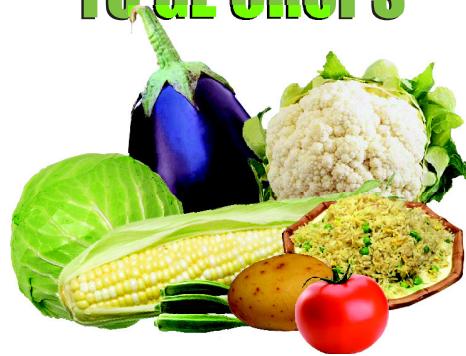


**YOU HAVE  
THE RIGHT  
TO SAY  
NO**

**I SAY**

**NO**

**TO GE CROPS**



**GREENPEACE**  
ग्रीनपीस

# THE BIOTECHNOLOGY REGULATORY AUTHORITY OF INDIA BILL 2009 (BRAI) - THE BILL TO END THE RIGHT FOR SAFE FOOD

## Problems with GE Crops

Never in the past did the crops that we cultivated had to undergo such scrutiny, and rightfully so, as in the case of GE crops.

Genetically Engineered (GE) crops are organisms created artificially in labs through a process called recombinant DNA technology or simply Genetic Engineering [GE]. The unpredictability and irreversibility of Genetic Engineering and the uncontrollability of GE crops in the environment coupled with studies pointing at the potential risk to human health and environment has resulted in a controversy across the world around the need for introducing such potentially risky organisms. This had also resulted in most countries in the world putting in place a precautionary approach towards GMOs (genetically modified organisms) reflected in their regulatory systems. India currently has a



regulatory system in place, the intention and efficiency of which had been under question.

The debate in



India on GE crops had started with Bt cotton, the only commercially approved GE crop in the country (March,

2002) and had become shrillest around the approval of Bt brinjal, the first GE food crop in India. The fact that the government, highlighting precautionary principle, finally rolled back the approval given by GEAC, the apex body for approval of GMOs in our country, has validated the concerns raised by many, both against GE crops and the existing regulatory system. The inadequacy of the existing system had long since been pointed out by many including the Swaminathan Task Force on Agri-biotechnology (2004), but what is shocking is the manner in which the Ministry of Science and Technology is trying to lower the bar for the approval of GE crops and changing all the rules of the game to quell any future dissent against GE crops.

This is being done through a bill that is to be tabled in the Parliament in the Budget session of 2010. This has been named as **The Biotechnology Regulatory Authority of**

**India bill (BRAI).**

**Flawed process:** The present bill has its origins in 2005, and a draft version has been in circulation (in 2008). The selective consultations for these were totally biased and



were done by the Bio - tech Consortium of India Limited, an agency created to promote biotechnology in India. The Department of Biotechnology drove the process for the erstwhile NBRA and also drives the present version, BRAI.

Several comments were received from the civil society, scientists, farmers and consumers to change the structures, decision making processes and the need for ethical, and socio-economic considerations before approving a GE (genetically engineered) crop. All these have been totally ignored in the present bill.

### **What is wrong with the bill?**

**Centralised, bureaucratic decision - making with mere advisory role to elected representatives and State Governments.**

According to the proposed bill, the apex

authority in the regulation of GMOs in the country is the "Biotechnology Regulatory Authority of India" (BRAI) with a chairperson, and two members, all scientists with either a biotech or a health background. BRAI is thus a centralised, technocrat run body with no scope for democratic intervention. The decision making process in BRAI is as follows:

#### **THE DECISION MAKING PROCESS**

Three divisions in BRAI to take applications with GE in agriculture, GE in pharma and GE in industrial or environmental uses.

A risk assessment unit to evaluate risk and not necessarily to conduct independent tests.

A product ruling committee to recommend approvals.

**Final decision by the BRAI.**

Ministerial representatives are placed among the Inter Ministerial Advisory Board and State Governments are restricted to their respective "State Biotechnology Regulatory Advisory Committee".

With this structure, neither open air field trials, nor final approvals can be opposed





by the state governments.

In comparison, the existing structure provides the final decision of any

GE crop to the state governments. There are seven ministerial representatives in the GEAC who can intervene in each and every decision of the authority – a situation required for providing checks and balances on decisions that can have serious ramifications on diverse issues such as health of the citizens, natural heritage of the country, cultural and socio-economic fabric of the nation and trade security.

### **Conflict of interest between the BRAI and the Ministry of Science & Technology**

The BRAI is hosted by the Ministry of Science and Technology. Ministry of Science and Technology also harbours Dept of Biotechnology, with the mandate to promote GE crops. DBT funds several GE crop development projects using public funds and is also the nodal agency for redirecting funds from foreign governments to GE crop development projects. Incidentally, the proposed bill by the Ministry has been put together by DBT which adds to the suspicion on the intention behind the Bill.

With the promotion and regulation of GE crops under the same ministry, there is a huge conflict of interest.

### **Transparency- an option decided by the authority**

The Right to Information Act, 2005(RTI) is being considered as the one of the best tools for ensuring transparency in governance. It has immensely helped the citizen to exercise his/her democratic rights to know about how our government takes decisions and has been empowering the public in various governance issues.

A recent central information commission order has even made it mandatory for the all bio-safety data presented by the company to the regulatory authority to be disclosed to the public even when a GE crop is in a field trial stage. This order, the result of a 30 month long RTI appeal for the bio-safety data of GE crops by Greenpeace, can now ensure independent review of the data on GE crops and enables participation of the civil society.

The section 27 (1) and (2) of the BRAI bill supercedes the requirement of the Right to Information Act and places the



decision to disclose information for public interest with the authority instead of the central information commission or the Delhi High court as required by the RTI Act 2005. **This means that once BRAI is in place the citizen's right to know about safety of GE crops is killed for ever. This would kill any informed public debate on GE crops in future, one of the aspects that helped in stopping Bt brinjal.**

### Penalty for questioning GMOs

While the decision of GE food is decided by a 3 member bureaucratic system, there is an extreme interest shown in gagging the voice of dissent.

Sec 63 of the bill says that persons misleading the public about the bio-safety of GE crops without scientific evidence can be imprisoned for 6 months or fined 2 lakh rupees or both.

This seems like a mischievous clause where those who raise concerns on GE crops could be accused of misleading the public. This goes against the spirit of precautionary principle in case of GE crops which says that even if there is



no scientific consensus on the harm ensued; evidence of potential harm is enough to stop GE crops from being released

into the environment. BRAI thus, not only violates this golden principle on GM regulation but also as a gag order to keep alternative opinions of scientists, health experts, environmental experts and the fourth pillar of democracy- the free press, from public sphere. It's a violation of our fundamental right to freedom of speech and expression granted by our constitution.



### BRAI kills consumer choice and promotes GE polluters

#### No labeling, liability or rollback of products:

Present day testing procedures of GE crops are grossly inadequate to ensure its safety or ascertain its environmental impacts. Despite this being the case, there are no sections talking about roll back of approvals, or labeling of GE crops, or liability of the crop developer due to economic losses by contamination.

#### Remediation of contamination:

Following a contamination incident (or in the case of a wrong approval), remediation of the site and redress mechanisms for the affected are required to ensure the safety of public health and the environment. These find no note in the bill.

#### Socio economic assessments missing:

Socio economic studies for assessing GE crops

are not part of the existing regulations. They don't find any mention in the new one either.

**If BRAI is on, safe food is off.  
Withdraw the bill!**

If the BRAI is passed as an act in the parliament this session, Bt brinjal will be back, and following it is Bt rice , Bt tomato, GE mustard and 40 other food crops.

It will take away the constitutional rights of the citizens and the state governments, push our farmers onto the mercy of multinational seed



companies, kill the citizen's choice on safe food and jeopardise the country's food security and sovereignty.

The Prime Minister must withdraw the bill and an authority with the mandate for protection of bio-safety must be created. Precautionary principle must be the guiding principle of the policy towards regulating GE crops. A transparent and democratic process must be followed in the creation of this new authority.

**Let's join together  
to stop the bill.  
Or else  
the end of choice  
for safe food  
starts here.**

**For more information, please visit [www.safefoodnow.org](http://www.safefoodnow.org)**

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