

OM PRAKASH YADAV

M.P. (Lok Sabha)

Member :-

- Standing Committee Chemicals & Fertilizer
- Consultative Committee Ministry of Power
- Special Invitee Ministry of Coal
- M.P. L.A.D. Committee



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Dated. 13-11-01

Shree Manmohan Singh Ji
Hon'ble Prime Minister
Govt. of India, New Delhi.

Re: Introduction of BRAI bill 2011 in the Parliament

Respected Sir,

It has come to our attention that the Biotechnology Regulatory Authority of India (BRAI) Bill 2011 will be introduced in Parliament in the next few days. On perusal of the bill we have noticed some major problems and issues and request you that the bill should not be introduced in its current form. In its current form, the bill is unconstitutional, as in it usurps the authority of the state on matters related to agriculture and health, it is sponsored by the wrong Ministry (Science & Technology) creating conflict of interest, it is too centralized thereby contradictory to the principle of increasing decentralization of governance and treats the whole issue as one of technology rather than a holistic one which concerns environment, life, health and livelihood. The cornerstone of any biotechnology regulation should be to ensure biosafety and protection against risks emanating from biotechnology to the environment, health of the people and biodiversity of the nation which is missing in this bill. Some of our fundamental objections to the bill are:

- The BRAI bill 2011 is owned and being sponsored by the Science & Technology Ministry which in itself is a cause for conflict of interest as the mandate of the Ministry is to promote biotechnology and to hand over regulation to the promoter is not good governance. This is not an issue of technology alone, it is an important bill which will impact human health and environment, biodiversity, and agrarian livelihoods, and therefore it is important that the bill and the regulatory body should be under the Ministry of Environment & Forests or Ministry of health or collectively.

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- Agriculture and health two very important issues are enshrined as state subjects in the constitution and in the federal polity it is important to respect that distinction. The BRAI bill in its very introductory statement proposes to take away the power of the state, saying that in public interest the Union Government will regulate and control biotechnology. This is a usurpation of the constitutional right of the state and will be a serious impediment to governance.
- When the former Minister for Environment & Forests, Sri. Jairam Ramesh sought the views of states regarding Bt brinjal commercialization; it was the recognition of the authority of states over agriculture and health issues. Recently in a long awaited move, the Genetic Engineering Appraisal Committee (GEAC) has further institutionalized the right of the state to decide on field trials of genetically modified (GM) crops, further to the former Minister's directive in response to the Bihar CM's objection to GM crop trials in Bihar state. Bihar Government has already conveyed its stand on GM field trials in our state to the Environment Ministry and also will not allow it to be over ridden by a draconian bill. The BRAI bill 2011, instead of further empowering the rights of states is proposing to unconstitutionally usurp the rights of the states, which were institutionalized albeit very late.
- The BRAI bill 2011 centralizes the power to regulate biotechnology into the hands of a few technocrats aided by various other bureaucrats and technocrats (both from the public and private sector) leaving no room for decentralized , transparent, democratic decision making, consulting the public and taking into account the view of the people and states. This goes against the very grain of public interest and public welfare.
- One of the fundamental questions to be asked when any new technology is to be introduced is whether it is needed at all, whether there are viable, feasible, existing options which will work as well or better. This needs analysis, which is also one of the fundamental recommendations by the Swaminthan Task Force on Agricultural Biotechnology has been completely overlooked and bypassed in this version of the bill which treats biotechnology as a fait accompli and focuses on efficient and speedy regulation alone. Thereby the BRAI bill misses the very basis of regulation of this technology and its applications.

At a more detailed level we have many more objections to many clauses within the bill. Above are some of our basic objections we have which compels us to recommend that the bill should NOT be introduced in Parliament in its current form. We recommend that the bill be redrafted with inputs from the states, and other stake holders and also the new version be put up for public opinion thereby making the process more inclusive and robust and keeping with the best practices of good governance.

Om Prakash Yadav
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13/11/11