

Date: 20.10.2016

To
Shri. Ajay Narayan Jha
Secretary
Ministry of Environment, Forests and Climate Change
Government of India
New Delhi

Dear Sir,

Sub: Request for changing the arbitrary function of GEAC and Sub Committee under EBAM in commercial release of Bt cotton hybrids – Reg.

National Seed Association of India (NSAI) is an Apex Association of Agricultural Seed Developers, Cultivators, Researchers and Marketers throughout India with a pan India member base of more than 350 members.

Members of the Association play a key role in investing and developing, through modern plant breeding methods, new plant varieties for enhancing the crop productivity and thereby profitability to the farmers. Enhanced agriculture productivity also helps in ensuring food security of the country. Recognizing the importance of the seed industry to promote and encourage development of new varieties and plants and the protecting the rights of the farmers and breeders as provided under Article 27 of the TRIPS agreement, Govt. of India enacted Protection of Plant Varieties and Farmers Rights (PPVFR) Act in 2001. The intellectual property protection of all plant varieties including transgenic varieties is envisaged under this enactment. National Policy on Seeds, 2002 issued by Government of India also emphasizes this.

The GEAC and the Standing Committee (EBAM) have been following certain procedures, which are leading to suppression of the rights granted under Section 30 and Section 39 of the PPVFR Act to the breeders and farmers respectively and also helping Monsanto in creating its monopoly. NSAI has been representing particularly about stipulation of "No Objection Certificate" (NOC) and LOC from trait developer (Monsanto) due to which, though not required in law, the seed companies are forced to sign license agreements with Monsanto. The recent letter written by us to Dr. SR Rao who is a member of RCGM and Standing Committees (EBAM) is attached for your ready reference. As explained in our letter, the seed quality, event confirmation and gene expression levels can be determined and certified by the Central Institute for Cotton Research (CICR) which is notified as a referral laboratory under the Environment (Protection) Act (EPA) under which GEAC is functioning. In addition, the Bt cotton seed quality including gene purity is regulated by the Seed Inspectors functioning under Seeds Act, 1966 who are given the responsibility by a specific notification under EPA. Both the notifications are attached.

We also submit that, as there was no positive response from the GEAC to our representations with regard to its illegal imposition of requirement of NOC and LOC from Bt trait developer, one of our member state associations, Seedsmen Association, Hyderabad and seed companies had to file WP No. 28478/2016 before the Hon'ble High Court at Hyderabad and the Hon'ble Court was pleased to direct the GEAC and the Standing Committee to forthwith receive, process and consider the applications for grant of approval for commercialisation of Bt Cotton Hybrids without insisting upon submission of NOC & LOC from Technology Providers and final approval shall not be granted till the disposal of the WP. Copy of the said order is enclosed herewith.

We have submitted similar representations to the Hon'ble Minister (Independent Charge) for Environment, Forests and Climate Change requesting for removal of NOC stipulation by GEAC (copy enclosed). We understand that GEAC is likely to hold a meeting with the officials of DBT to take a final view on the subject.

As per the provisions of the Indian Patent Act, no patents can be granted for seeds or plants. Certain Multinational Companies are making false propaganda that they enjoy patent rights for Bt cotton seeds and varieties. The claims granted in the patents clearly indicate that no claims are allowed in those patents on seeds and plant varieties. The clarifications issued in the past on the patentability of seeds and plant varieties in the Indian Parliament through replies to the questions to the Hon'ble Parliament members are also attached.

In view of the facts submitted above, it is essential to safeguard the interest of millions of farmers, ensuring competition in the seed market and allowing the IP enactments to function as envisaged by the law makers. We therefore request you to instruct the concerned officials in the GEAC to act as per the provisions of the law and not to support certain vested interests who are working to monopolize the seed market in India.

Thanking you,

Yours sincerely,

For National Seed Association of India



Dr. Kalyan Goswami
Executive Director