



Environmental Social
Justice
&
Governance Initiatives

Environment Support Group® - Trust

1572, 36th Cross, 100 Feet Ring Road,
Banashankari II Stage,
Bangalore 560070. INDIA
Tel: 91-80-26713559-3561
Voice/Fax: 91-80-26713316
Email: esg@esgindia.org
Web: www.esgindia.org

Fax/RPAD/Email

Shri M.F.Farooqui, IAS.
Chairman,
National Biodiversity Authority,
(Full Addl. Charge)
&
Additional Secretary,
Ministry of Environment and Forests,
Government of India,
5th Floor, TICEL Bio Park,
Taramani, Chennai - 600 113
Tel: 91-044-2254 1805
Fax: 91-044-2254 1073
E-mail: chairman@nbaindia.in

9th August 2011

Reg.: Demand action on long pending complaint of violation of Biological Diversity Act, 2002 against M/s Mahyco/Monsanto and their collaborators in accessing and utilising local brinjal varieties for development of Bt Brinjal

Dear Shri. Farooqui,

As you are aware, a complaint dated 15 February 2010 was lodged by the undersigned before the Karnataka Biodiversity Board against M/s Mahyco (a subsidiary of M/s Monsanto of USA) and their collaborators (University of Agricultural Sciences-Dharwar and Sathguru Consultants – a front company of USAID and Cornell University, USA) for illegally and criminally accessing and utilising various local brinjal varieties in developing Bt Brinjal fundamentally flouting all norms and provisions of the Biological Diversity Act, 2002. Copies of this complaint were marked to all concerned and the National Biodiversity Authority (NBA) duly acknowledged receipt of the complaint on 24 February 2010. This complaint has been pending adjudication by the National Biodiversity Authority (NBA) ever since (for one and a half year now).

Meanwhile, the Karnataka Biodiversity Board has thoroughly investigated the matter and submitted comprehensive reports to the Authority. By its letter dated 28th May 2011 (No. KBB/Bt.B/71/11-12/42), copy of which is enclosed at **Annexure A**, the Board has confirmed that “six local varieties for development of Bt Brinjal” have been accessed by M/s Mahyco/Monsanto and their collaborators “without prior approval from State Biodiversity Board/National Biodiversity Authority”. Furnishing a variety of documents in support of its contention, the Board has sought “further action” by the Authority in support of the aforementioned complaint, in accordance with law. (Emphasis supplied)

In this context, it is extremely disturbing that the Authority is dithering on taking necessary action on this complaint against biopiracy engaged by various leading transnational corporations, universities and powerful bilateral financing agencies of the world. Such non-action on the part of the Authority also demonstrates disregard for the findings of a State Biodiversity Board, arrived at after considerable investigation and investment of public resources.

In the meantime, the same Authority has wasted no time whatsoever in processing an application of M/s Monsanto to access various onion varieties in India, and a copy of the application by the company dated 27 June 2011 is enclosed for your ready reference at **Annexure B**.

It is a matter of record that the Authority has met on 20th June 2011 and the issues raised in the aforesaid complaint were listed as a part of the Agenda. However, the minutes of this meeting have not been circulated for close to two months now. It is therefore imperative on the part of the Authority to take a clear and categorical decision on basis of the complaint and the report of the Board in its meeting today (9th August 2011). Needless to state strict action must

be initiated against those guilty of violating the Biological Diversity Act in the strictest terms. Any delay on the part of the Authority in so taking action will expose it as an agency unwilling to act independently as a regulatory authority and demonstrating a weak intent in protecting India's biodiversity.

Administrative propriety also demands that pending adjudication of this matter no application from any of the agencies so accused of biopiracy must be processed.

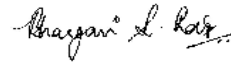
This demand is endorsed by various legal experts, large networks of progressive farmers, scientists, environmental and social justice organisations, and individuals from around the world. A copy of these endorsements, along with comments, is enclosed for your reference at **Annexures C and D**.

We do hope that action per law will be taken on the basis of the complaint with due dispatch.

Yours truly,



Leo F. Saldanha



Bhargavi S. Rao

Environment Support Group

Encl. As above

Cc.:

1. Smt Jayanti Natarajan, Union Minister of State for Environment and Forests (I/c)
2. Sri Sharad Pawar, Union Minister for Agriculture
3. Sri Sadananda Gowda, Chief Minister of Karnataka
4. Sri J. Krishna Palemar, Karnataka Minister of Fisheries, Ecology and Environment and Chairman, Karnataka Biodiversity Board
5. Sri. Umesh Katti, Karnataka Minister for Horticulture
6. Sri T. Chatterjee, Secretary, MoEF
7. Sri S. V. Ranganath, Chief Secretary, Government of Karnataka
8. Dr. P. J. Dilip Kumar, Director General of Forests and Special Secretary, MoEF
9. Mr. Achalendra Reddy, IFS, Member Secretary, National Biodiversity Authority of India
10. Mr. K. S. Sugara, Member Secretary, Karnataka Biodiversity Board
11. Dr. A. S. Anand, Chairman, Organic Farming Mission, Government of Karnataka
12. Dr. Ranjani Warriar, Director (Scientific) and Member Secretary, Genetic Engineering Approval Committee, MoEF
13. Ms. Meera Saxena, IAS, Development Commissioner, and Addl. Chief Secretary, Government of Karnataka
14. Mr. Kaushik Mukherjee, IAS, Principal Secretary, Karnataka Department of Forests, Ecology and Environment
15. Mr. Sandeep Dube, IAS, Principal Secretary, Karnataka Department of Agriculture
16. Mr. Kanvarpal, IFS, Secretary (Environment), Karnataka Department of Forests, Ecology and Environment
17. Director, Karnataka Directorate of Horticulture
18. Members of the National Biodiversity Authority
19. Members of the Expert Committee on Agro Biodiversity of the National Biodiversity Authority of India
20. Appropriate Biodiversity Management Committees and Panchayats where aforementioned Brinjal Varieties are grown