

ITEM NO.1

COURT NO.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 260 OF 2005

ARUNA RODRIGUES & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions, intervention, interim Relief, stay, vacation/modification of Court's Order dated 22.9.2006,ad interim orders, impleadment, clarification of court's order and office report ) WITH W.P(C) NO. 115 of 2004 (With appln. for directions )(For final disposal)

Date: 08/05/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Prashant Bhushan, Adv.

Mr. Sanjay Parikh, Adv.

Ms. Anitha Shenoy, Adv.

Mr. A.N. Singh, Adv.

Mr. Jitin Sahni, Adv.

For Respondent(s) Mr. A. Sharan, ASG

Ms. Shashi Kiran, Adv.

Mrs. Anita Sahani, Adv.

Mr. D.S. Mehra, Adv.

For Mrs Anil Katiyar, Adv.

Mr. Abhijat P. Medh ,Adv

Mr. Jitendra Mohan Sharma ,Adv

Mr. S. Hariharan ,Adv

Mr. Rajeshwari H., Adv.

Ms. Srikala Gurukrishna Kumar ,Adv

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UPON hearing counsel the Court made the following

O R D E R

I.A.No.4,14 & 15

Union of India is seeking modification of the order passed by this Court on 22.9.2006. By the said order, this Court had directed the Genetic Engineering Approval Committee (GEAC) to withhold approvals till further instructions to be issued by this Court on hearing of all concerned. The learned ASG submits that in view of the order passed by this Court, GEAC is not in a position to grant approval to various applications which are pending with the said authority. All these application are for conducting field trials on various varieties of plants. GEAC, during the period 2.5.2006 to 22.9.2006, granted approvals in respect of 24 items in respect of Bt cotton, Bt

Cauli flower, Bt Brinjal, Bt rice, Transgenic rice, Bt Castor, Ground nut, Transgenic tomato, potato, and other items. The field trials are going on in respect of these items and this Court in the said order also noticed that 91 field testings have been going on.

Mr. Prashant Bhushan, learned counsel for the petitioner submits that as regards these field trials sufficient precautions are not being taken and it is likely that there would be serious Pollen Flow contamination to the plants of similar species of the neighboring fields.

The GEAC shall take sufficient precautions to see that these trials are not causing any contamination to the cultivation of neighboring fields. There should be at least 200 meters distance from the trial fields from the neighboring field having same type of cultivations. All the trials which are being conducted, the name of the scientist and other details who will be responsible for all aspects of the trials should be reported to GEAC and they should be regular supervision by them. Prior to bringing out the GM material from the green house for conduct of open field trials, the approved institution should submit a validated event specific test protocol at an LOD of at least 0.01% to detect and confirm that there has been no contamination.

As regards Bt cotton, we are told that GEAC has already granted approval for commercial use of Bt. cotton Cry 1 Ac MON 531, Cry 1 Ac & Cry 2 Ab MON, GFM Cry 1A gene and Cry 1AC gene (Event 1). Several applicants sought for

permission to use Bt cotton for commercially. The applications are pending with the GEAC. As regards these four species of Bt cotton varieties, the GEAC may give permission for commercial use, subject to the usual conditions imposed. GEAC should also satisfy itself that these events are not further genetically modified so that no further species are created by such modification. GEAC should also verify whether these species by commercial use create any toxicity or allergenicity to any of the users in organic conducted with these varieties of Bt cotton. If any such test has been conducted, the data should be made available to this Court.

I.As. are disposed of accordingly.

Post the matter in August, 2007.

(R.K. DHAWAN)

COURT MASTER

(VEERA VERMA)

COURT MASTER