

Dr. Kalyan B. Goswami
Executive Director



Ref.: NSAI/2016/082

Date: 21.06.16

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

MAG
22/6/16
Respected Madam,

Sub: Biosafety approvals leading to monopoly in GM crops – Need for rationalizing the same – Regarding.

- Ref:**
1. **INSIA letter to Hon'ble Minister of Environment and Forests dated 22.01.04**
 2. **Our letter addressed to Chairperson, GEAC dated 02.12.2015**
 3. **Our letter to Hon'ble Minister of Environment and Forests dated 14.04.16**
 4. **Our letter to Dr. Ranjani Warriar, Advisor, MoEF, dated 25.05.2016**

We draw your kind attention to the references above, wherein we sought for removal of NOC system by the GEAC as it is leading to a monopoly and is against the IPR policy of the country. As per the Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms Genetically Engineered Organisms or Cells of EPA, 1986, we also strongly believe that the biosafety approval for a particular transgenic event shall be like in the USA, China, Australia etc. The wrong interpretation of the rules since the approval of the first GM crop in India in 2002, wherein hybrid wise approval is being granted by GEAC is the prime reason for the monopoly which resulted in Bt cotton seeds in India despite the IP enactments providing checks and balances so that no monopolies are created in plant varieties and seeds which can harm the interest of the farmers as well as the consumers of the agricultural produce.

A detailed note on the IPR regime in India is attached for your kind reference. A copy of the letter submitted to the ICAR dated 07.06.2016 on the subject is also enclosed.


The study done by economist Mr. Bharat Ramaswami, Carl. E. Pray and N Lalitha which is attached also confirms that though there are no IP rights on the GM traits, the Indian regulatory system has conferred *de facto* rights to Monsanto.

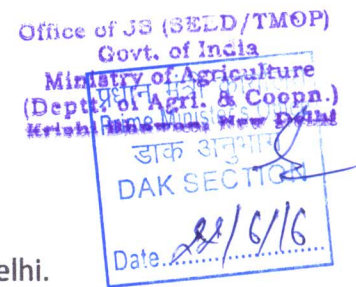
The seed association has been pointing out the need to make biosafety approval for each transgenic event (which expresses as a trait in a crop) to make the procedure simple and in harmony with the global situation since 2004. Due to the hybrid wise approval procedure that was implemented since 2003, forced the seed companies to sign license agreements with Monsanto, when the seed companies approached GEAC for release of a new hybrid carrying the approved gene as GEAC stipulated a requirement of NOC. As you are aware, the monopoly of Monsanto in Bt cotton seeds has been confirmed by MRTP Commission in 2006 and through a prima facie order of Competition Commission of India in 2016 (copies enclosed).

We therefore request you to kindly examine the facts thoroughly and bring about a new procedure wherein any transgenic event is approved after thorough biosafety evaluation leaving the variety wise approval to ICAR and DAC which are the bodies given the responsibility under Seeds Act, 1966. Such system shall also be in fully compliance with the IP regime of India. The NSAI can make a presentation to explain the facts in detail to substantiate the requests. We shall be grateful for your kind action in this regard and await your kind response.

Thanking you,

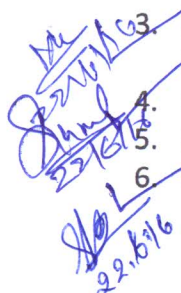
Yours sincerely,


Kalyan B. Goswami



Copies:-

- ✓ 1. Shri Anurag Jain, Joint Secretary to PM, Prime Minister's Office, New Delhi.
- ✓ 2. Shri Rajesh Kumar Singh, Joint Secretary (Seeds), Dept. of Agriculture, Cooperation and Farmers Welfare, Govt. of India, Krishi Bhawan, New Delhi.
3. Dr. Jeet Singh Sandhu, Deputy Director General (Crop Science), Division of Crop Science, Krishi Bhawan, New Delhi 110 001.
4. Dr. S R Rao, Member Secretary, RCGM Secretariat, Dept. of Biotechnology, New Delhi
5. Dr. K. R. Kranthi, Director, Central Institute for Cotton Research, Nagpur
6. Smt. Madhumita Biswas, Member Secretary, GEAC, Indira Paryavaran Bhavan, New Delhi


22.6/16