

**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)28/2018-Seed Sec

Date: -01-2019

Sub: Seed Regulation Cell – Seeds Act, 1966- Seed (Control) Order, 1983- Drawl of Cotton seed sample from the premises of M/s Sri Balaji Traders, Kurnool – produced by M/s Neo Seeds India Ltd, Hyderabad-Marketed by M/s Indus Valley Agro seeds Pvt.Ltd- DNA lab Analytical report shows Positive to Herbicide tolerant (HT) – Show cause notice issued to M/s Neo Seeds India Ltd & M/s Indus Valley Agro seeds Pvt.Ltd- Approached the Hon’ble High Court- Three weeks stay granted by High Court- explanation submitted by the firm- personal Hearing conducted- Reasoned Order issued -Reg.

- Ref:** 1. Hon’ble High Court order in W.P.No.25172/2018 dt: 20/07/2018.
2. Explanation to SCN by M/s Indus Valley Agro seeds Pvt.Ltd, Kurnool dt. Dt:08-08-2018
3. Personal Hearing vide Lr.NoAGC02-12027(31)/28/2018 dt: 01-11-2018 of Additional Director of Agriculture (seeds), O/o C & DA, A.P., Guntur.

ORDER

Aggrieved by the order of the undersigned in giving show cause notice the petitioner marketer viz M/s Indus Valley Agro seeds Pvt.Ltd, Kurnool filed W.P No.25172/2018 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 cited the petitioner firm M/s Indus Valley Agro seeds Pvt.Ltd, Kurnool 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...

1. They are the victims of the wrongful acts committed by others. The presence of HT trait is an act of contamination carried out by others.
2. There is no approved procedure to determine the presence or absence of HT gene in a leaf or seed sample.
3. The Licensing Authority under the provisions of Clause 11 of the Seeds (Control) Order, 1983 is not a notified authority for purposes of EP Act, 1986 or rules made there under. The report of DNA, Lab tested without following the approved procedure while analyzing the sample drawn under the statue. The DNA laboratory is bound to adopt the procedure approved by the competent authority under the relevant statutory provisions.
4. All their cotton hybrid parents are completely free from HT gene and they have used single parental lot of respective hybrid parents for cotton hybrid seed production.
5. Without their knowledge due to out-crossing from other sources in production fields or admixture during various stages of hybrid seed production processes reported HT gene in lot no. 2026 IV 1471 of M/s Neo Seeds India Ltd, Vijayawada.

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 CP4EPSP5 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 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 the Hybrid Surya BG II (Neo 1652 BG II) lot 2026 IV 1471 is due to contamination is not correct and not convincing.

It is to submit that the show cause issued by the Licensing Authority as per The Seeds Act, 1966 & The Seeds(Control) Order, 1983 but not as per the Environmental Protection Act, 1986 & E.P Rules 1989 as replied by the firm M/s Indus Valley Agro seeds Pvt.Ltd, Kurnool.

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 Indus Valley Agro seeds Pvt.Ltd, Kurnool for the cotton hybrid Surya BG II (Neo 1652 BG II) lot 2026 IV 1471 must be positive for Cry1Ac and Cry2Ab with MON 15985 event only as per GEAC approval. Whereas sample contain CP4EPSPS gene with MON 88913 Herbicide Tolerant Trait (HT) which is not approved by GEAC (Genetic Engineering Approval Committee) for commercial cultivation in India.

So the firm M/s Indus Valley Agro seeds Pvt.Ltd, Kurnool 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 Indus Valley Agro seeds Pvt.Ltd, Kurnool in WP No 25172 of 2018 on the order of Hon'ble High Court of Andhra Pradesh dt: 20-07-2018 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 25172/2018 & orders are passed accordingly that the license of **M/s Indus Valley Agro seeds Pvt. Ltd, Kurnool having its License No. RRD/15/ADDL.DA/CSL/2014/1133** 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. Indus Valley Agro seeds Pvt.Ltd, Flat No 102, Vamsi Residency, Veenus Colony,
Kurnool.