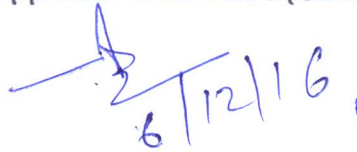


Dr. Kalyan B. Goswami
Executive Director

Ref. NSAI/2016/0142

Date: 05.12.2016

Dr. Amita Prasad
Additional Secretary, MoEF and
Chairperson, Genetic Engineering Appraisal Committee (GEAC)
Ministry of Environment & Forests
Government of India
New Delhi


6/12/16

Respected Madam,

Sub: Removal of NOC/LOC stipulation for approval of new cotton varieties from Biosafety approved trait developer – Reg

- Ref: 1) Our letters addressed to Chairman, GEAC on 07-12-2015, 13-04-2016, 14-04-2016, 21-06-2016, 02-08-2016 and 21-09-2016.
2) Our letters addressed to Shri Gyanesh Bharti, JS, MoEF on 01.10.2016 and 04.10.2016.
3) Our letter addressed to Addl. Secretary, MoEF & Chairperson GEAC on 24-10-2016.

National Seed Association of India (NSAI), an apex body of Indian seed industry, has been making several representations against imposition of NOC and LOC by GEAC or the Standing Committee for recommending Bt. Cotton Hybrids for commercial release in different zones of the Country from the Bt trait provider because it is not backed by any law and due to its adverse implications on the seed industry and the farmers. GEAC has not replied to any of the representations till now. Even in the meetings with the seed industry delegation, GEAC did not give any logic or rationale for imposition of requirement of NOC and LOC from the Bt trait provider. Left with no alternative some of our members had to approach Hon'ble High Court at Hyderabad and got favorable interim order.

In this background, from the Minutes of 130th meeting of GEAC held on 11-08-2016, put on the website of Ministry of Environment & Forests, we found that the issues related to **dispensing of NOC from Technology Provider for approving new Bt Cotton Hybrids by GEAC and its sub-committee** was discussed at agenda item No.8.3. However, as per the minutes of the meeting, it is not clear if a decision was taken to dispense with the NOC/LOC for which till now any rationale or logic was given. We welcome the decision of GEAC for transferring the matter of approving Bt cotton hybrids to Ministry of Agriculture/ICAR, henceforth as it is a correct procedure meeting the provisions of Seeds Act, 1966 and Seed (Control) Order, 1983.

But the industry feels that the GEAC has once again failed to explain the rationale or logic behind imposition of NOC, which aided the Bt trait provider to choose its licensees selectively and throw out hundreds private sector companies, public sector and co-operative organizations out of cotton

seed business and create monopoly and collect huge amount as trait value from the farmers contrary to the provisions of Competition Act and PPVFR Act. It is pertinent to note that the trait value fixation lies with the statutory PPVFR Authority which has been usurped by MMBL.

We also feel that the above decision could have even been taken in the 91st Meeting of GEAC held on 14-01-2009. However, decision was taken to constitute the Standing Committee. Agenda item No. 4.1.4 is relevant and reproduced hereunder:

The Committee also considered views received from the GEAC members, some of the members of the Seed Industry and Dr P M Bhargava, the invitee. It was noted that opinion on the matter was divided. While the MoA/ICAR and some GEAC members and the Seed Industries were of the view that the decentralized system of evaluating Bt cotton hybrids by the SAUs and State Departments of Agriculture would be more appropriate, others were of the view that the GEAC may consider constituting a 'Standing Committee' at the Central Government level for evaluation of Bt cotton hybrids expressing approved events under the event based approval mechanism.

A decision was accordingly taken at agenda No.4.1.5 of the said meeting to constitute a Standing Committee by the Chairman, GEAC. Subsequently, the Ministry of Environment & Forests issued Revised Office Memorandum F.No.13/39/2007-CS-II dated 17-04-2009 constituting the Standing Committee, serviced by the Department of Biotechnology, Ministry of Science and Technology.

From the above, it is evident that GEAC had considered seven years ago that it would approve and clear the event of a transgenic trait for bio-safety aspect, whereas approval of the hybrids containing the approved transgenic trait would be left to the concerned statutory authorities. However, without any specific reason the Standing Committee has been entrusted with the role of approving Bt cotton hybrids instead of ICAR or the SAUs, which were delegated with the power to identify the eligible varieties based on agronomic evaluation for the purpose of notification under Section 5 of the Seeds Act by the Central Government. Since the Standing Committee, constituted by Ministry of Environment & Forests, does not have legal basis under the provisions of Rules for Manufacture, Use/Import/Export and Storage of hazardous micro organisms/Genetically engineered organisms or cells, 1989 (Rules 1989), the approvals/recommendations that are granted by the said Standing Committee since 2009 till now do not have any legal sanctity. Furthermore the functioning of the Standing Committee resulted in creation of a monopoly in Bt. Cotton Seed Business. This has done severe damage to hundreds of seed companies, who had to go out of cotton seed business as well as to public sector cotton breeding programs, which stopped breeding Bt cotton varieties ever since this system got established and ultimately costed over Rs.6000 Crores to millions of Indian Farmers.

As a national representative of the Seed Industry, we request that GEAC may continue with the approach of event based approval for any GM trait in any crop, but the approval of hybrid / variety with biosafety cleared event should be with the statutory authorities, which have specific mandate under the provisions of the Seeds Act.

We shall be grateful if we are informed the rationale for the LOC/NOC stipulation, if any. We also request to provide a copy of the letter sent to State Governments and also State Agriculture Universities in pursuance of the decision taken in the 130th meeting of the GEAC.

Thanking you,

Yours sincerely,


Kalyan B. Goswami

Office of IS (SEED/TMO)
 Govt. of India
 Ministry of Agriculture
 (Deptt. of Agri. & Coopn.)
 Krishi Bhawan, New Delhi

Copies to:-

1. Dr. Trilochan Mohapatra, Director General, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi.
2. Dr. Jeet Singh Sandhu, Deputy Director General (Crop Science), Division of Crop Science, ICAR, Krishi Bhawan, New Delhi
3. Shri Gyanesh Bharti, Joint Secretary, Ministry of Environment, Forests and Climate Change, New Delhi. ✓
4. Shri R K Singh Joint Secretary (Seeds), Dept. of Agriculture, Cooperation & Farmers Welfare, New Delhi. ✓
5. Dr. K. Veluthambi, Co-chairman, GEAC and Professor (Retd), School of Biotechnology, Madurai Kamraj University, Madurai
6. Prof. C.R. Babu, Emeritus Professor, Centre for Environmental Management of Degraded Ecosystems, School of Environmental Studies, University of Delhi, Delhi
7. Dr. Luther Rangreji, Director ,Ministry of External Affair, Legal and Treaties Division, Jawaharlal Nehru Bhawan , Janpath New Delhi
8. Dr. S. R. Rao, Advisor, Department of Biotechnology, C. G. O, Complex, Lodhi Road, New Delhi.
9. Dr. Vijay Kumar, Scientist G & Head, Division of Basic Medical Sciences, Indian Council of Medical Research (ICMR) Ministry of Health and Family Welfare Ramalingaswami Bhavan, Ansari Nagar, New Delhi
10. Dr. Ramesh Sonti, Chief Scientist, CSIR, Centre for cellular &Molecular Biology (CSIRCCMB) Uppal Road, Hyderabad.
11. Prof. O. P. Govila, Former Prof. of Genetics, Indian Agricultural Research Institute. "MANAS", House No. BU- 58, Pitampura, Delhi.
12. Dr. Renee M Borges, Professor, Centre for Ecological Sciences, Indian Institute of Science, Bangalore
13. Dr. P.M.Bhargava. Former Director, CCMB , Hyderabad (Special Invitee)
14. Dr. V.V Ramamurthy, Former Professor, Entomology Division, IARI, New Delhi, Centre for Ecological Sciences, Indian Institute of Science, Bangalore
15. Dr. S. K. Apte, Former Director, Bio-Medical Group, BARC, Mumbai.
16. Dr. Madhumita Biswas, Member Secretary (GEAC) and Director Ministry of Environment, Forests & Climate Change, JorBagh, Aliganj , New Delhi.
17. Ms. P. Saranya, Scientist C, Ministry of Environment, Forests & Climate Change, JorBagh, Aliganj , New Delhi
18. Dr. Gautam Chatterjee, Joint Director, Plant Protection Advisor, Directorate of Plant Protection Quarantine & Storage (DPPQS), Faridabad

(डा. पी. सरण्या)
 (Dr. P. SARANYA)
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