Monsanto, with an annual turnover of around 13.5 billion US dollars last year, is the largest seed company in the world. Based out of St. Luis in the USA, it also leads the Genetically Modified seed sector globally. Monsanto in India exists as Monsanto India Ltd, Monsanto Holding Pvt Ltd, Mahyco-Monsanto Biotech, besides holding 26% share in the Indian seed company Mahyco. (1)

Controversies regarding GM crops around the world, to an extent, have also been synonymous with Monsanto given that it represents whatever that can go wrong with GM crops and the resultant corporate control of seeds.

**Monsanto bio-piracy cases in India**

Monsanto has been caught red-handed trying to steal from our rich agriculture seed heritage which have been developed over thousands of years by Indian farmers.

1. **Stealing our roti** – Monsanto in 2003 got a patent granted in the European patent office for a variety of wheat that it had originally developed from Nap Hal, an Indian wheat variety. Monsanto went ahead and tried patenting not just the wheat variety but even all the usages of it which includes making breads or rotis etc. A legal battle by Greenpeace in Europe and civil society and farmer unions in India finally lead to the European Patent office revoking this patent. (2)

2. **The brinjal gene robbery** – Earlier this year, the National Biodiversity Authority had filed the first ever bio-piracy case against Monsanto and its Indian partner, Mahyco for appropriating 16 local varieties of brinjal to develop genetically modified brinjal. This was done without taking the required permissions under the National Biodiversity Act, 2002. (3)

Monsanto controlling our seeds, farming and food – Bt cotton, the only GM crop approved for commercial cultivation in India was released in March 2002. In the last eleven years, the seed companies using aggressive marketing practices and removing non-GM seeds from the market has left the Indian cotton farmer almost entirely dependent on Monsanto’s Bt cotton seed. While assessments show that no reduction in pesticide usage or increase in yield has occurred, what has happened is the monopoly of the Indian cotton seed sector by Monsanto through its proprietary Bt cotton. (4) This monopoly has also given it the strength to arm-twist state governments on seed prices and royalties. (5)

While Monsanto’s GM corn leads the regulatory pipeline for approvals, also under development are GM varieties of rice, wheat and vegetables with proprietary genes from Monsanto, as in the case of Bt cotton. If Monsanto is not stopped, what is in store for us is one company controlling almost all our agriculture through its patented genes and seeds.

**Monsanto vs. farmers**

Besides controlling the seeds resulting in high seed prices be it in US or in India, Monsanto is infamous around the world for pulling to court the very farmers that it claims it is dependent on. Since 1996, Monsanto has filed law-suits against hundreds of farmers in the US alone. (6) Farmers have been sued for saving seeds from one season to plant in the next (an age old practice), including when Monsanto’s GE crops have accidentally contaminated farmer’s fields. Two of the classic cases are:

i) Monsanto Canada Inc. successfully sued Percy Schmeiser in 1997 for patent violation after unlicensed Roundup Ready canola was found growing on his farm. In this case, the farmer had no knowledge of how the crop ended up in his farm (7) This case is also considered as an example of how contamination from GM crops is unavoidable and how this can lead to farmers getting sued by seed corporations for patent infringement though it is no fault of theirs.

ii) Monsanto successfully sued US farmer, Vernon Bowman, in the US Supreme Court on infringement of Monsanto’s patent for its GM soybeans. Bowman had purchased seeds from a local grain elevator without knowing that this could lead to a patent infringement that would force him to pay around 85,000 dollars (around Rs. 48 lakhs) to Monsanto. (8)
The US Monsanto Protection Act

“We are subject to extensive regulation affecting our seed biotechnology and agricultural products and our research and manufacturing processes, which affects our sales and profitability.”

Chapter on Risks, Page 9, Annual report 2012, Monsanto, September, 2012.
http://www.monsanto.com/investors/Pages/annual-report.aspx

After identifying extensive regulations as the main risk for profit making, Monsanto systematically and successfully worked within the US policy-making set-up to get the Monsanto Protection law passed in March 2013. The widely known “Monsanto Protection Act” which is technically the Farmer Assurance Provision rider in HR 933: Consolidated and Further Continuing Appropriations Act 2013, has clearly shown the power of Monsanto and the US farm lobby in policy making in the US. This clause basically puts Monsanto and other biotech companies above the federal courts. The phrase that allows this has been added to the Bill by Senator Roy Blunt, who is Monsanto’s chief recipient of political funds (9).

Monsanto’s muscle power within the US government can be clearly seen through the revolving door phenomenon in which former employees/associates of Monsanto get key policy positions in the US administration. Michael R. Taylor’s appointment (ex-Vice President, Public Policy in Monsanto) by the Obama administration to the Food and Drug Administration (FDA) in 2009 is a classic example. Taylor had a significant role in shaping and implementing the government’s policies favouring GM crops during the Clinton administration. (10)

BRAI, the Indian Monsanto promotion and protection law?

While Monsanto’s power within the American policy and law-making is obvious, the global biotech is working towards the same in India through the Biotechnology Regulatory Authority of India (BRAI) Bill. This Bill was introduced in the Parliament on 22nd April, despite opposition from within and outside the Parliament. (11) A look at some of the provisions gives an idea about why one fears that BRAI is actually the Indian version of promoting Monsanto Protection Act.

i) Promotion as the intent: The BRAI Bill is fundamentally flawed as the preamble of the Bill itself states that it has a promotional approach rather than a precautionary approach towards products of modern biotechnology like GM crops. This is clearly not in line with the Cartagena Protocol on Biosafety. The Biotech Industry has been desperately pushing for this promotional approach which is a single window clearance mechanism (12) which will provide easy approval of risky GM crops.

ii) Conflict of interest: The BRAI Bill has been formulated and introduced by the Ministry of Science & Technology and proposes to locate the regulator in the same Ministry. This gives rise to serious conflict of interest since the Ministry of Science and Technology has a mandate to promote GM crops. Hence, it cannot be an effective regulator. In the case of Bt brinjal, which had the proprietary gene from Monsanto, Ministry of Science and Technology always favoured the biotech seed industry. Thus, leaving no doubt that BRAI is nothing but an effort by an already biased Ministry to circumvent the opposition to GM crops in our country.

iii) Lowering the safety testing standards: Given the increasing scientific evidence on the negative impact of GM crops to human health and environment (13), GM crop developers like Monsanto are averse to independent long-term assessments of GM crops. The BRAI bill carries forward this interest and has avoided mechanisms for independent, long-term biosafety testing. In the past, independent assessments of Bt brinjal (14) in India and Monsanto’s GM corn in Europe led to rejection of commercial approval(15).

iv) Avoiding transparency: Making public the safety data is one thing that GM crop developers have always been against, be it Monsanto in Europe or Mahyco, its partner in India. Monsanto unsuccessfully tried to to stop the sharing of data from the safety studies of their GM corn to the public in Europe in 2004-5. Later when Court verdicts forced them to share the data, independent scientific review of it confirmed that GM corn had negative impacts on the rats which were used in the feeding study.(16) Mahyco did the same in the case of Bt brinjal when asked for biosafety data. It took a 30
month RTI/legal fight for Greenpeace India to get the data from them. The independent analysis of the data finally did play a role in the Indian govt putting Bt brinjal under an indefinite moratorium.(17)

The BRAI Bill has provisions (clause 28) to overrides the RTI Act, 2005 and proposes to exempt biosafety data from being shared with public

v) Minimising Liability: The BRAI Bill has a diluted standard of liability and is not compliant to principles of deterrent liability, absolute liability and polluter pays principle which is upheld in the Indian Supreme Court. This can work very well for companies like Monsanto which have an array of contamination cases against them, one of the most recent being Monsanto’s herbicide tolerant GM wheat plants in the USA.(18) The absence of a stringent liability mechanism will empower GM crop developers like Monsanto to make our country a big laboratory with scant regard for lasting consequences of its GM crops on human health, our environment or livelihoods of farmers.

The BRAI Bill, 2013 in its current form can be clearly seen as a mechanism to give multi-national biotech giants like Monsanto a free hand to control our food and farming. It is a dangerous recipe for corruption in the country that will lower the bar of approval of risky GM crops. The BRAI Bill needs to be withdrawn. We need a biosafety protection regime which was also recommended by the Parliamentary Standing Committee on Agriculture.


References:

8. http://www.guardian.co.uk/environment/2013/may/13/supreme-court-monsanto-indiana-soybean-seeds
18. http://in.reuters.com/article/2013/05/31/us-wheat-control-idINL2N0EB0WF20130531

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