ITEM NO.2 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)
WITH
CONMT.PET.(C) NO.295/2007 IN W.P. © NO.260/2005

Date: 13/02/2008 These Petitions were called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Prashant Bhushan,Adv.

M/s. Sanjay Parikh, Anitha Shenoy,
A.N. Singh, Jitin Sahni, Mamta Saxena, Advs.

For Respondent(s) Mr. B. Dutta, ASG
Mr. S.K. Dubey, Adv.
Mrs. Anita Sahani, Adv.
For Mr. D.S. Mehra, Adv.
Mrs Anil Katiyar,Adv.(N.P.)

Mr. Abhijat P. Medh ,Adv

Mr. Jitendra Mohan Sharma ,Adv

Mr. S. Hariharan ,Adv

Ms. Kamini Jaiswal, Adv.

Mr. Mukul Rohtagi, Sr. Adv.
Mr. H.S. Chandhoke, Adv.
Mr. Prashant P., Adv.
Ms. Srikala Gurukrishna Kumar ,Adv

UPON hearing counsel the Court made the following

O R D E R

I.A.No.19

On 22.9.2006, this Court directed Genetic Engineering Approval Committee (for short 'GEAC') to withhold approvals till further directions were issued by this Court regarding the research of new varieties. The above order was modified by this Court order dated 8.5.2007 as regards Bt cotton. It is stated the GEAC granted approvals in respect of 24 items. This application is filed praying that the GEAC may be permitted to consider applications for approval of other GM crops.

The applicant may submit application before the GEAC for consideration.

The petitioner alleging that if open field trials of GM varieties are allowed to be conducted it will contaminate the environment and other related species. It is also submitted by the petitioner that proper guidelines have yet not been laid down to regulate the safety precautions and procedures and protocols to be observed before granting approval and the Bio-safety aspects of the seeds are not extensively studied and examined by the GEAC before granting approval. It is also contended that the constitution of GEAC is not proper as it lack independent experts, thereby leading to lack of transparency. Ministry of Environment is requested to invite Dr. P.M. Bhargava, Molecular Biologist, Founder Director Center for Cell & Molecular Biology, Hyderabad and Prof. M.S. Swaminathan, M.P.

Swaminathan Research Foundation, Tamarind Lane, Chennai, to its meetings when the applications are considered and before granting approval to these applicants. The said two invitees to the meetings of GEAC will have the liberty to express their views before the Committee before final decision is taken. The GEAC is permitted to consider any application presented to it in accordance with law and take appropriate decisions after considering all aspects before the final decision is taken including bio-safety aspects. The apprehension expressed by some experts that open field trials may cause serious damage to the environment and cause contamination to the cultivation of related species should also be considered by the GEAC while considering applications for approval. Any one aggrieved by the decision of the GEAC may appeal to the Appellate Committee.

I.A. is disposed of, permitting the applicant to make its application to GEAC.

The guidelines for granting approval may be published by the Genetic Engineering Approval Committee (GEAC) on its website also.

List in the 1st week of April, 2008.

(R.K. DHAWAN) 14/2/08
COURT MASTER

(VEERA VERMA)
COURT MASTER