

GMOs and “Unremitting Fraud” by Government Regulators in India concerning GM Mustard

Petition Filed for Contempt of Court Against Members of Genetic Appraisal Committee over GM Mustard

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Region: [Asia](#)

Theme: [Biotechnology and GMO](#)

A petition has been filed by activist and campaigner Aruna Rodrigues against three persons of the Genetic Engineering Appraisal Committee (GEAC). The GEAC is India's apex regulatory body.

Rodrigues is seeking the initiation of contempt proceedings for wilfully and deliberately disobeying the explicit orders of the Supreme Court (SC) 8th May 2007, 15th February 2007, 8th April 2008 and 12th August 2008 and proceeding with numerous GMO field trials of GM mustard with the aim of commercially introducing to India for the first time herbicide tolerant (HT) food crops.

The case of GM mustard (DMH 11) is critical since on the back of large-scale trials (LSTs), the application for commercialisation was reportedly sent by the crop developer Dr Deepak Pental of the Centre for Genetic Manipulation of Crop Plants to the GEAC in Sept 2015. It is being considered for surreptitious approval for commercialisation, according to newspaper reports.

As LSTs are the final stage of trials before commercialisation and carry a serious risk of contamination, the SC-appointed Technical Expert Committee (TEC) requires that crop biosafety tests are first completed prior to LSTs. The crop must then be signalled as utterly safe before proceeding further. Biosafety studies and risk assessment protocols must be addressed and completed during Biosafety Level I (BRL I) trials. Then the process may move towards the next stage (BRL II). The petition claims that these protocols were not adhered to.

Rodrigues argues that the official regulators have hidden all data about GM mustard from the public and the independent scientific community, against the constitutional provisions and the orders of the SC, and have failed to respond positively to requests for access to such data.

She claims that mandatory rigorous biosafety protocols and independent and open scientific scrutiny have not been carried out and the data pertaining to 'mustard DMH 11' therefore needs to be concealed. Moreover, there is clearly no data online available from official sources in defiance of an SC order for the public disclosure of all data.

The members of the GEAC are thus claimed to be in contempt of court because:

1. They have failed to provide public access to information, including full biosafety

dossiers, meeting minutes and safety dossiers, thus side-lining court orders.

2. They have failed to implement biosafety measures during open field trials to ensure no contamination, which for GM mustard is a serious issue, as the petition makes clear. Enabling orders to prevent contamination during trials were thus side-lined. Among other issues, no active testing for contamination with validated protocols was done to demonstrate regulatory commitment to contain risk under the supervision of named scientists.

Regarding the second point, the petition states:

“A conscionable regulator would never have entertained these trials. It is emphasised that these crops constitute the opening up of a second front in GMO technology, i.e. HT crops, and with stealth, which make[s] the contempt of orders with respect to these LSTs even more unconscionable.”

The petition goes on to state:

“There is a great chasm between what is required for proper GMO risk assessment & oversight, which prioritises bio-safety and upholds the national interest, and what is taking place in India. The regulatory vacuum constitutes deliberate malfeasance and fraud, putting us at infinite and irremediable and irreversible risk.”

And driving home the point, the petition adds:

“... what we are now confronted with, in the specific matter of Mustard DMH 11 and also LSTs of corn and flex cotton, all of them HT crops, is more corrupt and even sinister because we have brazen and repeated contempt including ‘underground’ approvals to keep the biosafety fraud of these approvals secret and promote a clear agenda to promote GMOs into Indian Agriculture. The Regulators and our Institutions of GMO governance are ‘serial offenders’ without compunction.”

The conclusion is that there seems to be no room for science or transparency in this process. Approval of LSTs of GM mustard point to the unrelenting determination of the regulator to facilitate the market expansion of GM food crops despite the incontrovertible evidence of serious hazards.

Contamination from field trials and subsequent commercialisation means the impacts on biodiversity will be irreversible. Rodrigues says that it is a matter of great perplexity that the public interest can be allowed to be drowned by corporate power in this way.

The GEAC’s reckless rush into GM foods, unless checked, will have massive impacts on India’s farmers, their crop choices, consumers’ food and health and on wild places and the countryside. This secrecy and regulatory delinquency outlined here is integral to accelerating the wider agenda of restructuring Indian agriculture for the benefit of a Western agribusiness cartel (see [this](#) and [this](#)).

And this point could not be made any clearer by Rodrigues in the petition:

“The core problem is the proven and pernicious conflict of interest which has pervaded the entire system. In so far as Mustard DMH 11 is concerned, the Regulators, Promoters, and Developers have stitched up every angle to facilitate the commercialisation of this crop.”

Rodrigues proceeds to set out evidence for this capture of government bodies and agencies by the pro-GMO lobby to make her point (as indeed she has previously – see [this](#)).

Her concluding comments in the petition make the situation clear in terms of India possessing an “utterly delinquent regulatory system” and “unremitting fraud” where regulating GMOs are concerned:

“The only recourse is to eliminate the peril of an utterly delinquent regulatory system, through a full moratorium on GMOs... We are well beyond the point when the Precautionary Principle must be applied, because the build-up of evidence of environmental and health hazards points to unremitting fraud in the regulation of GMOs... This technology is a classic case of ‘unforeseeable systemic ruin’, which means that we will know we are ruined after it happens. As they say, the dead cannot make a comeback.”

See [this](#) previous piece on GM mustard in India for background information and some wider implications

Access the petition filed for contempt of court proceedings by Aruna Rodrigues against members of the GEAC here: [Contempt Of Court GEAC GM Mustard](#)

Colin Todhunter is an independent writer – his website is [here](#)

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