

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.38613 OF 2017

ORDER:

Heard learned counsel appearing for all the parties.

The petitioner prays for Mandamus declaring the actions of respondent Nos.1 to 6 in not initiating steps under the Environment Protection Act, 1986 on the alleged infractions brought to the notice of respondent Nos.1 to 6, including through representations dated 07.10.2017 and 30.10.2017, as illegal, arbitrary and unconstitutional. The petitioner prays for consequential direction to respondents to forthwith take appropriate steps and actions under the Environment Protection Act, 1986.

The petitioner through representations dated 07.10.2017 and 30.10.2017 brought to the notice of respondent No.4 about the spread and use of GM Cotton seeds containing unapproved herbicide tolerance trait. The representation dated 07.10.2017 refers to an article titled "Grey Market when nearly a million Indian farmers plant unapproved GM cotton" published in the Indian Express dated 28.09.2017. The extent of use of illegal herbicide tolerant hybrid seed is stated as 450 crores and the losses to farmers, its direct and indirect effect on environment and human beings has been brought to the notice of respondent No.4. The prayer is against inaction. Further, by referring to the instructions received from respondent Nos.1 to 4, learned counsel appearing for them, stated that, in fact, keeping in view the nature of complaint, its ramifications, the authorities are investigating the complaint. The statement would have been sufficient to dispose of the writ

petition, but as rightly pointed out by Mr.M.V.Pratap Kumar, the 4<sup>th</sup> respondent either is not discharging the statutory duty or obligation cast on it or becoming more dependent on other agencies which have anything to do with investigation and determination of spread of GM cotton seeds containing unapproved herbicide tolerance trait. Therefore, keeping in view the scheme of the Environment Protection Act, 1986 and the Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Micro Organisms, Genetically Engineered Organisms or Cells, 1989, Rule 14 empowers the respondent committee to ensure proper working of the Rules 1986. This Court is of the view that respondent Nos.1 to 4 keeping in view the statement, object and scheme of the Environment Protection Act, 1986 and the 1989 Rules are under statutory duty to take up the complaint, investigate the complaint from all angles, determine the truth or otherwise of the allegations of petitioner and the allegations if are found to be valid and there has been infraction of the Environment Protection Act, 1986 read with 1989 Rules, action under the Environment Protection Act, 1986 read with 1989 Rules, including prosecution, is required to be taken. These issues are looked into expeditiously.

I am satisfied the writ petition can be ordered as follows:

Respondents 1 to 4, either independently or together are directed to look into the grievances brought to their notice by petitioner under the Environment Protection Act, 1986 and the 1989 Rules and complete the enquiry within four weeks from the date of receipt of a copy of this order.

The respondents initiate such other action against the erring or responsible in this behalf subject to the conclusions the respondents arrive at in the enquiry.

The said exercise is undertaken and completed within a further period of four weeks from the date of receipt of report.

The writ petition is, accordingly, ordered as indicated above.  
There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

20<sup>th</sup> December, 2017

Note:

CC forthwith  
B/o Lrkm



S.V.BHATT, J