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गुजरात

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To Whom It May Concern:
Supreme Court of India
In the case of Aruna Rodrigues Vs. Union of India
(Writ Petition (Civil) No. 260 of 2005)

Sub: Requesting the Hon'ble Supreme Court to order for stopping of all field trials as recommended by the court-appointed TEC's interim report

The Bharatiya Kisan Sangh is one of the largest non political Farmers organisation in the country and has been working across the country for the welfare of farmers and sustainability of farming.

As an organisation which is concerned about farmers and farming we have been closely following the debate on GM crops in India and else where. Given the growing scientific evidence on the matter it is becoming clear that GM technology in agriculture is something that hasn't delivered so far and has the potential to negatively impact human health and environment. In the Indian context it is also something that can have widespread impact on our socioeconomic condition and cultural realities. Besides all this there is a genuine threat of corporates taking control of our seeds and there by our agriculture through this technology.

It has been a great relief to see the unanimous recommendations put forth by the Technical Expert Committee set up by the Hon'ble Supreme Court to look in to the concerns of field trials of GM crops. Given that it had eminent experts from within the government and outside, who were jointly agreed up on by the govt and the petitioner, who strongly recommended against open releases of GM crops until all the concerns have been adequately answered, has reinstated our faith in the scientific community in the country.

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The nationwide debate on Bt Brinjal highlighted the concerns of all sections of the society including scientists on GM food in general and Bt Brinjal in particular. This also saw 13 state governments writing to the central government about the concerns they have with Bt Brinjal. All this had led to the then Union Minister for Environment and Forest putting an indefinite moratorium on. While Bt Brinjal has been stopped the biotech seed companies have been trying to contaminate our food and farming through **open trials of Genetically Modified crops**.

During the Bt brinjal public debate in the country, it became apparent that our biosafety assessment is faulty. The review of the biosafety data that was made public only after the hon'ble courts intervention had shown that the data was inadequately analysed. It was not a surprise as the developer themselves were permitted to do the assessments of biosafety. All of this was publicly acknowledged when the moratorium was announced by the government. Nothing has changed subsequently in terms of improvements being brought about.

The Parliamentary Standing Committee on Agriculture in its report on GM food crops, tabled in the Parliament on 9th of August this year had clearly recommended the 'stopping of all field trials under any garb'. This committee after detailed deliberations and consultations with various stakeholders was convinced about the potential harm of GM crops to human health, that of livestock and biodiversity and the possibility of field trials to contaminate our regular crops and our food supply. The concern was also because of the inadequacy of the current regulatory system to assess the safety of GM crops and its ability to safely conduct field trials. The Technical Expert Committee set up by the Hon'ble court has also derived a similar conclusion after widespread consultations with experts in the matter.

This does not come as a surprise as concerns on the inadequacy of the regulatory system and the potential of GM crops to endanger our health, farming and environment is a known factor now. On the former, the state of the regulatory regime – its design as well as its functioning – have come under severe criticism again and again in various inquiries including the public debate around Bt brinjal. We would like to point out that what these various reports and inquiries are pointing out is nothing new, and improvements are also not being witnessed in the state of affairs.

The learned Bench looking into this matter might be aware that there have been several instances when field trials took place in violation of the existing

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statutory Rules and of laid down biosafety norms. The regulators have been approving open air trials without any capabilities for monitoring. Lack of monitoring is apparent with Bt cotton after its release too.


Several media and civil society investigations had exposed the serious violations with the field trials. Instead of being responsive the existing regulatory system has been covering up these violations and acting in favour of the violators. It is a matter of grave concern since any such oversight could lead to largescale contamination of our seed and food supply. This has been witnessed in the case of Bt cotton, the first GM crop to have gone into field trials and has been happening ever since. One of the latest being the unapproved herbicide tolerant cotton being planted by one of the seed companies in its field trial. In the past there have been cases of GM food crops reaching the market from field trials as farmer in whose farms the trials happened was not informed about the implications of an untested GM crop being taken out of the farm.

India is considered as a country with a rich yet delicate biodiversity heritage. We are also the centre of origin and diversity of various crops like rice, brinjal,

many pulses, fruits etc. It is shocking to see that the impact of GM contamination has never been considered while approving open releases of GM crops in the name of field trials. It is to be noted that even USA, which is hailed as the champion of GM crops have a norm of not planting GM cotton south of Florida which is considered as the centre of Origin of highland cotton. Similarly China, in their new draft grain law, has decided not to permit any genetic modification in their staple crops.

Given all these considerations it is absolutely necessary to have a moratorium on all open air releases of GMOs. We humbly request the hon'ble court to accept *in toto* the recommendations of the Committee that this Hon'ble Court itself had set up and ensure that unneeded GM crops not allowed into the country including for field trials.

This is absolutely essential to ensure that our country does not become a laboratory for untested and risky technologies and also to ensure that scientific progress in order to provide real solutions to our food and farming needs are not hijacked by technologies which are only profitable for some while being detrimental to the entire nation.

 (A. M. Patel)
Sincerely yours
National Secretary,
Bharatiya Kisan Sangh, Gujarat.