



To

The Minister of Environment, Forest and Climate Change,  
Indira Parivan Bhavan,  
Jor Bagh,  
New Delhi  
Date : 12/05/17

**SUB: GM Mustard detrimental to rural Indian farmers and public health**

Dear Shri Anil Madhav Dave ji,

I strongly urge you prevent the takeover of India's agriculture and biodiversity and swadeshi practises of agriculture by the poisons cartel of Monsanto and Bayer. After their global merger, they have become the worlds largest seed and chemical corporation. Now Bt Cotton and GM Mustard have one common owner - Monsanto/Bayer.

After the GEAC's decision to approve Bayer's GM Mustard, India's biodiversity and farmers' livelihoods depends on your decision. We already know that the GEAC is a compromised body as most of the members are involved with lobby groups and advocacy groups which are funded by Bayer/Monsanto. They under control pressure threaten India's sovereignty, our laws and India's biodiversity. The GM Mustard is a fraud and even the Supreme Court is hearing a case on GM Mustard and the matter is sub-judice. We call upon your ministry to wait for the order, before any steps are taken.

The Indian parliament by creating a strong framework of laws embodied in the Biodiversity Act, Plant Variety Protection and Farmers' Rights, Competition Act, Essential Commodities Act, et al have ensured the welfare of not only farmers and Indian people, but also upheld the rights for plants and animals of India. On behalf of all the members of the Vasudeva Kutumbhakam, Earth family, I thank you.

Our Parliament has further ratified the Convention on Biological Diversity and the sui generis system option of Trade Related Aspects Intellectual Property Rights (TRIPS) agreement to ensure the Indian farmers' rights and biodiversity is protected. As a current representative of the Indian people, we hope you will push forward this great legacy and continue to bring social justice and uphold the laws of India.

Seed is the basis of agriculture; the means of production, the basis of farmers' livelihoods and the first link of our food. But in less than two decades, cotton seed has been snatched from the hands of Indian farmers by Monsanto, displacing local varieties, introducing GMO Bt cotton seeds and coercing extravagant royalties from farmers. Since Monsanto's entry into India in 1998, the price of cotton seeds has increased by almost 80,000% (from ₹5 – ₹9/KG to ₹1600 for 450 gms). 300,000 Indian farmers have committed suicide in only two years, trapped in vicious cycles of debt and crop failures, 84% of these suicides are attributed directly to Monsanto's Bt cotton.



Bt Cotton story in India is a tale of illegality from the very beginning. Monsanto-Mahyco illegally imported Bt cotton in 1995 and illegally started open field trials in 1998.

The undersigned was compelled to file a writ in the Supreme Court against the illegal import and trials of Bt cotton without approval of the statutory body the Genetic Engineering Approval Committee (GEAC). Monsanto started to illegally collect royalties from our farmers and rapidly established a monopoly. Today 95 % cotton is Monsanto's Bt cotton. The government has had to take action to regulate the illegal and unlawful activities of Monsanto in royalty collection.

In 2006 a case brought before the MRTPC by the Government of AP, in which the Research Foundation for Science, technology and Environment intervened, favoured the farmers and ordered a reduction in the seed price. The AP government also negotiated with the seed companies to set the prices of hybrid Bt cotton seed at Rs 810 (\$18 per packet of 450 grams) inclusive of technology fee which is much lower than the Rs 1305 ( \$29/ per packet) that MMB had been selling it at. Soon other state governments adopted the same pricing policy.

In December 2015, the Seed Price Control Order was passed under the Essential Commodities Act, but instead of accepting the laws of the land, Monsanto tried to challenge the order in the Delhi and the Karnataka High Courts. In Delhi the case was dismissed and the undersigned impleaded in the Karnataka HC case. The case was also dismissed.

Because Monsanto had established a monopoly through absolutely unlawful means, the issue was taken to Competition Commission of India (CCI) by many parties including the Government of India. The CCI has the mandated duty and authority to regulate unfair business practises and abusive monopolies. Monsanto has not even appeared once before the CCI and is now dragging the CCI to court, even though an earlier attempt has been dismissed by the courts.

Even while the Monsanto's illegitimate claims to IPRs in the areas of seeds and plants is now out in the open, a new IPR scam in the making.

The chemical industry is getting ready to push the GM-Mustard (DMH-11). The GM mustard being promoted as a public sector "innovation" is based on barnase/barstar/ gene system to create male-sterile plants and a bar gene for Glufosinate Resistance. In 2002 Pro-Agro's (Bayer) application for approval for commercial planting of GM Mustard based on the same system was rejected.

For 8 million cotton farmers access and availability to fairly priced seeds is a matter of survival. Any situation that threatens the livelihoods of 8 million Indians is a national emergency. The issue of Seed Price impinges directly on farmers rights. And since the high prices with the high royalty component has driven farmers to suicide, State Governments and the Central Government have acted to bring down the seed prices.



There are 3 issues related to the state of seed and the current conflicts related to Monsanto, Indian farmers and the Govt of India. First is the farmers rights to reliable and affordable seed and with it the duty of the government to protect farmers right to livelihood and right to life . It is the government's duty under Art 21 of the constitution to protect the life of all its citizens. The Cotton Seed Price Control Order issued by the Government of India needs to be seen in the context of farmers rights.

Second is the issue of IPRs, patents, royalty ,technology fees in the context of false claims and a failing technology, and the duty of Government to act to revoke a patent according to Article 64 and Article 66 of the Indian Patent Act. There is a show cause notice served to Monsanto by the Central Government regarding the patent.

The third is the issue of monopoly on seed. The Government has a duty to prevent monopolies being established . This is why we had the MRTP commission earlier, and now the competition commission .

The issue of monopoly is before the Competition Commission of India which has stated that Monsanto has violated Competition laws and there is Prima Facie evidence of monopoly and abuse of dominant position by Monsanto.

Just as Monsanto is forum shopping by going to different courts at the same time, it is also issue-shopping. First it is trying to reduce the contest over seed price as only between Monsanto and Indian companies which are its licensees, thus attempting to totally erase farmers and the fundamental rights of farmers from the case. Second, Monsanto is hiding the two other Government actions against it on the issue of Bt Cotton, the show cause notice on revocation of the Bt cotton patent, and the Competition Commission of India case.

As a parliamentarian of India, we do hope you will defend the country's laws and not allow underhand and illegal activities of Monsanto to threaten the sovereignty of the Indian constitution and undermine the regulatory framework that defends the rights of the Indian people.

As far as seed and agriculture and farmers welfare is considered, India is facing an emergency. We call on you to create a multi party task force to both look at the last two decades of violation of India's laws and the creation of seed monopoly especially with the case of Bt cotton. Secondly, you should carefully observe recent agro-business mergers between the recent buyout of Monsanto by Bayer for \$66 billion, Dow-DuPont, Syngenta-ChemChina threaten the sovereignty of India. These merger will allow these companies to have a new international monopoly over the supply of seeds to essential pharmaceutical medicines. The Monsanto-Bayer merger will lead to a global monopoly on seeds and agricultural chemicals. Given their past history, they will corrupt national governments to manipulate the markets for their profits. They, Monsanto now Bayer are corruption of the Indian government and government officers.

We also demand that "White paper" be called for in the parliament to expose all those people, who receive funds and are complicit with foreign corporations that are exploiting Indian farmers.

India's laws are been systematically violated by Monsanto which illegally introduced the first GMO crop Bt Cotton in India. Monsanto is trying to subvert our Patent Law, our Plant

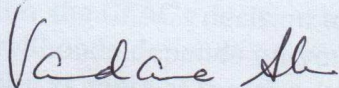


Variety and Farmers Rights Act, our Essential Commodities Act , our Anti Monopoly Act (Competition Act). It is behaving as if there is no Parliament, no Democracy, no Sovereign Laws in India to which it is subject. Or, it simply does not have any regard for them.

We count on you to defend the Indian constitution , the democratic processes of the country ,and the rights of the Indian people by defending India from a new 'Company Raj' that seeks to undermine, violate and monopolise Indian agriculture and enslave her people for their super profits.

We request you to cancel the clearance for Bayer's HT GM Mustard and even investigate the members of the GEAC and find out the reasons on the basis of which the clearance was given.

Regards,



Dr Vandana Shiva