

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.260 OF 2005

ARUNA RODRIGUES & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for interim order and modification of Court's Order dated 01/05/2006, urgent interim orders/relief, impleadment, interim relief, intervention, c/delay in filing rejoinder affidavit and office report)

Date: 15/12/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

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

For Respondent(s) Mr. Rajiv Dutta,Sr.Adv.

Ms. V. Mohana,Adv.

Mr. R.C. Kathia,Adv.

Mr. D.S. Mahra,Adv.

for Ms. Anil Katiyar,Adv.

Mr. Arun Jaitley,Sr.Adv.

Mr. Abhijat P. Medh,Adv.

Mr. Rajeev Luthra,Adv.

Mr. Jitendra Mohan Sharma,Adv.

Mr. Md. Halim Siddiqui,Adv.

Mr. M.K. Pandey,Adv.

Mr. P.P. Rao,Sr.Adv.

Ms. Rajeshwari,Adv.

Mr. S. Hariharan,Adv.

Mr. Mukul Rohatgi,Sr.Adv.

Mr. S. Prasad,Adv.

Ms. Sreekala G.K.,Adv.

Mr. Rajeev Luthra,Adv.

UPON hearing counsel the Court made the following

O R D E R

By order dated 13th October, 2006 on I.A. Nos.5 and

6, we permitted the field testing on

...2/-

- 2 -

experiment basis of the applicants' newly developed plant

DMH-11, subject to the applicant-Delhi University taking all

precautions as mentioned in the application and subject to

further orders that may be passed by this Court for uprooting

the plants. That order was passed as an interim measure.

Today, our attention has been drawn by the learned

counsel for the petitioner to clause (23) of the Convention on Biological Diversity which, inter alia, recommends that in the current absence of reliable data on genetic use restriction technologies [GURT], without which there is an inadequate basis on which to assess their potential risks, and in accordance with the precautionary approach, products incorporating such technologies should not be approved by parties or field testing until appropriate scientific data can justify such testing. Further, reliance has been placed on the expert opinion of Professor Joe Cummins, Professor Jack Heinemann and Professor Dough Gurian Sherman to contend that barnase unaccompanied by its specific inhibitor barstar is known to be a potent cell poison. Traces of barnase are toxic to the rat kidney and to human cell lines. Barnase is actually being exploited as a conditional suicide gene to cause cell death in mammalian and human cells when it is induced, and cell toxicity caused by barnase may be affected by RNA interference. Relying on these experts, learned counsel contends that, as indicated in the order dated 13th October, 2006, direction be issued for uprooting the plant otherwise risk is being run for permanent escape of the gene and other damages which it may cause. Before we consider this prayer further, we deem it appropriate to direct G.E.A.C. to examine

in detail the impact of the field test being carried also with  
reference to the expert opinion. We may, however, note that  
the applicant's

...3/-

- 3 -

case is that it has modified its technology and is not using  
GURT. We say nothing on this aspect. We expect  
independent expert opinion from G.E.A.C. on this subject.

For consideration, list the matter in January, 2007.

[ T.I. Rajput ]

[ Anand Singh ]

A.R.-cum-P.S.

Court Master