

GM Mustard and the Indian Government: The Game Is up, the Emperor Has No Clothes!

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The next stage of the case involving the commercialisation of genetically modified (GM) mustard in India is to be heard on 15 September in the Supreme Court (SC). GM mustard could be India's first commercially cultivated GM food crop, which could very well open the floodgates to the commercialisation of various other food crops that are in the pipeline.

Lead petitioner **Aruna Rodrigues** is seeking a moratorium on the environmental release of any genetically modified organisms (GMOs) in the absence of comprehensive, transparent and rigorous biosafety protocols in the public domain and biosafety studies conducted by independent expert bodies the results of which are made available in public domain.

The petitioners argue that the present circumstances warrant a prohibition on commercial release of DMH-11 mustard in view of the fact that:

- Mustard is a crop of origin/diversity in India
- DMH-11 and parental lines contain herbicide tolerant (HT) traits
- DMH11 has failed to satisfy the prior requirement of 'need' of this crop as evidenced from the results of the open field trials
- The conduct of Biosafety Research Level ('BRL') trials were comprehensively flawed and are invalid

In this ongoing saga, two government 'additional affidavits' were recently submitted to the SC, following the recommendations of the Genetic Engineering Appraisal Committee (GEAC) to permit the environmental release of DMH-11 and its transgenic parental lines.

The government says that only 15 kilograms of DMH-11 would be planted in the upcoming winter season (beginning from Oct 2017) to demonstrate its yield potential and commercial viability. It has revealed plans for hybrid seed production in preparation for commercial use in approx. two years.

It also reiterates its claims that DMH-11 is not a HT crop. It claims it has been developed through 'hybridization technology'. The government averred that DMH-11 does not pose any risk to human/animal health or the environment. Furthermore, it urged that the DMH-11 and other hybrids using this technology are necessary to improve yields in mustard in India which has been 'stagnant around 7-8 MT for the last 20 years'.

The government has not only projected the hybrid seed production of DMH-11 as an

innocuous and harmless procedure, but also revealed its predisposed mind to permit commercialisation of GE Mustard.

Exposing the government's claims

In response to this, Aruna Rodrigues has submitted a [45-page 'Additional Affidavit Reply'](#) (citing all relevant sources and in-depth arguments) to the SC to rebut the claims by the government.

The basis of the rebuttal is stated on pages 3 and 4:

“At the outset, it is stated that the above [government] Affidavits hide more than they reveal. The stand of the Central Government reflects a high degree of technical incompetence and a deliberate intent to obfuscate science. The claims made are also straightforwardly untrue; broad statements, without evidence, presented as fact.”

Based on the Report on Assessment for Food & Environmental Safety (AFES) submitted by the Sub-Committee of GEAC, the government argues that DMH-11 does not pose any risk to human/animal health or the environment.

In response to this, Rodrigues states:

“As such, the AFES Report is not a detailed scientific description of the biosafety of HT DMH-11. The dossier with the raw biosafety data submitted by CGMCP [Centre for Genetic Manipulation of Crop Plants at the University of Delhi, which has developed DMH -11] running into thousands of pages is still concealed, for which the Petitioners were constrained to initiate contempt proceedings against the Respondents which is currently pending for consideration by this Hon'ble Court.”

While Rodrigues expresses deep concern about the government's attempts to confuse and even mislead on matters of core importance to biosafety, she is also concerned about minutes of a crucial GEAC meeting being suppressed.

The affidavit then discusses the recent report by the Parliamentary Standing Committee on Science & Technology, Environment and Forests: 'Genetically Modified Crops and its Impact on Environment'.

The report is scathing in its criticism of the regulation and risk assessment of GMOs, including GM HT mustard. It finds relevant high-level agencies as shockingly casual in their approach to GMOs in agriculture and “takes serious note of the apathy of the concerned government agencies” about the impact of GMOs on the environment (including agriculture) and on human and animal health. It finds the current regulatory framework to lack rigour, expertise, transparency and is seriously 'conflicted' (conflict of interest).

The Committee strongly believes that unless the bio-safety and socioeconomic desirability is evaluated by a participatory, independent and transparent process and a retrieval and accountability regime is put in place, no GM crop should be introduced in the country. The report states that with GM mustard being an herbicide tolerant GMO, there is clear evidence on the adverse impacts of such GMOs from elsewhere in the world.

The Committee argues that the government should reconsider its decision to commercialise GM crops in the country and recommends that the whole process of evaluation should be carried out by an independent agency consisting of the people of impeccable credentials in the relevant field to ensure that there is no violation of the existing regulations in this regard.

The above findings are entirely in agreement with four previous official government reports. A short description of these reports is contained in the affidavit, followed by a discussion of the history of regulatory delinquency with special reference to events surrounding GM brinjal. Regrettably and alarmingly, in HT mustard DMH-11, India faces a repeat of the disastrous regulatory history of Bt brinjal, which was eventually prevented from being commercially cultivated.

The affidavit then goes on to deconstruct each aspect of the government's case for GM mustard. It exposes a catalogue of deceptions and misrepresentations, not least the government's newly concocted claim that HT stands for 'hybridisation technology' and not 'herbicide tolerant', which - given the evidence set out by Rodrigues in the affidavit - appears to be a desperate attempt to backtrack given the massive dangers and impracticalities associated with HT crops in a country like India.

As in previous court documents and in various other literature, it is made clear that GM mustard does not improve yields and that there is in fact no need for it. Much is also made of the field trials that were based on invalid tests, poor science and a lack of rigour and is supported by a good degree of technical data and argument. The conclusion is there has been a "regulatory vacuum" and the SC is being misled by the government.

Rodrigues is scathing in her criticisms, not least in the proven dangers posed by the herbicide glufosinate and the contamination of India's mustard germplasm. The government's actions indicate:

"a disregard for India's priceless biodiversity, a heritage that we must ferociously guard and also status as a biodiversity 'hot spot'... lip service is paid to the certain contamination of India's germplasm from HT DMH 11. This is outstanding issue that Petitioners emphasise repeatedly, because it is critical. If the GM 'genie' escapes, it cannot be bottled again."

Rodrigues adds:

"In reality, the ruse is to obtain the authorisation of this Hon'ble Court now, to 'creeping commercialisation' which will be undertaken in 2 stages. This first stage, (limited to 15 kg of seed), will be the backdoor entry to eventual full commercial release sometime in the future, when there is sufficient seed produced from this first stage for full commercial planting."

Given the conflicts of interest at work in the regulatory process, the invalid field tests, the lack of transparency, the proven lack of need, the threat to India's mustard biodiversity and the dangers of glufosinate to health and to agriculture in a nation of small farmers using a multi-cropping system, isn't it time for the government to come clean? Isn't it time to follow the recommendation set out in numerous high-level reports.

The developers at Delhi University, the government and the GEAC have been found out.

No one wants GM mustard. Not farmers, not the various states. And do we hear the public speaking out in favour of it?

The game is up. The emperor has no clothes. The fraud has been exposed.

For those who have not been following the issue of GM mustard in India and its implications, additional insight may be obtained by accessing Colin's previous articles on the matter [here](#).

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