

**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)14/2018-Seed Sec

Date: -01-2019

Sub: Seed Regulation Cell – Seed Act 1966- Seeds (Control) Order, 1983-District Squad- Inspected the premises of Navata Transport Office Yemmiganur, Kurnool District- DNA lab Analytical report –Positive to Herbicide tolerant (HT) – Show cause issued to M/s Neo Seeds India Pvt Ltd- Approached the Hon'ble High Court- Three weeks stay granted by High Court- explanation submitted by the firm M/s Neo seeds- Reasoned Order issued – Further Court directed to conduct personal Hearing- Explanation submitted by the firm- Fresh Reasoned Order issued -Reg.

- Ref;**
1. Interim Direction from Court on WP No.20958/2018 dt; 28-06-2018.
 2. Reply to show cause notice from M/s Neo Seeds India Pvt.ltd dated; 17-07-2018.
 3. Proc No.Agcs-12027(31)14/2018-Seed Sec dt: 31-07-2018 by Licensing Authority, O/o C & DA, A.P., Guntur.
 4. Hon'ble High Court Order on W.P.No.20958/2018 dt: 23/08/2018.
 5. Lr.No.AGC02-12027(31) 14/2018 dt: 08-10-2018 of this office.
 6. Reply to Personal Hearing by the firm M/s Neo Seeds India Pvt.Ltd dt: 23.10.2018.

ORDER

Aggrieved by the order of the undersigned in giving show cause notice the petitioner producer viz M/s Neo Seeds India Pvt.ltd, Vijayawada filed W.P No.20958/2018 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, vide 3rd reference the Licensing Authority had issued a reasoned order with the suspension the license of M/s Neo Seeds India Private Limited having License No.RRD/O/ADDL.DA/CSL/2014/506.

As per reference 4th cited the Hon'ble High Court directed the Licensing Authority to provide a Personal Hearing to the petitioner and pass a fresh reasoned order after considering the petitioners explanation and oral submissions.

Accordingly the Licensing Authority had conducted the personal hearing with the petitioner firm vide reference 5th cited.

In the reference 2nd & 6th cited the petitioner firm M/s Neo Seeds India Pvt.Ltd, Vijayawada 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 –producer submitted the following aspects...

1. They never handle HT Cotton in their Research programme and all their cotton hybrids are free from HT gene.
2. The company follows stringent and rigid control measures to ensure that no cotton lots contaminated with HT gene would enter into their seed store from hybrid production fields.
3. Since the company does not handle HT gene in research and parents are free from HT gene, there is no question of developing HT Cotton hybrids.
4. This can happen only because of contamination and there is no attempt to deliberately develop and market HT Cotton hybrid.
5. No Standardized sampling method is available for HT Testing.
6. Standard protocols for testing HT gene are not available.

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. Taking their aspect into consideration the claim of the firm that the presence of HT trait in cotton hybrid seed Navya BG II lot no. No 1042503416 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 Neo Seeds India Pvt.Ltd, Vijayawada for the cotton hybrid Navya BG II lot no. No 1042503416 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 Neo Seeds India Pvt.Ltd, Vijayawada 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-producer and the claim of the petitioner namely M/s Neo Seeds India Pvt.Ltd, Vijayawada in WP No. 20958 of 2018 on the order of Hon'ble High Court of Andhra Pradesh dt: 23-08-2018 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 20958/2018 & orders are passed accordingly that the license of **M/s Neo Seeds India Pvt.Ltd, Vijayawada having its License No.RRD/O/ADDL.DA/CSL/2014/506** 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

The M/s Neo Seeds India Pvt. Ltd, D.NO.76-11-23, Kollafarm Road, Bhavanipuram,
Vijayawada, Krishna District.