

FOOD MATTERS

India for Safe Food

No. 1, June 2013



FOOD MATTERS!

Our food, farming and freedom are at a critical juncture; all are in crisis, and the crisis is interlinked. Corporate control over our food and farming is threatening rural livelihoods and natural resources, and gravely undermining consumer health and choice.

With this newsletter, we propose to bring to you information about issues related to food and farming, with particular focus on genetically modified organisms (GMOs), toxins and pesticides in food; what is happening around the world and within our country; the challenges and alternatives; and what we can do to protect our sovereignty over food, agriculture and seeds. This newsletter is an initiative of the India for Safe Food campaign.

Why is it important to know more about these matters, and to be active participants for positive change? Food is fundamental, and the issues around it deeply affect us, our children and the nation at large. However, many of these issues are barely covered by the mainstream media, leaving us unaware of critical developments impacting our nutrition, health, farming and the environment.

Currently, one of the most alarming developments in the Indian scenario is the Biotechnology Regulatory Authority of India (BRAI) Bill, introduced in Parliament in

April, 2013. This controversial legislation - opposed by political parties, parliamentarians, farmers, scientists, judges and citizens from all walks of life - aims to create a single window mechanism to allow GM crops into the country.

In this first issue, we update you on the latest happenings on genetically modified crops from around the world and India, and also provide a brief insight into the BRAI bill and its ramifications. The international news section has a few developments which have serious implications for India as well.

There is increasing opposition from consumers in the western world and elsewhere against companies producing GM seeds and marketing GM foods. This is being manifested through different forms of protest - the March against Monsanto and a new app to boycott products of certain companies to name a couple of recent developments. The massive response to these is clear indication of the rising anger against companies that control our food and seed supply. These also demonstrate that it is active involvement by citizens that will protect our food and seed freedom.

Food Matters Team

BRAI BILL TABLED IN PARLIAMENT

On April 22, 2013, the first day after the budget session, the highly controversial Biotechnology Regulatory Authority of India (BRAI) bill was tabled in parliament. This was done despite tremendous opposition from many quarters to not only the controversial provisions in the bill, but its very orientation to industrial needs rather than fundamental concerns about bio-safety and sustainability. The Bill, providing a single clearing house for approving GMOs, is mired in basic conflict of interest. It has been sent to the Science & Technology Committee for review. Sixteen MPs, cutting across party lines, and numerous civil society groups have demanded its withdrawal. They point out that what the nation actually needs is a biosafety legislation.

http://articles.timesofindia.indiatimes.com/2013-04-25/delhi/38816504_1_brai-gm-crops-modern-biotechnology, April 25, 2013. Activists up in arms against controversial biotech bill & http://twocircles.net/2013apr26/mps_seek_brai_bill_withdrawal.html

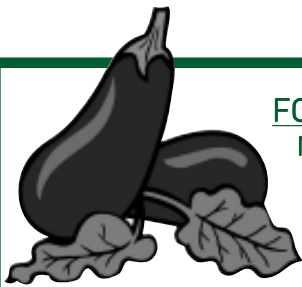
BRAI BILL: OPENING THE FLOODGATES TO INHERENTLY HAZARDOUS GM CROPS!

The background: The regulation of biotechnology in India comes under the Rules (1989) under the Environment Protection Act 1986. As yet, there is no statutory regulation to govern biotechnology and to protect biosafety in the event of use of biotechnology. The idea of an independent regulator for biotechnology was first suggested in 2003-04, by the Task Force set up by the Ministry of Agriculture, Government of India, headed by Dr M S Swaminathan. It was then called the National Biotechnology Regulatory Authority (NBRA). The taskforce recommended that any biotechnology policy should have as its centre piece: the safety of the environment, the well being of farming families, the

ecological and economic sustainability of farming systems, the health and nutrition security of consumers, the safeguarding of home and external trade and the biosecurity of the nation.

The report recommended that transgenics should be the approach of last resort if no other options exist; it should not be considered if trade is affected or livelihoods are impacted. The Report further cautioned against transgenic experiments in crops where India is the centre of origin or diversity.

The Bill: The first version of the NBRA bill came into being in 2008 and was made available for public feedback. The Bill attracted considerable criticism due to the basic conflict of interest (as the regulator was to be housed under the Department of Biotechnology) and various controversial clauses within the bill. The next version of the Bill was not made public by the government



but it became unofficially available in the public domain in March 2010, just after the moratorium on Bt brinjal was declared. This version appeared with a cosmetic change. Instead of the Department of Biotechnology (DBT), the Department of Science & Technology (DST) would house the regulatory body. This was apparently done to quell the criticism of basic conflict of interest. But this version proved that instead of being improved, the Bill had become even more retrograde with provisions to silence opposition to genetically modified organisms (GMOs) through fines and jail terms (Section 63). This version of the bill came under severe condemnation from all sections of society.

After this, the Bill reappeared in 2011 in the form of the Biotechnology Regulatory Authority of India (BRAI). Since 2011, the Bill has been appearing regularly on the Lok Sabha's list of business but it has not been available for public feedback. In 2013 April, ironically on Earth Day, April 22, 2013, during the first day of the post-budget session, the Minister for Science & Technology tabled the Bill in Parliament. At the end of the session, the Bill was referred to the Standing Committee on Science & Technology, Environment & Forests. The Committee is supposed to revert with its report within three months.

Whose interests does the Bill serve?

After the Bill was tabled Supriya Sule, MP, and daughter of the Agriculture Minister, was nominated into the Standing Committee for Science & Technology to which the Bill was sent. The Agriculture Ministry is known for its very strong pro-GM stand and has been supporting GM crops in all their communication and reports. Right after the Bill was tabled MPs belonging to different parties expressed their objection to the Bill and sought its withdrawal. The Minister for Science & Technology is supposed to have requested the Speaker to send the Bill to a Joint Committee of both Houses, considering the breadth and gravity of the issue, which spans food, agriculture, health, trade and livelihoods. The biotech industry, of course, has lauded the tabling of the Bill and has been seeking its speedy approval of the Bill.

Critique of the BRAI Bill: From the first version that was put out in the public domain to the current version tabled in Parliament, it is clear that a clause by clause amendment is nowhere near enough to address the grave shortcomings with the Bill. In fact, what the country needs is a comprehensive biosafety regulation which protects us and the environment from the impacts

of the introduction of biotechnology, particularly in the realm of genetic modification. Instead, this Bill is a mechanism to "promote the safe use of modern biotechnology". The mandate of a regulatory body can't be promotion of the technology. The Bill envisages that the BRAI will come under the Ministry of Science & Technology, whose mandate is to promote biotechnology. This constitutes a fundamental conflict of interest.

The Bill asserts that the control over regulation of biotechnology will vest with the Union Government, whereas one of its main applications is in agriculture, which is a state subject. Therefore, this clause of the Bill violates the constitutional right of the states over agriculture; interestingly the seed bill and the pesticides bill do not have such a clause. This raises the question whether this clause has been inserted explicitly to

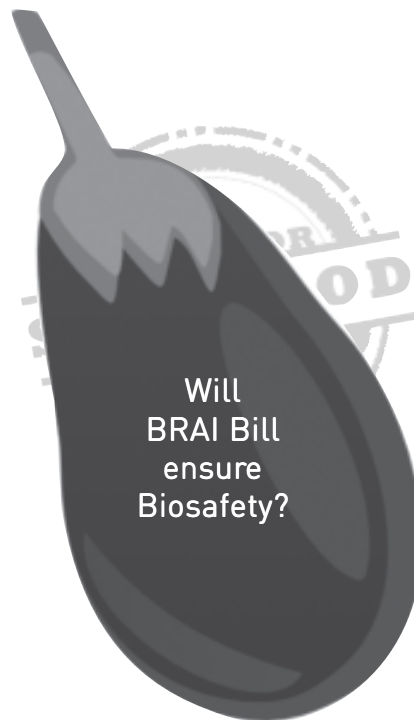
undermine the authority of the states, particularly because, in practice, states have been asserting their intention to be GM free and/or not to allow GM crop trials, since the last few years. Another critical concern with the Bill is the effort to circumscribe the Right to Information law under the pretext of protecting confidential commercial information. This is unacceptable since the Supreme Court, in connection with the public interest litigation on GMOs, has already directed that biosafety data can't be treated as confidential.

In addition to these lacunae, the Bill is very limited in its scope of how biotechnology regulation is treated - through the narrow prism of technology alone, with no needs-assessment, and no evaluation of socio-economic considerations. Most egregiously, it has an almost toothless mechanism for environmental appraisal, inarguably one of the primary considerations

while regulating biotechnology, especially relating to open air releases of GMOs.

The regulatory body envisaged is a five member technocratic body. There is very limited scope for public participation under the new regulation (as mandated by the Cartagena Protocol for Biosafety), and no role for the gram sabhas and panchayati raj institutions in the decision making process. Risk management plans to deal with this irreversible and unpredictable technology are non-existent in the proposed regulation. The liability regime - for contamination of non-GM crops and plants and for damage caused to the health of consumers, farmers and eco-systems - is extremely weak. In addition, there are limited mechanisms available to the public and affected parties to appeal the decisions or take up grievances, whereas the risks associated with the technology are extremely high.

Opposition to the Bill: Since the time the first version of the Bill was made public, it has faced scathing criticism from various segments of society, including parliamentarians, political parties, farmers





and civil society groups and citizens at large. The blatant effort to create a single window mechanism to facilitate the introduction of GMOs into our food and agriculture has drawn the ire of one and all. The Parliamentary Standing Committee on Agriculture, in its report in August 2012, clearly stated that the government should work towards setting up of an all encompassing Bio-safety Authority through an act of Parliament, which is extensively discussed and debated amongst all stakeholders, before acquiring shape of the law.

Way forward: Overall, the Bill is a faulty piece of legislation which is far from adequate to deal with this living, unpredictable and highly risky technology. What the country needs is a comprehensive biosafety protection authority with the primary mandate of protecting the health of people and the environment from the risks of modern biotechnology. Also, the government should be cognizant that this is a technology with numerous problems which is being rejected by citizens, scientists and governments around the world and there is no rationale in making it a fait

accompli in our country.

Food Matters Team

¹ Report of the Task Force on Application of Biotechnology. <http://agricoop.nic.in/TaskForce/tf.htm>

² Report of the Parliamentary Standing Committee on Agriculture titled "Cultivation of genetically modified food crops: Prospects and Effects"

For more information: Bill copy at: <http://www.prsindia.org/billtrack/the-biotechnology-regulatory-authority-of-india-bill-2013-2709/>; Detailed critique at: http://indiagminfo.org/?page_id=82 and Legal assessment available at: <http://www.greenpeace.org/india/Global/india/report/BRAI-Critique-Report.pdf>

Bt brinjal in News again!

BT BRINJAL TRIALS IN PHILIPPINES FACES BAN FROM THE SUPREME COURT

After India's rejection of Bt brinjal in 2010, which resulted in a moratorium declared on February 9, 2010, by the then Minister for Environment & Forests, efforts orchestrated by industry have continued to reverse the ban and also to introduce Bt brinjal in other countries. In the Philippines, where Bt brinjal field trials were continuing, a case was filed against the ongoing open air trials of Bt brinjal (or Bt talong as it is locally known), by civil society groups and individuals, under a provision called the 'Writ of Kalikasan', which is a remedy available to citizens under the law when their "constitutional right to a balanced and healthful ecology is violated" due to actions causing environmental damage.

The Court of Appeals issued a Writ of Kalikasan, ordering that the trials of Bt brinjal be stopped. It said that Bt brinjal and its trials involved the "willful and deliberate alteration of the genetic traits of a living element of the ecosystem and the relationship of living organisms that depend on each other for their survival". It added that this can't be considered safe for human health or ecology; and in addition, the government has not ensured sufficient biosafety protocols or studies to study the impacts of GMOs.

More on this at CA: Bt eggplant field trials unsafe for humans, environment. May 22, 2013. <http://www.businessmirror.com.ph/index.php/business/agri-commodities/13830-ca-bt-eggplant-field-trials-unsafe-for-humans-environment>

NEW FINDINGS ABOUT BT BRINJAL - TRANSGENE FLOW A REAL RISK?

The problems with Bt brinjal have continued to emerge in the evaluations conducted by scientists. The latest paper, 'Transgene flow from Bt brinjal: a real risk?' by Dr. Samuels of the Novel Solanaceae Crops

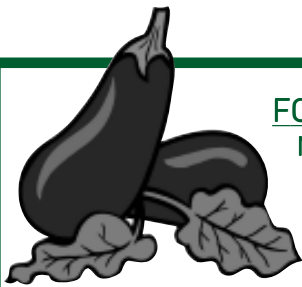
Project, Penzance, Cornwall, UK indicates that "transgene flow from commercialised, genetically engineered Bt brinjal, to wild, weedy, and cultivated relatives is a major biosafety concern." India, being a centre of origin and diversity for brinjal, is believed to have had over 3,000 varieties of this plant, cultivated and wild. The article states that studies in brinjal hybridisation have established high levels of cross fertilisation and to date "six wild relative species and four cultivated spiny Solanum species found in India are known to cross with brinjal to produce reproductively fit hybrids". According to Dr. Samuels, there is a definite case for doing more in-depth studies on the 'floristics, systematics, and interfertility relationships of brinjal and its wild, weedy, and cultivated relatives' - to establish the full impacts of commercial cultivation of Bt brinjal.

Read the full paper: Transgene flow from Bt brinjal. June 1, 2013. <http://www.cell.com/trends/biotechnology/fulltext/S0167-7799%2813%2900068-1>

'Think. Eat. Save' - World Environment Day, June 5

June 5 was World Environment Day. To create awareness about food wastage and the environmental consequences of our food choices, the theme declared by the United Nations this year is 'Think. Eat. Save.' The campaign draws attention to the enormous food wastage of 1.3 billion tonnes a year! It further points to the environmental and socio-economic impact of such wastage. The aim is to sensitize us to take suitable action at the personal level regarding our food choices, while minimizing wastage. It exhorts us to make food choices that have the least environmental impact, like preferring organic food (grown without chemicals), and local foods that reducing 'food miles'. So think before you eat and help save our environment!

For more information visit: United Nations Environment Program . <http://www.unep.org/wed/theme/#>



MARCH AGAINST MONSANTO:

25th May, 2013 was the day when millions marched against Monsanto. The March, born as a Facebook event, was picked up widely by people around the world, and at final count, attracted over 2 million people from 436 cities in 52 countries, spread over 6 continents. People marched- calling attention to the threats posed by genetically modified foods, and protesting against the absolute corporate control over food and seed by companies like Monsanto.

This march was initiated by a mother who wants to protect the future of her two daughters. She declared, "Monsanto threatens their generation's health, fertility and longevity". Though largely ignored by the mainstream media despite the massive turnout, the March is a powerful testimony of people's concerns about GMOs and pesticides in food, corporate control over food and seed, and the felt need to regain food and seed sovereignty. In India, the March against Monsanto was held in Delhi, Hyderabad and Bangalore.

Information, images, videos of this event are available at: <https://www.facebook.com/MarchAgainstMonsanto>, Global march challenges Monsanto's dominance: TIMELINE, May 25, 2013 <http://rt.com/news/march-against-monsanto-gmo-776/> & Millions march against GM crops, May 26, 2013, <http://www.guardian.co.uk/environment/2013/may/26/millions-march-against-monsanto>

PARLIAMENT OF INDIA



RAJYA SABHA SECRETARIAT
DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON SCIENCE & TECHNOLOGY, ENVIRONMENT & FORESTS
SUGGESTIONS/VIEWS ON "THE BIOTECHNOLOGY REGULATORY AUTHORITY OF INDIA BILL, 2013"

"The Biotechnology Regulatory Authority of India Bill, 2013" as introduced and pending in Lok Sabha has been referred to the Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests, headed by **Dr. T. Subbarami Reddy, M.P., Rajya Sabha** for examination and report.

2. Modern Biotechnology is recognised globally as a rapidly advancing science wherein advanced molecular techniques and process are employed to develop useful products, processes and services in areas of agriculture, human and animal, healthcare, environment management and industry. Biotechnology industry in India has been growing at an average annual rate of twenty to thirty per cent during the last five years and its turnover exceeded Rs. 20,440.00 crores approximately. There are, however, public concerns in respect of organisms and products derived from modern biotechnology on human, animal and environmental safety. Various countries have developed regulatory mechanisms to ensure safe and responsible use of biotechnology organisms and products. But in India, activities and processes involving the genetically engineered organisms and products thereof, are broadly regulated under the 'Rules for Manufacture, Use/Import/Export and Storage of hazardous Micro Organisms/Genetically Engineered Organisms or Cells 1989' notified under the Environment (Protection) Act, 1986 and the guidelines published by the Department of Biotechnology. But despite the aforesaid rules and guidelines, India has experienced a number of challenges. A Task Force on the Application of Agriculture Biotechnology constituted by the Ministry of Agriculture in 2003 recommended establishment of an autonomous, statutory and professionally-led National Biotechnology Regulatory Authority which was supported by the other Task Force on recombinant pharma constituted by Ministry of Environment & Forests in 2004.

3. In pursuance of the recommendations of the above Task Forces, this Bill aims inter-alia at establishing an independent statutory regulator to be known as the Biotechnology Regulatory Authority of India, to regulate research, transport, import, manufacture and use of organisms and products of modern biotechnology to promote the safe use of modern biotechnology by enhancing the effectiveness and efficiency of robust regulatory procedures.

4. The Committee has decided to invite Memoranda containing views/suggestions from individuals/organizations interested in the subject matter of the Bill.

5. Those desirous of submitting Memoranda to the Committee may send their written Memoranda either in English or Hindi to **Shri Alok Chatterjee, Director, Rajya Sabha Secretariat, Room No. 005, Ground Floor, Parliament House Annexe, New Delhi-110001 (Tel No.: 011-23034597, Fax No.: 011-23015585), E-mail: rsc-st@sansad.nic.in** within **thirty** days from the date of publication of this advertisement. Those who are willing to appear before the Committee for oral evidence besides submitting the Memoranda may indicate so. However, the Committee's decision in this regard shall be final. The Memoranda submitted to the Committee would form part of the records of the Committee and would be treated as confidential and would enjoy privileges of the Committee. The Committee will have full right on Memoranda received. It may or may not use those Memoranda while preparing the report.

6. The Bill has been published in the Gazette of India, Extraordinary, Part II, dated the 22nd April, 2013. Copies of the Bill can be had on written request to the abovementioned officer or can be downloaded from the official website of the Rajya Sabha (<http://rajyasabha.nic.in>), under the caption "Bills with the Committees".

Website- <http://rajyasabha.nic.in> E-mail: rsc-st@sansad.nic.in
davn 31202/11/0004/1314

The Dept Related Standing Committee on Science & Technology, Environment & Forests is now seeking suggestions and views on the Biotechnology Regulatory Authority of India Bill 2013 (BRAI Bill 2013). "Those desirous of submitting Memoranda to the Committee may send their written Memoranda either in English or Hindi to Shri Alok Chatterjee, Director, Rajya Sabha Secretariat, Room No. 005, Ground Floor, Parliament House Annexe, New Delhi 110001. Tel. No. 011-23034597; Fax No. 011-23015585. Email: rsc-st@sansad.nic.in within THIRTY days from the date of publication of this advertisement. Those who are willing to appear before the Committee for oral evidence besides submitting the Memoranda may indicate so. However, the Committee's decision in this regard shall be final".

We recommend that as many people write in to the Committee expressing your views about the Bill before July 10, 2013. Material & Information on the Bill :
What is wrong with BRAI bill -2 pager : <http://indiagminfo.org/?p=583> & Critique of the Coalition for a GM-Free India: <http://indiagminfo.org/wp-content/uploads/2011/09/BRAI-critique-coalition-for-gm-free-india.pdf> & Legal assessment on the Bill by Greenpeace India: <http://www.greenpeace.org/india/Global/india/report/BRAI-Critique-Report.pdf> & Norwegian Gene Technology Act: <http://www.regjeringen.no/en/doc/laws/Acts/genetechnology-act.html?id=173031> & Report of Standing Committee on Agriculture on GM crops: www.164.100.47.134/lsscommittee/Agriculture/GM_Final.pdf

Sign this petition asking to extend the feedback time for BRAI Bill at : <http://www.change.org/braibill>

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