

**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)35/2018-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 Bhavani Seeds & M/s Bhaskar Cotton seeds , Guntur-produced by M/s Narmada Sagar Agri Seeds Pvt. Ltd – DNA Lab Analytical report shows Positive to Herbicide tolerant (HT) –Show cause notice issued to Marketer M/s Azadi Bio Science Pvt.Ltd, Guntur – Reply furnished by the firm- Personal Hearing Conducted –Explanation submitted- Suspension of the License- Regarding.

- Ref:**
1. Analytical Report SI.ROC.No.248/18-19 dt 19.7.2018 of ADA, DNA Fingerprinting & Transgenic Crops Monitoring Laboratory, Guntur.
  2. Analytical Report SI.ROC.No.253/18-19 dt 19.7.2018 of ADA, DNA Fingerprinting & Transgenic Crops Monitoring Laboratory, Guntur
  3. Show cause notice issued vide AGC02-12027(31)/35/2018 dt: 08-10-2018 of Additional Director of Agriculture (seeds), O/o C & DA, A.P., Guntur.
  4. Explanation to SCN by M/s Azadi Bio Science Pvt.Ltd, Guntur dt: 12-10-2018.
  5. Personal Hearing vide Lr.NoAGC02-12027(31)/35/2018 dt: 01-11-2018 of Additional Director of Agriculture (seeds), O/o C & DA, A.P., Guntur.
  6. Explanation submitted for personal hearing by the firm dt: 14-11-2018.

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It is to inform that vide 3<sup>rd</sup> reference, a show cause notice was issued to M/s Azadi Bio Science Pvt. Ltd, Guntur by Licensing Authority on HT Positive Bt Cotton samples while enclosing the results vide 1<sup>st</sup> & 2<sup>nd</sup> reference.

Vide 4<sup>th</sup> reference the firm M/s Azadi Bio Science Pvt.Ltd, Guntur submitted an explanation to the Show Cause Notice given by the Licensing Authority.

Further vide 5<sup>th</sup> reference the Licensing authority had also conducted the personal hearing with the firm M/s Azadi Bio Science Pvt.Ltd, Guntur on 12-11-2018 and asked to submit any further explanation in addition to the reply which was already given to the Show Cause Notice.

In their explanation to show cause notice and personal hearing the petitioner – marketer submitted the following aspects...

1. The Marketer cannot be held responsible as the cotton Hybrid KCHB-3355 Geetha BGII bearing lot no.s AD-183068 & AD-183122 seeds was obtained as packed and sealed condition and labelled as per the section 6 (b) of the Seeds Act, 1966 read with Clause 8A of the Seeds (Control) Order,1983 from M/s Narmada Sagar Agri Seeds Pvt.Ltd, Kurnool.
2. There is no sampling procedure developed and notified by the competent authorities for sampling of leaf or seed. Similarly there is no approved procedure to determine the presence or absence of HT gene in a leaf or seed sample. For doing the same in a proper manner a statutory laboratory shall be established and that should be obliged to follow the approved procedure as notified by the Government.
3. The report of ADA, DNA Lab was submitted without following the approved procedure while analyzing the sample under the statue.
4. The fact that the sample tested positive for lot no.s AD-183068 & AD-183122 for unapproved MON 88913 event is a clear evidence of the fact that it is a case of mere contamination and not a deliberate action of seed production of unapproved HT cotton.

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 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 cotton KCHB-3355 Geetha BGII bearing lot no.s AD-183068 & AD-183122 is due to contamination is not correct and not convincing.

The firm without shouldering the responsibility has simply thrown burden on Environment 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 Azadi Bio Science Pvt.Ltd, Guntur for the cotton hybrid Geetha BGII bearing lot no.s AD-183068 & AD-183122 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.

As per the terms & conditions of the Co-Marketing Agreement which was entered by M/s Narmada Sagar Agri Seeds Pvt. Ltd Kurnool and M/s Azadi Bio Science Pvt.Ltd, Guntur shall jointly abide by various relevant statutory provisions under various acts.

So the firm M/s Azadi Bio Science Pvt.Ltd, Guntur 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.

Hence the explanation submitted by the firm M/s Azadi Bio Science Pvt.Ltd, Guntur is not convincing and is not acceptable. The Licensing Authority Additional Director of Agriculture (Seeds), O/o Commissioner & Director of Agriculture, Andhra Pradesh, Guntur passed the following order.

In view of the circumstances stated above there are no reasonable grounds to consider the explanation of the firm & orders are passed accordingly that the license of M/s Azadi Bio Science Pvt. Ltd, Guntur having its License No. GUN/36/ADDL.DA/CSL/2015/1369 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 Azadi Bio Science Pvt.Ltd, Guntur, D.No.10-112, OPP: Telephone exchange,  
Prathipadu, Guntur.