

US Forces Changes In India's GM Policy

The Government of India had issued a notification on August 23, 2007, which came into effect on September 11, 2007, withdrawing all existing regulatory oversight over the import of GE foods. Now, GE foods can be imported without having to take any permission from regulatory agencies, as has been the case so far. The new notification exempts importing agencies from even informing the government.

Gene Campaign filed a writ petition in the Supreme Court challenging the notification issued by the government. It appealed to the Court to strike down the notification since it is "unconstitutional, being violative of Articles 14 and 21 of the Constitution"; it had further requested the Court to strike down the new provisions since these give uncanalised power to the government which power is likely to be abused and is therefore violative of Article 14 of the Constitution.

The Supreme Court heard the matter on November 19 and issued a notice to the Government of India. The Court issued a further notice on Gene Campaign's application that a stay be granted on the notification till the issue is finally decided. This means that the government has been put on alert that the Supreme Court was now watching the deregulation of GM foods.

Until now, in view of the known health risks associated with GE foods, government guidelines required that import of GE foods can only take place with the express permission of the apex regulatory body in India, the GEAC (Genetic Engineering Approval Committee). Further, any handling of GM foods was to be done only after these were labelled as such.

The regulatory oversight that existed prior to the new notification was necessary and appropriate since it had allowed India to monitor the entry of food products produced by a new technology that is known to produce toxic and allergic compounds. It also allowed India to maintain vigil that food products rejected by other countries in Europe, Africa and Middle East are not in fact being dumped on us. The arbitrary withdrawal of the regulatory oversight without any scientific reason and without any consultation with a range of stakeholders that are engaged with GE technology and policies associated with it, is a dangerous development. It will benefit the producers and exporters of GM foods, like the US, and pose health dangers to the Indian population.

The move is all the more inexplicable, at a time when scientific evidence is mounting from laboratory tests in various parts of the world, that GE foods can in fact cause serious damage to health. Confronted with this scientific data, we need to upgrade our food testing systems and make them more stringent and comprehensive, not dismantle them, as the government is doing. It is incomprehensible that instead of strengthening our systems to ensure that foods which have the potential to damage health do not reach the market, the

government has decided to withdraw all opportunities to test and regulate such novel and controversial foods.

It is also a matter of considerable concern that unfettered access to unknown foodstuffs is being allowed in the absence of a legal regime for liability and redress. India has still not introduced a law on liability for this sector, even though it is required to do so by the Cartagena Protocol on Biosafety. This means there is no law in the country that can fix responsibility and claim compensation if something should go wrong with the environment or with animal and human health, from the cultivation and consumption of GE crops and foods.

The new notification of the Ministry of Environment and Forests will in effect provide unrestricted entry to untested foods of dubious origins, especially since the imported GM food does not have to be labelled. This denies consumers the right to exercise free choice in the matter of the food they wish to eat. This is in violation of the Consumer Protection Act that grants consumers the right of informed choice.

The government's notification also goes against India's commitment to mandatory labelling of GE foods, a position the Indian delegation has consistently maintained in international negotiations, particularly at the WHO-FAO led Codex Committee on Food Labelling. Both the dilution of India's position on mandatory labelling and the curious deregulation of the GM food sector appear to be the result of increasing American interference in Indian policy. The move to deregulate the GM crops and foods sector appears to be linked to the Indo-US deal on Agriculture. It is truly ironic that the future of the Indo-US nuclear deal, the reason why India gave concessions in the agriculture sector, is uncertain, but the agriculture deal is moving ahead, securing gains for the US GM industry at the cost of public health in India.

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