

INTRODUCTORY

THE CONSTITUTION OF THE JOINT PARLIAMENTARY COMMITTEE

A report of analysis of pesticide residues in soft drinks conducted by Centre for Science and Environment(CSE), an NGO based in Delhi was made public on 5th August, 2003. This Report was covered very prominently by both electronic and print media. In the Report it was stated that CSE found pesticide residues, in the samples of 12 soft drinks brands procured by it from open market in Delhi. The issue was also discussed in Lok Sabha on 6th August, 2003. The members expressed serious concern over the finding of pesticide residues in soft drinks and requested the Government to come with an explanation after finding out all the facts. The Minister of Health and Family Welfare assured the House that she will lay the facts on the matter after collecting the same. Subsequently the Minister made a statement on the matter in Lok Sabha and laid the same on the Table of Rajya Sabha on 21.8.2003. After the Minister laid her statement in the House, the members demanded a JPC probe in the matter. The Minister of Health and Family Welfare also agreed for the formation of JPC. At the end of the discussion, Hon'ble Speaker ruled that a JPC will be formed and requested the Minister of Health and Family Welfare to bring in a Motion in that regard. Accordingly, the Minister of Health and Family Welfare moved a Motion in Lok Sabha on 22.8.2003 for the constitution of a Joint Committee on Pesticide Residues in and Safety Standards for Soft Drinks, Fruit Juice and other beverages and the motion was adopted in Lok Sabha the same day *i.e.* 22.8.2003. The motion included the following members of Lok Sabha:—

1. Shri Sharad Pawar
2. Shri Ananth Kumar
3. Dr. (Smt.) Sudha Yadav
4. Shri Ramesh Chennithala
5. Shri Avtar Singh Bhadana
6. Shri K. Yerrannaidu
7. Shri E. Ahamed
8. Dr. Ranjit Kumar Panja
9. Shri Akhilesh Yadav
10. Shri Anil Basu

The motion regarding appointment of the Committee concurred in by the Rajya Sabha on the same day (22.8.2003) and included the following members of Rajya Sabha:

1. Shri S. S. Ahluwalia
2. Shri Prithviraj Chavan
3. Shri Sanjay Nirupam
4. Shri Prem Chand Gupta
5. Shri Prasanta Chatterjee

The Joint Committee was constituted on 22.8.2003, with Speaker, Lok Sabha appointing Shri Sharad Pawar from amongst the members as Chairman of the Joint Committee.

Thus, a Committee of 15 members of Parliament was constituted as Joint Committee on Pesticide Residues in and safety standards for Soft Drink, Fruit Juice and other Beverages.

The terms of reference of the Committee were as follows:

- (i) whether the recent findings of Centre for Science and Environment(CSE) regarding pesticide residues in soft drinks are correct or not; and
- (ii) to suggest criteria for evolving suitable safety standards for soft drinks, fruit juice and other beverages where water is the main constituent.

The Committee at their first sitting held on 16th September, 2003, deliberated upon the broad procedure to be adopted by the Committee for their working. The Chairman and members of the Committee expressed their unhappiness over the notification No. G.S.R. 685(E) dated 26th August, 2003 issued by the Ministry of Health and Family Welfare regarding draft rules to further amend Prevention of Food Adulteration Rules, 1955, pertaining to pesticide residues and heavy metals in carbonated water, fruits and vegetable juices, etc. particularly when the matter had already been entrusted to JPC for examination. Taking into account the fact that only 30 days time had been stipulated under this draft notification for inviting suggestions/objections from the public, the Committee decided to ask the Minister of Health and Family Welfare to extend the date till JPC presents its Report to Parliament. At the request of the Committee, the Ministry of Health and Family Welfare issued another notification No. G.S.R. 769(E) dated 29.9.2003 extending the date for inviting objections/suggestions from public/interested parties till 31.12.2003. In this regard the Minister of Health and Family Welfare was further requested by the Committee to keep in abeyance the issuance of final notification till such time that the JPC submits its Report to Parliament.

As per the procedure adopted in earlier JPCs, the Chairman of the Committee briefed the media from time to time on the deliberations that took place during the sittings of the Committee.

The Committee also invited suggestions/views from the public on the terms of reference of the Committee in the form of memoranda. Subsequently, the Committee received hundreds of letters/memoranda from the public. Many of them were in the form of individual grievances. Memoranda which were of analytical nature were circulated to the Members of the Committee for their consideration.

The Committee were mandated to submit their report to Parliament by the beginning of winter session. Since the subject matter is of scientific and technical nature, the Committee required some more time to formulate their views on the subject matter under their examination and hence they sought an extension of time for presentation of the Report upto the beginning of the budget session.

At their inaugural sitting the Committee also decided to request the Hon'ble Speaker to appoint Dr. S. K. Khanna, Dr. N. P. Agnihotri and Dr. G. Thyagarajan, experts in the fields of toxicology, agriculture and pesticide to work as consultants to the Committee. Subsequently as per their availability, Dr. G. Thyagarajan was appointed as full time consultant Dr. S. K. Khanna and Dr. N. P. Agnihotri were appointed as part time consultants to the Committee.

PREAMBLE

Pesticides refer to any substance that is used for preventing, destroying, repelling, controlling pests, rodents and insects. These are necessary evils—necessary because they help protect the crops, increase yields and ensure food security, but evil because they are poisons if consumed continuously for a long period of time or in large quantities. Some pesticides naturally degrade quickly whereas there are others like DDT, BHC etc., which persist in the soil for a long time. It is for this reason that a balance has to be struck in its judicious and responsible use. Developed countries have started moving from long persistent pesticides to less harmful, low persistence and easily degradable pesticides.

Before any new pesticide is allowed for use, it has to be registered with the appropriate Government Authority as mentioned under the Insecticides Act, 1968 which is the Registration Committee. The Ministry of Agriculture which administers this Act, recommends the type and the dosage of a pesticide for use on a particular crop. The Ministry of Health & Family Welfare prescribes standards for different pesticides which can be allowed to remain in the case of a particular agricultural commodity and be allowed to be ingested by humans, based on the nature of pesticide, potential for harm and the food habits of the population.

The permissible level *i.e.* Maximum Residue Limit, (MRL) of the pesticide residue is thus required to be legally defined in the Prevention of Food Adulteration Act, 1954 and rules made thereunder, for each of the agricultural commodities in the case of each pesticide which is recommended. An important point arises as to whether if MRL, for an agricultural commodity for a particular pesticide, is not determined/set and in case that pesticide is found in the food made from that commodity, is it illegal, and therefore unsafe?

When the Centre for Science and Environment—a NGO based in New Delhi came out with a report stating presence of pesticides in some brands of soft drinks that they tested, it attracted the attention of the public, media as well as Parliament, where members expressed concerns. In order to allay such apprehension, the Minister for Health & Family Welfare ordered independent testing of samples of soft drinks by two of the most reputed Government laboratories, which also found presence of pesticides in the samples tested by them, though the quantity was much less. These samples however, pertained to the same bottling plants as collected by the NGO but the date of manufacturing and batch numbers were different.

The Minister, while disclosing the results of the laboratories informed the House that the pesticide residues tested in some of the samples were found well below the EU standards and in some others these were found a few times higher than the EU limit. However, according to the standards prescribed under PFA Rules, all were found within the safety limits as per the existing standards of packaged drinking water. The members were not satisfied with the statement made by the Minister and demanded the constitution of JPC. The House therefore appointed a Joint Parliamentary Committee, with twin terms of reference—(i) whether the recent findings of Centre of Science and Environment (CSE) regarding pesticide residues in soft drinks are correct or not; and (ii) to suggest criteria for evolving suitable safety standards for soft drinks, fruit juice and other beverages where water is the main constituent.