

**PROCEEDINGS OF THE LICENSING AUTHORITY AND ADDITIONAL
DIRECTOR OF AGRICULTURE (SEEDS), O/o C & DA,
ANDHRA PRADESH, GUNTUR.**

Present:J.Ravi Kumar B.Sc(Ag)

Proc No.AGC02-12027(31)23/2018-Seed Sec

Date: -01-2019

Sub: Seed Regulation Cell – Seeds Act, 1966- Seed (Control) Order, 1983- Drawal of Cotton seed sample from the premises of M/s Sri Lakshmi Venkateswara Swamy Fertilizers, Adoni – Produced by M/s Sri Sathya Agri Biotech Pvt. Ltd Guntur – Marketed by M/s Pro Seeds Genetic Pvt.Ltd -Lab Analytical report shows Positive to Herbicide tolerant (HT) – Show cause notice issued to M/s Pro Seeds Genetic Pvt.Ltd, Kandukuru ,Prakasam dt- Approached the Hon'ble High Court- Three weeks stay granted by High Court- explanation submitted by the firm- personal Hearing conducted-Explanation submitted by the firm- Reasoned Order issued – Reg.

- Ref:**
1. Hon'ble High Court order in W.P.No.25632/2018 dt: 24/07/2018.
 2. Explanation by the firm M/s Pro Seeds Genetic Pvt.Ltd, Kandukuru, Prakasam dt. Dt:13-08-2018.
 3. Personal Hearing vide Lr.NoAGC02-12027(31)/23/2018 dt: 01-11-2018 of Additional Director of Agriculture (seeds), O/o C & DA, A.P., Guntur.
 4. Explanation by M/s Pro Seeds Genetic Pvt.Ltd , Kandukuru Dt:22-11-2018.

ORDER

Aggrieved by the order of the undersigned in giving show cause notice the petitioner marketer viz M/s Pro Seeds Genetic Pvt.Ltd Kandukuru, Prakasam district filed W.P No.25632/2018 on the file of High Court of A.P Telangana and Andhra Pradesh at Hyderabad. The Hon'ble High Court was pleased to direct the petitioner and granted three (3) weeks time to file the explanation to the show cause notice and after considering the same the Licensing Authority was directed to pass a reasoned order in the matter.

Accordingly the Licensing Authority had also conducted the personal hearing with the petitioner vide reference 3rd cited.

In the reference 2nd & 4th cited the petitioner firm M/s Pro Seeds Genetic Pvt.Ltd, Kandukuru, Prakasam district submitted explanation to the show cause notice and to the personal hearing provided by the Licensing Authority.

In their explanation and personal hearing the petitioner –marketer submitted the following aspects...

- a. Their company is only involved in the business of marketing of sale of Bt Cotton hybrids. The stock which was tested positive for HT trait was supplied by M/s Sri Sathya Biotech Pvt.Ltd, Guntur through invoice & delivery challan dated 11-06-2017.
- b. Their company undertook the marketing of the seeds only after receiving assurance from the producer that the seeds confirmed to the various prescriptions under law including confirmation that the said lot confirmed to the purity specified under Section 6 of the Seeds Act, 1966.
- c. There is no approved protocol for testing Herbicide Tolerance trait in Bt cotton hybrids with the department of Agriculture under the Seeds Act, 1966. Therefore the report of the ADA, DNA Lab, Guntur cannot be relied upon.
- d. There are no guidelines for stipulating how much quantity of sample has to be collected for testing and how much gene quantity of contaminated gene must be present in the sample for testing.
- e. Illegal release of unapproved herbicide tolerance trait in the environment is highly possible that the contamination spread naturally. The sample which was found HT Positive was due to pollution & contamination not due to the deliberate addition of trait.

Before passing order, as it is to be observed that the GOI has instructed the states to inspect all the sale ,storage ,production and processing plants to curb illegal & unapproved HT Cotton with presence of CP4EPSPS gene with MON 88913 event in cotton seed at any stage in production , processing , sale & storage.

On the direction of PMO the Central Government has constituted a Field Investigation & Scientific Evaluation Committee (FISEC) to look into the illegal cultivation of HT Cotton in the Country.

The FISEC Committee has submitted its report and it confirmed that the illegal cultivation of HT cotton in India is not due to natural crossing but due to years of skilled breeding. Presence of HT is deliberate. This cannot be called as contamination. Therefore the claim of the firm that the presence of HT trait in Bt Cotton Hybrid 54SS33 bearing lot no. 303-30731 is due to contamination is not correct and not convincing.

The petitioner firm without shouldering the responsibility has simply thrown burden on Environment and Technology developer and escaped from the real facts of the case.

The analysis report obtained from the DNA fingerprinting and Transgenic Crops Monitoring Laboratory (DFTCML), Guntur is authorized and in exercise of the powers conferred by Sub-Section (1) of Section 4 of the Seeds Act, 1966 read with clause (c) of

Rule 5 of the Seeds Rules, 1968, the Central Government declared the DNA Finger Printing and Transgenic Crops Monitoring Lab (DFTCML), Guntur (Andhra Pradesh) as the National Referral Laboratory, to detect the presence or absence of Living Modified Organisms and Genetically Modified Organisms, under the said act with effect from 15.11.2017 vide S.O.3604 (E) i.e., the date of publication of the notification in the official gazette.

The functions of the Central seed laboratory under rule 5 of Rules **THE SEEDS RULES, 1968 under Seed Act, 1966 (Act No. 54 of 1966)** are reproduced here under

Functions: - In addition to the functions entrusted to the /central Seed Laboratory by the Act, the Laboratory shall carry out the following functions, namely;

- a. Initiate testing programmes in collaboration with the State Seed Laboratories designed to promote uniformity in test results between all seed laboratories in India;
- b. Collect data continually on the quality of seeds found in the market and make this data available to the Committee; and
- c. **Carry out such other functions as may be assigned to it by the Central Government from time to time.**

The methodology being adopted in case of unapproved Herbicide tolerant Cotton is similar to the testing procedures communicated by Govt of India vide OM No.2-6/2012-SD IV dt: 16-09-2015 of GOI, MoA &FW, New Delhi in case of Bt Cotton (approved transgenic). Dip-stick Strip Test, Elisa test and PCR test are the allowed methods for detecting approved Transgenic Bt Cotton and the same methods are used for testing HT Cotton or any unapproved Transgenic Crop.

The DNA Lab report clearly showed the presence of CP4 EPSPS gene with MON 88913 Herbicide Tolerant trait which is not approved by GEAC for commercial cultivation in India.

In India the label claim of the firm M/s Pro Seeds Genetic Pvt.ltd, Kandukuru, Prakasam district for the Bt Cotton Hybrid 54SS33 bearing lot no. 303-30731 should be positive for Cry1Ac and Cry2Ab with MON 15985 event only as per GEAC approval. Whereas the sample tested contain CP4EPSPS gene with MON 88913 Herbicide Tolerant Trait (HT) which is not approved by GEAC (Genetic Engineering Approval Committee) for commercial release in India.

So the firm M/s Pro Seeds Genetic Pvt.ltd, Kandukuru, Prakasam district has contravened and violated the provisions of Section 6, 7 of Seeds Act, 1966 read with section 21, 23 and Clause 3, 8A of the Seeds (Control) Order, 1983.

Considering the personal hearing of the petitioner-marketer and the claim of the petitioner namely M/s Pro Seeds Genetic Pvt.ltd, Kandukuru, Prakasam district in WP No 25632 of 2018 on the order of Hon'ble High Court of Andhra Pradesh dt: 24-07-2018 is not convincing and is not acceptable. The Licensing Authority Additional Director of Agriculture (Seeds), O/o Commissioner & Director of Agriculture, Andhra Pradesh, Guntur (3rd Respondent) passed the following order.

In view of the circumstances stated above there are no reasonable grounds to consider the explanation of the petitioner in the WP No 25632/2018 & orders are passed accordingly that the license of **M/s Pro Seeds Genetic Pvt.ltd, Kandukuru, Prakasam district having its License No. PKM/50/ADDL.DA/CSL/2015/1424** is hereby suspended for a period of one (1) year from the date of this order.

**Additional Director of Agriculture (Seeds)
& Licensing Authority
O/o C & DA, AP, Guntur.**

To

M/s Pro Seeds Genetic Pvt.ltd, D.No.16-6-61, New 24th Ward, Gurramvaripalem Road, Kandukuru, Prakasam district.