

## A lease of life to GM crops

03 April 2008 | News



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*The recent SC order on the lifting of the ban on GM crops has large implications for the farming community, most notably the bioagri companies.*

Bt cotton has been a success story in India since the time it was approved for production in 2002. This is in turn reflected in the increase in the country's cotton production which has almost doubled in the last five years, from 158 lakh bales in 2001 to 280 lakh bales in 2006-07. It is further expected to increase by another 10 percent to a projected figure of 310 lakh bales in 2007-08 as per the Cotton advisory Board (CAB).

However, India's GM crops story has been fraught with its own challenges due to inadequate biosafety measures and regulatory aspects with the Supreme Court banning the release of commercial crops in 2006 and halting field trials of GM crops. It was only in February this year (2008) that the apex court bench consisting of Chief Justice KG Balakrishnan, Justice RV Ravindran and Justice JM Panchal vacated the ban order and allowed the GEAC to approve new GM crops and events for field trials after it has put in place proper guidelines and biosafety norms. The biotech regulatory agency, the Genetic Engineering Approval Committee (GEAC) in the Ministry of Environment and Forests (MoEF), has been asked to invite eminent scientists like the founder director of the Hyderabad-based Centre for Cellular and Molecular Biology (CCMB), Pushpa M Bhargava and MS Swaminathan as invitees in the meetings to approve GM crops.

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## A welcome sign

### The SC Ban

The lifting of the ban has been welcomed by the industry. Speaking about it, RK Sinha, executive director of All India Crop Biotechnology Association (AICBA), said, "The AICBA reaffirms the Supreme Court's pragmatic approach in the PIL filed by Aruna Roy which giving the Genetic Engineering Approval Committee (GEAC) final authority on all field trial applications and permissions for biotech crops based on guidelines and examination of bio-safety considerations."

Prof. Kameswara Rao, executive secretary, Foundation for Biotechnology and Awareness and Education, Bangalore also agrees with him. "Certainly it is welcome as field trials can go on without further delays. One should be happy that the loss is only one crop season and if the restriction were not removed it would have entailed loss of some more crop seasons resulting in a hike in investment that would have passed on to the farmer/consumer."

Public Interest Litigation filed by Aruna Rodrigues, PV Sathesh and others, Nandkumar Kagliwal, MD, Nath Biogene, a company into the production of Bt seeds added, "I think it is a very encouraging sign. Otherwise we had this fear and apprehension of this genetic revolution bypassing this country. Lifting of ban would give the way for more research work and it will intensify research efforts in this field. He further added, "For a company like us who are deeply involved in research we are certainly excited about it because now we can work with newer traits in the same crop like cotton where the gene is already released and we can now try out with other genes in the same crop looking for other traits like drought resistant so newer genes can come." Sinha feels that the latest order allows GEAC to proceed with approvals for field trials for all crops and all traits thus harmonizing the existing Indian regulatory mechanism concerning biotech and raising it to the regulatory mechanism existing in other countries.

On October 13, 2006 the apex court made an exception to its ban order and allowed field trials of GM mustard crops on the request of the developer, subject to certain conditions.

Prof. Rao said that the losses incurred by companies in the wake of the ban will vary from company to company depending upon the crop, the number of crops, the number of varieties of each crop and the stage of advancement in their development and there can be no generalizations. However KV Somani, executive director, Sungro Seeds is of the view that all the projects of GM crops approved by the GEAC and Bt Cotton approved by the GEAC and Bt Cauliflower by a court order in GEAC's name next 2006. It also imposed certain new biosafety norms.

Kagliwal of Nath Biogene, however, feels that the ban hit the research sector of the bioagri companies really hard. "If for instance you were working on paddy for insect resistance with genetic research being a long term thing which takes almost 8-10 years and is highly capital intensive. Added to that was the ban which caused the uncertain delay for which crops were never approved through the regulatory process so it becomes a dampener. This led to a slow down when it came to research and the investment and efforts put in were in jeopardy. As a company this has affected us as we lost a precious 18 months and the research cost that went up is difficult to quantify." Talking about the losses further Prof. Rao added, "The loss on account of the apex court order was one crop season, but the consequence was hike in investment and the disincentive to develop new transgenics. Otherwise, the SC order does not make much difference on the growth and development of transgenic crops, because there was no restriction on their development till the open field trial stages."

### Limitations in the current order

RK Sinha, executive director of All India Crop Biotechnology Association (AICBA), said certain limitations in terms of the LOD requirement (Level of Detection) and isolation distance remain that are not consistent with global practices and are hence restricting the approval pipeline which includes key crops such as rice, wheat, tomato, public sector Bt cotton and corn. This issue is before the Supreme Court for adjudication. If amended, field trials can progress based on scientific principles, until which time it is difficult for both public and private institutions to conduct trials with existing LOD and isolation requirements.

### The road ahead

The current SC order certainly has paved a way for better times ahead. Kagliwal said, "I always believe that there is aversion to any new technology that comes so some of the apprehensions if not justified are at least valid. However GM crops are being increasingly adopted all over the world. Even in India around 70 percent of the cotton area is now under Bt Cotton. If that is the level of acceptance by the farming community, it could not be without a reason. RK Sinha added, "One needs to refer to the Bt cotton story to estimate the nation's and farmers' opportunity cost of each year's delay in approval. Prior to approval, activists had insisted upon GEAC to conduct one more year of testing. Remarkably, and in contrast to most other key crops, India's cotton production grew 10 percent from 280 lakh bales in 2006-07 to 310 lakh bales in 2007-08, almost double of the 158 lakh bales in 2001. During these years, India has also emerged as the world's second largest producer and

third largest exporter of cotton, all within six years of introduction of the GM cotton technology. This decision will accelerate the development of biotechnology in India and is in line with the Prime Minister and Finance Minister's recommendation to utilize biotechnology to boost agricultural productivity and improve the status of our farmers."

Shalini Gupta with inputs from Nayantara Som and  
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