

SOUTHERN ACTION ON GENETIC ENGINEERING

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PRESS RELEASE

“While making any legislation for regulatory bodies for genetic engineering in food and agriculture, the predominant factor should be the interest of the Indian society as consumers, farmers and the Indian soil and other components of the environment. Regulatory procedure has to be independent and not oriented on data inputs got and the instance on manufacturing community” said a panel of three eminent judges from AP, Karnataka and Kerala and the Chief Justice of Orissa High Court. This decision came at the end of a Round Table for senior judges held for the first time in India to discuss the ***Emerging Jurisprudence of Genetic Engineering: Food, Farming and Biosafety***. “Information regarding the identity of the persons involved in such process should be available in the public domain for such scrutiny as would ensure transparency and credibility of such establishments”. the honourable judges added in their “observations”

The High Court Judges who attended the Round Table were Mr Justice Gopal Gowda, Chief Justice of Orissa High Court, Mr Justice Goda Raghuram Senior Judge from AP High Court. Mr Justice Thottathil B Radhakrishna from Kerala High Court and Mr Anand Byra Reddy from Karnataka High Court.

The Round Table was organized by the National Law School of India University [NLSIU], Bangalore, Southern Action of Genetic Engineering [SAGE], Hyderabad and Institute for Cultural Action [ICRA], Bengalooru.

The judges also recognized the “emergence” of the following facts and observations from the submissions from farmers from Andhra Pradesh, Karnataka, Kerala and Tamil Nadu and experts from all over the country.

Indirectly referring to the often heard argument that the introduction of Genetic Engineering is a part of India’s international obligations, the judges observed that “The obligations of the Nation to give effect to its international obligations and covenants and treaties, though maybe in the exclusive Union domain for legislation, such legislation should necessarily be within the format of the fundamental rights of the citizens as guaranteed by the Constitution; since otherwise it would be a piece of law in conflict with the Constitution and hence void and inoperative”.

In the context of the earlier provision made in the Government of India's **Biotechnology Regulatory Authority of India [BRAI]** Bill, that anyone who would be questioning the safety of GE products without scientific proof, would invite imprisonment and a hefty fine, the judges made a significant "observation": "Any provision which would enable the silencing of the Indian public voice should necessarily be excluded from any such statute".

"...its [Genetic Engineering's] application in the field of food and farming should be permitted only by ensuring that it does not in any manner impair the biodiversity and other ecological parameters". Was another important observation by the judges.

Eleven farmers from AP, Karnataka and Tamil Nadu made a series of submissions before the judges explaining the havoc wrought by the Bt Cotton on their farms. Their main contention was that Bt cotton had not given them economic benefits. As a matter of fact, they had become poorer, their soils had become more toxic, their animals, grazing on Bt Cotton stalks, had either died, or have become sick and in many cases had become infertile.

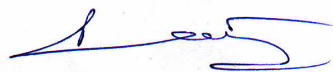
Besides the farmers who made these submissions, over 30 farmers and environmental activists from AP, Karnataka, Tamil Nadu and Orissa attended the Round Table. Eminent legal luminaries such as Mr Prashant Bhushan and Ms Shalini Bhutani along with the researchers from NLSIU Commons Cell made submissions on Biotechnology Regulation Authority of India Act, Seed Amendment Bill and other important national and international law which form the context for the biotechnology related laws

Padma Vibhushana Dr P M Bhargava, eminent scientist who was the founder Director of Centre for Cellular and Molecular Biology [Hyderabad], Dr Yellappa Reddy of Karnataka, Dr Vijayan, eminent biologist and formerly Chair of the Kerala State Biodiversity Board and Dr Abdul Qayum, expert researcher of Bt Cotton from Hyderabad made their Expert Analysis of the issues and made their submissions.

The two day Round Table concluded with the a set of 15 *observations* from the panel of judges after their deliberations. The most important ones are quoted below:

1. The BT cotton seeds were introduced by holding out that product as one that would provide tremendous growth in the agricultural produce and also as one with exceptional resistance to pests, thereby reducing the requirement of pesticides, but an actual practice it was found that except for an initial boost in production for one or two years, there was consistent failure in the subsequent years.
2. Though the BT cotton seeds were sold to the farmers by making them believe that no pesticides would be required to be used in the cultivation of BT cotton, it turned out to be false in actual experience.
3. The farmers were duped into cultivating BT cotton without proper information being given to them as regards the identity and quality of the cotton seeds that were provided.

4. In the cultivation of BT cotton, it is found that there was large scale loss of crop, compared to what was impressed upon the farmers by the suppliers of the seeds. In good number of farms, a huge amount of pods did not mature appropriately and break open naturally, which is absolutely necessary to take appropriate crop and yield. There were also instances where even before the pods matured, the leaves of the BT cotton plants started drying and the plants dying off without providing any yield.
5. The cultivation of BT cotton including through the stage of harvesting the pods, led to adverse health conditions for the farmers. Even farm-workers refused to do the operations. Commencing from severe irritations and other external manifestations of skin diseases, there were cases of bronchial and other allied health problems. Skin conditions which were, literally, non-healing, were experienced by the womenfolk, who are predominantly engaged in the harvesting activities.
6. There was also loss of cattle. The traditional cotton plants and leaves provide fodder. There are also areas where cattle growers used even offer a goat or so in return for an opportunity for their cattle to graze on cotton farms. But when cattle consume the leaves of BT cotton plants, the generated grave health situations leading also to death of the animals. Diarrhoea and even diseases which the veterinarians could not diagnose led to loss of cattle. It was also noticed that there was growth in the mortality rate, abortion rate, infertility rate and such other situations in the cattle, which would've had the opportunity to graze, or were provided BT cotton plant leaves for consumption. Productivity of cattle decreased. Now, cattle have unidentifiable health challenges. Apart from the financial and other implications of such loss, among farming communities, such situations also lead to disharmony in the neighbourhood.
7. Even when the farmers chose to do away with cultivation of BT cotton and return to either cultivation of traditional cotton or other cultivations, including sugar cane, sunflower, rice, vegetables, pulses etc, the adverse soil conditions arising out of BT cotton cultivation retarded the process and led to requirement of heavy costs to rejuvenate the soil fertility.
8. It was also noticed that attack of pests increase on traditional forms whenever there is BT cotton cultivation the neighbourhood.
9. In one part of Karnataka, excellent local varieties of traditional seeds were available, which, with the introduction of BT cotton, is essentially lost. The non-availability of traditional cotton seeds is a great challenge. The fact remains that even the government or agencies do not take up the issue and provide traditional seeds to support the farmers.



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