

Down to Earth, Magazine, 15 Apr 2008

Transparency trial

MAHYCO refuses to share safety data on GM crops

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ON APRIL 23, the Delhi High Court will hear a case that is being dubbed as a "conflict between commercial interests and public health". There are two main players: the Central Information Commission (CIC) and the Maharashtra Hybrid Seeds Corporation Company (MAHYCO). Fearing that its data on field trials of genetically modified food crops will become public, the company in December 2007 had filed a petition against the commission in the high court.

The petition followed a Right To Information (RTI) application. Divya Raghunandan of the international NGO Greenpeace in a had sought disclosure of GM food trials in the country. The application has exposed that access to "safety" data is difficult when commercial interests are involved.

The case assumes importance because if the verdict favours industry, its demand to keep data away from the public will become stronger. Such instances are plenty in the drug industry where many companies refuse to share data on clinical trials on the pretext of protecting their commercial interests. Experts maintain that public health

should not be compromised and hence the company should release the data.

Convolved process

Raghunandan in the RTI to the Department of Biotechnology (DBT), under the Union Ministry of Science and Technology, asked for:

- Details of locations of GM field trials of brinjal, okra, mustard and rice in the country
- Data on tests carried out to ascertain toxicity and allergenicity of the crops
- Minutes of DBTS Review Committee on Genetic Manipulation's (RCGM) meetings

"Though the application was filed in February 2006, we haven't got all the answers yet," says Jai Krishna R of Greenpeace. "The company is further delaying access to information. The problem is the way things have shaped up since the RTI was filed," he says (*see timeline*).

MAHYCO, which has strong links with GM crop multinational Monsanto, says providing the data will violate the WTO's Trade-Related Intellectual Property Rights agreement (TRIPS) which protects commercial rights of companies. It is not clear how providing safety data affects commercial interests. Prashant

FEBRUARY 2006: Divya Raghunandan of Greenpeace files RTI application with Department of Biotechnology (DBT), seeking data on GM plants

MARCH 2006: DBT gives information on trial sites; says rest of the data is confidential and proprietary and cannot be shared

APRIL 2006: Raghunandan goes to DBT's Appellate Authority for help

MAY 2006: Appellate authority asks its public information officer to provide data on toxicity of BT brinjal by June 15; asks her to inform MAHYCO

AUGUST 2006: Raghunandan complains to Central Information Commission (CIC) that the information was not complete

JANUARY 2007: DBT asks MAHYCO if certain information on trials of BT brinjal can be disclosed. MAHYCO says no

APRIL 2007: CIC tells DBT that information should be disclosed for public good

MAY 2007: No information made available; Raghunandan goes to CIC again

NOVEMBER 2007: CIC, MAHYCO, DBT, Greenpeace meet; MAHYCO says the information is proprietary and should not be disclosed. CIC says again that the information should be disclosed

DECEMBER 2007: MAHYCO moves Delhi High Court

Not for public: There are fears that GM crops may pose health risks



DEBONOTI KUNDU / CSE

Bhushan, counsellor to Greenpeace, says that providing the data will not harm commercial interests because the information has already been patented.

It should be noted that both RTI and TRIPS have provisions for disclosure of such information in view of public good. "Keeping the information secret is not a remedy for checking unfair commercial use," says Kajal Bharadwaj, a Delhi-based patent expert. "Anything that affects public health should be available for public scrutiny," she adds. Amit Sen Gupta, another Delhi-based public health expert, agrees. "The case will set a precedent for many cases on commercial interests versus public health," It is imperative that public health prevails, he adds.

A recent study on the antidepressant,

