition) Bill, 2011 is a welcome move in the backdrop of the revelations related to the endosulfan and its ill-effects on the people throughout the world.

Sir, everyone knows that endosulfan being a controversial agro-chemical, due to its toxicity, due to its potential for bio accumulation and also due to its role as an endocrine disruptor, the Stockholm Convention decided to ban it. Near about 80 countries have banned it. Even the US, which is the major producer of endosulfan, has also banned it. It is mainly produced in US, and, from there, it is coming to other countries. But, Sir, still, a few countries are using it. All the main functions related to human body are related to endocrinology, and that area is also affected by it.

Sir, in Kerala, this is a very serious issue. In one district of Kerala, Kasaragod, endosulfan was used for aerial spray in cashew plantations. It had created a lot of problem and, therefore, it was banned in Kerala some years ago. But, Sir, the ill-effects of the usage of endosulfan is continuously affecting the people. Even the new born children are also affected by it because a lot of genetic problems are there. Mentally-retarded children are there. Government has introduced some pension scheme there. Some continuous health support scheme is there, and special hospitals are also there. So, in Kerala it is banned. Now, because of a court order, it is banned throughout the country. The hon. Minister is here. Throughout the country, it is banned temporarily. But it is secretly used in some

parts of the country. In Kerala, now we are facing some new kinds of diseases. Compared to other parts of the country, we experience the highest percentage of thyroid cancer and pancreas cancer; and also the highest percentage of liver cirrhosis cases is happening in Kerala. There was a study by the RCC, Regional Cancer Centre, Trivandrum, which was conducted by a group of doctors on these types of cancers, especially, the thyroid and the liver cirrhosis. It is found that its average is very high in Kerala. Sir, I will confess that we are not producing the necessary vegetables and other foodgrains in Kerala. We are importing it from other places. Especially, the vegetables are coming from other places. The secret use of Endosulfan is affecting you also. The hon. Chair is also using these kinds of vegetables. They are using these kinds of endosulfan in other parts of the country and, by eating it, it is proved that these kinds of pesticides create cancer and other kind of problems. Sir, we know that liver is a cleaning factory in our body and the liver is not able to clear or filter the endosulfan and other chemicals which are coming into our liver, and thereby it becomes dysfunctional. Earlier, the cases of liver cirrhosis were mainly reported only among those people who used to drink a lot of liquor. But now a lot of liver cirrhosis cases are reported in Kerala. I think, it is there in other parts also.

So, I request that not only endosulfan but other kinds of pesticides which are creating problems should also be banned. But endosulfan is a proven case. So, the Government should take a very serious step to ban it. Already, there is a court order. So, the Government has to look into it very seriously and it should take some positive measures. With these words, Sir, I support this Bill.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Shri D. Raja, not present. Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, I rise to support the Bill moved by my friend, Shri P. Rajeeve.

Actually usage of endosulfan is so dangerous that it brings death, disease, disability and permanent damage not only in human beings but also in animals and birds. This has been proved very much in Kerala. It has also been found clearly that when the Plantation Corporation Limited, which is owned by Kerala Government, had sprayed endosulfan on the cashew plantation, it caused heavy damage to the lives of the people living there. Sir, I support the Bill moved by my friend, Mr. Rajeeve.

Sir, the use of Endosulfan is so dangerous that it causes death, disease, disability and permanent damage to not only human beings, but also animals and birds. This has been very much proved in Kerala. Also, it has been clearly found that when the

[Dr. T. Subbarami Reddy]

Plantation Corporation Limited, which is owned by the Kerala Government, had sprayed Endosulfan on the cashew plantation, it caused a heavy damage to the people living there. Thereafter, the Kerala Government banned it. Now, what we need to bear in mind is that the manufacture, storing, selling or keeping it in whatever form, should be made a punishable offence. Banning alone is of no use. Now, it has been said that after Kerala, it has been banned all over India, but even after being banned, if a man is found hiding it in his room and using it later, what is the punishment? Mr. Rajeeve, this is the actual question before us. The Bill here says that the import of Endosulfan and its alternatives from other countries should be banned. Clause 93 of the Bill says that whoever manufactures, sells or exhibits for sale the prohibited Endosulfan pesticide, under this Act, shall be liable to be punished with imprisonment for six months, which may be extended up to two years, or, with a fine of not less than ₹ 25,000. This is actually a very mild and lenient punishment. This is the problem. If you really want to ban this pesticide, the punishment should be severe, so that unscrupulous dealers, who buy and sell these types of pesticides, are deterred from doing so.

Sir, I would also like to say that farmers and people who get affected by the use of this pesticide should be provided with relief and compensation. I propose that they be also given medical treatment at Government expenses.

Sir, in conclusion, I would like to suggest to the hon. Minister and friends here that we should go in for organic farming, which would bring no side-effects and which would not damage the soil or the nutrient value of the land. Agricultural research institutions, like the ICAR, should come forward to demonstrate this type of farming amongst the agricultural community.

Sir, once again, I support the Bill moved by Mr. Rajeeve. This is a very important Bill. It should be implemented in such a way that the ban creates fear among the people and they keep themselves away from using this Endosulfan. Thank you, Sir.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Thank you. Now, the hon. Minister may make his observations.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND THE MINISTER OF STATE IN THE MINISTRY OF FOOD PROCESSING INDUSTRIES (DR. SANJEEV KUMAR BALYAN): Sir, first of all, I would like to say one thing – We all should accept that pesticides play an important role in sustaining agricultural production, by protecting the crops from attacks by pests. That is the first point. But, here, the main

point to remember is that all pesticides have toxic properties and, therefore, need to be regulated. India has a system to regulate the use of insecticides under the Insecticides Act, 1968. The import, manufacture, sale, transportation, distribution and use of pesticides is regulated under this Act and the Insecticides Rules, 1971. Under Section 5 of the Insecticides Act, 1968, a Registration Committee has been constituted, which registers pesticides for import and manufacture in the country after satisfying itself regarding the efficacy of pesticides and their safety to human beings, animals and environment.

Now, let us talk about Endosulfan. India was the largest producer and exporter of Endosulfan in 2009-10. Its production was 9,800 metric tons and India's consumption was 3,333 metric tons. Apart from India, Argentina, Australia, USA, Brazil, China, Mexico and Pakistan were the other major consumption countries. Now, let us review the matter relating to the use of Endosulfan in Kerala. Health problems were reported from Kasargod district in Kerala, where aerial spraying of Endosulfan on cashew plantation by the Plantation Corporation of Kerala was being undertaken since 1981. Several committees were appointed by the State Government and other organizations, 2000 onwards, when this was reported, to review the effect of Endosulfan on human health and environment in that particular district. The first committee was that of the National Institute of Occupational Health. It submitted two reports in December, 2001 and July, 2002. The reports concluded that there was a higher prevalence of neuro-behavioural disorders, congenital malformation in females, male reproductive failure and male reproductive abnormality. This Committee says that relatively high and continuous exposure to endosulfan is most probably the cause of health problem in Kasargod district. It also mentioned that physiography of Padre village, where there are several water bodies, as Mr. Rajeev knows, is exposed to endosulfan. This was the main factor, as this Committee said. Then there was second Committee, Dr. O.P. Dubey Committee, appointed in 2003. This Committee found no link between endosulfan and health problem in the Kasargod district. This Committee recommended stopping of aerial spray of pesticides. It also recommended that the use of endosulfan may be continued. In view of lack of consensus, Government constituted another Committee under the Chairmanship of Dr. C.D. Mayee in September, 2004 to examine the previous Report. This Committee said that the use of endosulfan is not clearly linked to health problems in Kasargod district. But the Committee recommended the ban on endosulfan in Kerala because of public apprehension. Then the use of endosulfan was kept on hold on 31st October, 2006 in Kerala. India has agreed to list endosulfan in Annexure - A with specific exemptions under Article 4 of Stockholm Convention in 2011.

[Dr. Sanjeev Kumar Balyan]

This will allow India to phase out the chemical completely over a period of one plus five years. The USA also agreed to withdraw endosulfan up to 2016; Brazil also agreed to gradual phase out of endosulfan over a period of three years, maybe by 2014; Canada also by 2014; Argentina and Australia also took similar decisions. The Supreme Court passed an interim order on 13th May, 2011 banning production, sale and use of endosulfan in the country. The Joint Committee set up by the Supreme Court had opined in November 2012 that all available stocks of endosulfan and raw material should be phased out over a period of two years in agriculture. "The State which permits the use of endosulfan will keep detailed inventory control and monitor any possible unwanted health facts", but the Supreme Court didn't agree to it. Now, old stocks of endosulfan is expired. We have only raw material of 2,658 metric tonnes. But the cost of disposal of existing stock of endosulfan in an environmentally compliant manner is estimated ₹1,189 crore. The infrastructure facility to undertake this exercise in the country is also extremely limited.

Now, we come to the rehabilitation activities. The Kerala Government submitted: The Government issued orders for granting compensation of Rs.5 lakh to each of completely bed-ridden patient and ₹3 lakh to those who have other disabilities. Health sector initiative was also there. Free and comprehensive medical treatment in hospitals, including 18 specialty and super-speciality hospitals is provided. Home-based and institutional physiotherapy services in eleven affected Panchayats are were also provided there. Additional manpower of seventy five for better health services was provided in affected area. Free dialysis facility provided to the victims. Transportation facility for the victims to and fro for treatment was provided. Other measures are: social sector initiative, monthly assistance to the caretaker of the bed-ridden victim, Buds schools in six affected Panchayats, free ration to all affected families under BPL category. Then there is a provision of scholarship for their children.

Now, I would like to inform Mr. Rajeeve that our Ministry has introduced the Pesticides Management Bill in Rajya Sabha which provides for further strengthening of regulatory system and review of pesticides to ensure safety of human beings. Therefore, as the matter is *sub judice*, there is no justification for enacting a separate legislation to regulate a single pesticide, which is already banned by the Supreme Court. So, I request the hon. Member to withdraw the Bill.

SHRI P. RAJEEVE: Sir, actually, I am not satisfied with the reply of the Minister. It is a very serious issue. It is not *sub judice* because the Parliament has the power to

enact legislations and court has the power only to interpret the legislations enacted by the Parliament.

If you are a human being, you cannot look at this picture for more than one minute. I would like to tell the Minister that this is the picture of a child who suffered the attack of Endosulfan. Nobody can look at this picture for more than one minute. It is the reality.

Sir, I am ready to withdraw the Bill if the Minister gives an assurance to the House. The NHRC, on 31st December, 2010, directed the Government to take administrative and legislative action to ban the use of Endosulfan. The Government has failed to take legislative action. So, I have come with this Bill for legislative action. Secondly, the NHRC directed the Government to conduct a nationwide survey of populations that have been affected by the use of Endosulfan, particularly sprayed from the air, to determine the scope of relief and rehabilitation that may be needed. That is the second direction of the National Human Rights Commission. Thirdly, it directed the Government to supplement the efforts of the Government of Kerala, and those of other State Governments where victims of Endosulfan use are found, in the provision of relief and rehabilitation. Some steps have been taken by the Government, but they are not sufficient. For giving the compensation, I think, more than ₹ 500 crores are required and the State Government has submitted a proposal for this to the Central Government. Lastly, the NHRC directed the Government that a Centrally-sponsored Palliative Care Centre/Hospital should be established for Kasaragod District. If the Government is ready to give an assurance that it will establish a hospital in Kasaragod District and it will take administrative initiative to ban Endosulfan, I am okay.

Then, as per the Insecticides Act, 1968, there is a provision under Section 27(1) and 27(2) which deals with these things. Section 27(2) states that if the Government is satisfied that the use of the said insecticide or batch is or is not likely to cause any such risk, it may pass such order for cancellation of the certificate. There is already a provision in the Insecticides Act, 1968. My question is whether the Government is ready to publish a notification, as per Section 27(2), to ban endosulfan. If yes, then I am ready to withdraw this Bill. This is a very humanitarian issue. If we are all human beings, how can you ignore the situation and not ban Endosulfan? If you have a heart, if you are a human being, after seeing this picture, how can you still go on without banning endosulfan from this country? The Supreme Court's ban is an interim step. It is only an interim order from the Supreme Court. Is the Government ready to publish a notification, as per Section 27(2) of the Insecticides Act? If the Government is ready, then I am happy and I am ready to withdraw the Bill. I need that assurance from the Minister.

डा. संजीव कुमार बालियान : मैं आपकी भावनाओं से बहुत अच्छी तरह से सहमत हूँ, काफी चीजें, जो पहले होनी चाहिए थीं बहुत लेट हुई हैं। आपको पता है कि इसका केस सुप्रीम कोर्ट में सबजुडिस है। मैं आपको पहले ही बता चुका हूँ कि इंडोसल्फान का जितना भी स्टॉक अवेलेबल है, वह एक्सपायर हो चुका है, फिलहाल कोई स्टॉक नहीं है। सुप्रीम कोर्ट में यह बात भी है कि इस स्टॉक को खत्म करने के लिए जो रॉ मैटीरियल है ...**(व्यवधान)**...

SHRI P. RAJEEVE: Under Section 27(2), is the Government ready to publish a notification? That is my specific question. About other things, all of us are well aware that Supreme Court order is there and the companies have already moved the Court for selling this existing stock of Endosulfan. All of us are well aware of those things. My specific question, through you, Sir, is whether the Government is ready, under Section 27(2), to publish a notification.

डा. संजीव कुमार बालियान : देखिए, पहले ही स्टॉकहोम में हम यह कमिट कर चुके हैं कि 2017 तक हम इसे कर देंगे। उसके बाद, कोर्ट ने भी इस पर बैन लगाया हुआ है और इस समय इसका प्रोडक्शन बन्द है, जो आपका कन्सर्न भी है। आप यह बात भी बिल्कुल ठीक कह रहे हैं कि केरल गवर्नमेंट का 448 करोड़ रुपये का मामला हेल्थ मिनिस्ट्री में पेंडिंग है। इस पर एग्रीकल्चर मिनिस्ट्री अपने व्यूज पहले ही दे चुकी है कि विक्टिम्स की मदद होनी चाहिए, लेकिन ये केवल उनके व्यूज हैं। यह मैटर हेल्थ मिनिस्ट्री के पास पेंडिंग है, न कि एग्रीकल्चर मिनिस्ट्री के पास।

जहां तक प्रोडक्शन की बात है, वह तो बिल्कुल ही बन्द है, यह बात आप भी जानते हैं। स्टॉकहोम में पहले ही हमारी 2017 तक की कमिटमेंट है।

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): I hope the Minister can consider it because they have to consult the Health Ministry. So, you can act on that basis.

SHRI P. RAJEEVE: But he is not giving the assurance, Sir.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): No, he has to go in for a consultation with the other department ...**(Interruptions)**...

SHRI P. RAJEEVE: Sir, there is a provision. It is under the purview of the Agriculture Ministry.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): If the Minister is ready to consider this issue ...**(Interruptions)**...

SHRI P. RAJEEVE: Sir, the Insecticides Act is under the purview of the Agriculture Ministry. They have full powers to issue a notification as per Section 27(2) of the Insecticides Act. There is no need of any consultation. There are Supreme Court orders.

They are signatory to the Stockholm Convention. Earlier, they voted against this. The only one country voted in favour of endosulfan in the Stockholm Convention was India. Now, they have changed the position. They have full powers to issue a notification as per Section 27(2) of the Insecticides Act. My question is very direct. If it is okay, then it is okay to all of us, irrespective of our political ideologies. It is a humanitarian thing; if you are a human being, you should do it.

DR. SANJEEV KUMAR BALYAN: I understand. We have powers. I don't say that we do not have powers. We have powers. We will consider it. We will think over it, surely.

SHRI P. RAJEEVE: Okay. On the basis of that assurance, I am ready to withdraw this Bill.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Mr. Rajeeve, are you withdrawing the Bill? Or should I put the motion to vote.

SHRI P. RAJEEVE: Sir, on the basis of the assurance regarding banning of endosulfan as per the Act, and, for construction of a hospital after consultation with the Health Ministry, I congratulate the Minister for giving this assurance. I withdraw this Bill.

The Bill was, by leave, withdrawn.

The Micro, Small and Medium Enterprises Development (Amendment) Bill, 2013

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, we take up the next Bill, namely, The Micro, Small and Medium Enterprises Development (Amendment) Bill, 2013. Shri Vivek Gupta.

SHRI VIVEK GUPTA (West Bengal): Sir, I beg to move:

“That the Bill to amend the Micro, Small and Medium Enterprises Development Act, 2006, be taken into consideration.”

Sir, the original Act, the Micro, Small and Medium Enterprises Development Act was passed sometime in 2006. Since then, the definition of micro, small and medium enterprise has not been changed. Many requests to the successive Governments and to other concerned authorities have yielded no results. Sir, the people in the micro, small and medium enterprises sector hope that with the ‘अच्छे दिन की सरकार’, इस सैक्टर के लिए भी अच्छे दिन आएंगे।