

**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)24/2018-Seed Sec**

**Date: -01-2019**

**Sub:** Seed Regulation Cell – Seeds Act, 1966- Seed (Control) Order, 1983- Drawl of Cotton seed sample from the premises of M/s Bhuvanewari seed Centre, Adoni –produced by M/s Western Agri Seeds, Ltd Kurnool- Marketed by M/s Sai Bhavya Seeds, Nellore- DNA lab Analytical report shows Positive to Herbicide tolerant (HT) – Show cause notice issued to M/s Western Agri Seeds Ltd -Approached the Hon’ble High Court- Three weeks stay granted by High Court- explanation submitted by the firm- personal Hearing conducted- Reasoned Order issued -Reg.

- Ref;** 1. Interim Direction from Court on WP No.25435/2018 dt: 23-07-2018.  
2.Reply to show cause notice by the firm M/s Western Agri Seeds, Ltd Kurnool.  
3.Lr.No. Agcs-12027(31)24/2018 dt: 01-11-2018 by Licensing Authority, O/o C & DA, A.P, Guntur.  
4.Reply to Personal Hearing by the firm M/s Western Agri Seeds Ltd, Kurnool.

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**ORDER**

Aggrieved by the order of the undersigned in giving show cause notice the petitioner producer viz M/s Western Agri Seeds Ltd, Kurnool filed W.p.no.25435/2018 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 the Licensing Authority had also conducted the personal hearing with the petitioner vide reference 3<sup>rd</sup> cited.

In the reference 2<sup>nd</sup> & 4<sup>th</sup> cited the petitioner firm M/s Western Agri Seeds Ltd, Kurnool 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. The Bt Cotton hybrid Western Nirogi-51 Lot NO.SB-18-99011 that tested HT positive in DNA Lab, Guntur. It could be due to contamination, as this trait escaped into the environment, as a result of negligence on the part of the Technology Developer.
2. They have also submitted that said unapproved HT trait is so rampantly present in the environment across several states that there is every possibility of it contaminating any cotton crop.
3. DNA, Lab Guntur has not followed procedure. The result of a sample which is based on unapproved analytical procedure cannot be deemed to be legally valid.
4. Their firm is evidently victim of contamination of its cotton germplasm.
5. Lack of testing procedures to find the presence of HT gene in cotton seed was major hurdle to take precautionary measures to keep their planting material free from HT gene. Anyhow CP4EPSPS LFS Kits are now 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 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. Taking their aspect into consideration the claim of the firm that the presence of HT trait in cotton hybrid seed Western Nirogi-51 lot no. SB-18-99011 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 Western Agri Seeds Ltd, Kurnool for the cotton hybrid Western Nirogi-51 bearing lot no. SB-18-99011 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 Western Agri Seeds Ltd, Kurnool 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 Western Agri Seeds Ltd, Kurnool in WP No 25435 of 2018 on the

order of Hon'ble High Court of Andhra Pradesh dt: 23-07-2018 is not convincing and is not acceptable. The Licensing Authority Additional Director of Agriculture (Seeds), O/o Commissioner & Director of Agriculture, Andhra Pradesh, Guntur (3<sup>rd</sup> 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 25435/2018 & orders are passed accordingly that the license of **M/s Western Agri Seeds Ltd, Kurnool having its License No.RRD/O/ADDL.DA/CSL/2014/112** 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 Western Agri Seeds Ltd, H.NO.81-2E4/1/1B, Raghavendra nagar, Kallur, Kurnool district, 518 002.