

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**PUBLIC INTEREST LITIGATION NO. 113/2017.**

Anand Narayanrao Jammu, Nagpur.

**-VERSUS-**

State of Maharashtra and others.

---

Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

---

**CORAM : B. P. DHARMADHIKARI &  
**MRS. SWAPNA JOSHI, JJ.****

**DATE : FEBRUARY 22, 2018.**

Shri A.K. Waghmare, learned counsel for the petitioner, Shri S.V. Manohar, learned Senior Counsel with Shri S.Y. Deopujari, learned G.P. for respondent nos. 1 to 4 – State and Shri S.P. Dharmadhikari, learned Senior Counsel with Shri K. Shakul, learned Counsel for respondent No.5.

2. The matter was heard for some time yesterday and then this Court felt need to look into some basis or foundation in support of report of SIT. The report of SIT is contained in a Book, and it is already on record from page no. 254 onwards.

**2**

3. Learned Senior Counsel appearing for respondent State has today made available some documents on the basis of which the report has been compiled. We found that report does not specifically disclose each document or each and every event. We therefore, wanted learned counsel for the petitioner to inspect those documents in order to assist the Court.

4. However, during further hearing it became clear that the verification of correctness or otherwise of the statements on facts appearing in the said report is also not very helpful at this juncture. At the most after inspection by petitioner, a disputed question or an error may surface.

5. Deaths due to spraying of insecticides are not in dispute, and the State Government has paid an amount of Rs. 2 lakhs for every such incident to the bereaved family. According to the petitioner there are about 65 deaths. There cannot be any debate about the number which is matter of record, and State Government has to pay same compensation even to the families who have still not received that amount.

6. Shri Waghmare, learned Counsel for the petitioner has pointed out that in case of other

**3**

incidents/accidents, the State Government has paid compensation amount of Rs. 5 lakhs, while the Central Government has also paid equal amount to the families. According to him, thus, per head compensation of Rs. 10 lakhs minimum has been paid in such matters. He has also invited our attention to prayers to urge that the petitioner has claimed compensation of Rs.20 lakhs for each family.

7. We find that an amount of Rs. 2 lakhs paid to each bereaved family is not sufficient. The adequacy of compensation cannot be worked out in this jurisdiction, however, we find that if there is no stipulation anywhere in this respect or in any law, the State Government can take a policy decision and release compensation accordingly on uniform basis in all such matters.

8. No room should be left for the argument that in a particular accident, an amount of Rs. 10 lakhs has been paid, while in another accident a meager amount was given, and the State Government has to initiate necessary steps to eliminate the grievance based on such discrimination. We therefore, direct the State Government to frame

**4**

appropriate policy to decide the minimum amount of compensation to be paid to the bereaved family in case of such accident. State Government shall take this decision as per law within three months. However, we by this order, direct the State Government to pay an amount of Rs. 2 lakhs more to each bereaved families within next 4 weeks. We also direct the State Government to release equal amount in other cases where no compensation has been offered/paid to the bereaved families.

9. Non-compliance with statutory provisions, failure to accept or dereliction of duties may have contributed to the deaths. The employer only is before this Court. It appears from the report that certain shortcomings in the process have been already noticed and there was no compliance with statutory provisions. Officers like Inspectors and other Officers of the State Government are required to monitor not only the sale and distribution of insecticides, but, also to take effective steps to curb the crop diseases. Fact whether the concerned officers visited the fields and noticed any disease/pest, therefore, will also be required to be looked into. We therefore, direct respondent nos. 1 to

**5**

4 to conduct necessary enquiry into the conduct of the officers entrusted with the said duties to find out these compliances and if any misconduct is noticed, to proceed departmentally against such officials. If the misconduct is of such a nature, as to constitute also a Criminal offence, the concerned government officer or then the employee of the agency be added as accused in the criminal prosecution. This enquiry shall be completed within a period of next three months.

10. We have also heard the respective learned counsel along with Shri S.P. Dharmadhikari, learned Senior Counsel on behalf of respondent no.5 to find out what steps can be taken to prevent recurrence. Respondent no.5 as also learned counsel for the petitioner has assured the court to assist respondent nos. 1 and 2 in the matter. Shri Waghmare, learned counsel for the petitioner has graciously assured to extend necessary cooperation to respondents to solve the problem and to prohibit it.

11. We find that most of the deaths here have taken place in about 7 tahsils of Yavatmal District. Hence, we direct respondents to arrange for holding workshops in which not only the Government staff and

**6**

staff of insecticides manufacturing, distribution companies etc., shall participate, but, stake holders like farmers and labours employed by them shall also be called upon to participate. The workshops will be addressed to by the experts with respondent no.5 or the companies manufacturing insecticides, as also responsible government officers and other social workers.

12. Effort shall be made by the government officers to see that all agricultural workers and educated family members of farmers are encouraged to participate in this exercise. A certificate of participation shall also be issued to such agriculturists and labours. While employing any body for spreading insecticides thereafter, the concerned farm owner/agriculturists shall try to engage such certificate holder as far as possible.

13. Considering the social impact of the entire incident, we feel that Advocates like present counsel for petitioner or other respective counsel assisting the Court in the matter may also be requested to address that gathering so as to enlighten the agriculturists and labours about their rights and duties. We request the

**7**

Maharashtra Legal Aid Service Authority to coordinate with respondent nos. 1 and 2 in this respect, so that legal and technical assistance for guiding the workshops and seminars can be arranged.

14. Considering the fact that rainy season will commence some time in the month of June, 2018, the workshops or seminars mentioned supra should be organized and completed before that.

15. Shri Waghmare, learned counsel has invited our attention to facts disclosed in paragraph no.15 of the affidavit filed on behalf of respondent nos. 1 and 2 in reply to Civil Application No. 300/2018. He states that there by pointing out the provisions of Section 27 of the Insecticides Act, 1968, the State Government has expressed its inability to ban sale, distribution or use of insecticides beyond 60 days. We find that the said affidavit sworn by the Additional Chief Secretary Shri Bijay Kumar deals with the fact that final power is with the Central Government and it has to exercise it. We direct the State Government to move the Central Government with necessary material if any, for banning sale, distribution or use of any particular insecticides in State of Maharashtra, if

**8**

imposing such ban is felt necessary by it. Appropriate steps in this direction shall be initiated within a period of six weeks from today.

16. We also direct the State Government to consider entire material available with it and find out whether liability for compensation needs to be fastened upon the companies who have manufactured the alleged insecticides or then distributors, agents etc. This exercise shall also be completed within a period of six weeks from today, and if felt necessary, State Government shall initiate suitable action as per law against such persons/agencies, suspected to be guilty therefor. In that event, the State Government shall also recover amount of compensation paid by it to the farmers, from such companies/agencies, distributors etc. including government servants found at fault.

17. We make it clear that the compensation amount awarded supra to bereaved family is provisional and it is open to the bereaved family to point out actual damages suffered by it on account of deaths, if the same is in excess of amount of Rs. 4 lakhs. It is open to such family to recover such amount in excess of Rs. 4 lakhs as per law from



Order

2202pil113.17

**9**

respondents or other wrongdoers.

18. With these directions, we dispose of the Public Interest Litigation. No costs.

**JUDGE**

**JUDGE**

Rgd.