Date: 27/08/2014

**BY R.P.A.D.**

To,

Hiranya Pandey,

Advocate High Court, Mumbai,

123-B, 1st Floor,

Esplanade Mansion,

144, MG Road,

Kalaghoda, Fort, Mumbai- 400023

Your notice dated 19.08.2014 to my client Greenpeace India received on 22nd August 2014 by my client on behalf of your client Crop Care Federation of India issued by your office accusing my client of having committed offences under the Indian Penal Code, 1860 and of publishing a false and fabricated report targeting the reputation of your client and the reputation of your client’s constituent member companies has been put into my hands with instructions as follows:

1. For your information, it is stated that Greenpeace India is a reputed, registered non-profit organization working on issues related to the environment since 2001. Our work is focused on issues like promoting sustainable agriculture and renewable energy and stopping climate change. Greenpeace India works to protect the environment and health of the public.
2. Greenpeace India is a reputed organization and the work that it has done to protect the country’s environment and the health of common Indians has been sufficiently recorded and established and speaks for itself. Further, my client has also taken up many initiatives for sustainable development work in India and we are also strongly supported by millions of people in India.
3. It is not admitted by my client that your client represents the pesticide industry in India. My client wishes to state that in no case, and without prejudice to any statement made in the present reply, the reputation of your client, if any, has not been lowered in any manner by the publication of the said report by my client. Nor has your client been defamed in any manner whatsoever by the publication of the said report. This being the case, there is no question of any liability arising on the part of my client or my client being required to furnish anything to your client.
4. The statements made by my client are made bonafide and in public interest. The statements are fair comments on matters of public interest. They have been made after exercising due care and caution. In case any court calls upon my client to do so, it will justify the same.
5. The allegation made by your client that the report published by Greenpeace titled “**TROUBLE BREWING: Pesticide Residues in Tea Samples from India**” is false and fabricated and is published with a criminal intention to malign the Indian insecticide industry and the Indian tea industry is completely baseless and without merit.
6. The said report was prepared after careful and extensive research over a period of a year. This research involved 49 samples of branded and packaged teas, which were purchased between June 2013 and May 2014 from retail outlets in Mumbai, Bangalore, Delhi and Kolkata. These samples were sent to an independent accredited laboratory to be tested for the presence of over 350 different pesticides. The laboratory involved is a (DAkks) Deutsche AkkreditierungsstelleGmBH Certified laboratory, with a DIN EN ISO/IEC 17025: 2005 Certification. And it is these testing results which have been shared with the public through the aforementioned report.
7. The allegation levelled by your client that the study which went into the publication of the report is unscientific is baseless and false as is shown above. The said report is the result of a highly scientific and credible study conducted independently.
8. Insofar as your client’s allegations about the properties of monocrotophos, my client wishes to reiterate and make it amply clear that 27 (twenty seven) samples of tea were found to have the said chemical when they were analysed in the processed and packaged state.
9. Your client’s allegation that my client has stated in the “Trouble Brewing” report that monocrotophos was responsible for the deaths of 23 schoolchildren in Bihar is wholly false. Such a statement is not part of the said report. My client has not alleged in the report that the said chemical was responsible for the deaths of the 23 children. On 11th August, 2014, at the launch of the said report, my client had stated that the Food & Agriculture Organization (FAO) of the United Nations Organisation had issued a statement in 2013 asking for a ban on monocrotophos in developing countries in the light of the Bihar mid day meal tragedy. The FAO press release can be accessed at the following link: <http://www.fao.org/news/story/en/item/180968/icode/>
10. Therefore, it is amply clear that your legal notice amounts to the leveling of false and baseless allegations against my client and to harass my client and ascribe false statements to it which were in fact never made by my client.
11. Your client’s notice to my client contends that you and “scientific bodies” of pesticides industry have in the past called upon my client to furnish raw data of your analysis in respect of pesticides residue but you have not provided my client with any such details of past requests or demands and the same is a false statement made by your client.
12. Your client’s further alleged that my client that your client and pesticides industry is the past have called upon to furnish raw data and my client have failed to furnish the same there for your client alleged that my client is anti-Indian and anti-progress, however it is stated that these statement are completely false and baseless. My client wishes to promote true Indian self-reliance and cares deeply about the welfare of the Indian people which can only be secured with the welfare of the environment. My client further has no political or economical agenda in the work that it carries out since it does not work for profit nor does it represent entities which are profit making. On the other hand, it is quite clear that your client’s constituents have an economic stake in the matter as they operate in the field of pesticides for profit. It is further stated that your client statement calling my client is anti-Indian, anti-progress, and further alleging that my client is publishing false stories to harm the progress and development of the developing country like India, is amount to insulting to the spirit of our organization and the sustainable development of the country which my client is talking about. Therefore my client reserves the right to approach the appropriative forum against these statements.
13. My client wishes to state that the purpose behind the report is only to portray the use of pesticides at the farm level and also at the processed and packaged level in tea which millions of Indians consume everyday as my client is concerned with the health and well-being of Indians. My client completely denies any motive or intent to defame or harm your client or the Indian tea and pesticide industry. Such allegations are completely false and baseless.
14. My client further states that there is no harm or injury caused to your client by the publication of the said report. Your client does not have any cause of action in law or equity to bring any claim against my client in a court of law.
15. By causing the aforesaid baseless notice to be issued to my client, your client is committing the acts of intimidation in order to forcibly suppress the contents of the report and your client are liable in law for the same.
16. My client wishes to state that he is under no obligation whatsoever to furnish the copies of the raw data of analysis conducted into the report or to tender any response whatsoever to your client. Your client has no right to demand any information in addition to what is provided in the report.
17. My client wishes to state that it is not liable under the Indian Penal Code or under any other law or in equity to compensate your client in any manner whatsoever. Your client is free to exercise its right to move the court; however, no legal remedy shall be barred to my client in the event of such a possibility. It is also conveyed to your client that it may be liable under S.209 and S.211 of the Indian Penal Code, 1860 and also in civil court for its acts.
18. My client does not limit or forfeit any legal right or claim by sending the present reply to the aforesaid notice issued.

If despite what is stated above your clients were to rush to the court of law to canvas their imaginary and non-existent rights, my client will resist the same at the cost of your clients.

Yours sincerely,

(Jagadeesh B.N.)