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Report Highlights:

India remains undecided on genetically engineered (GE) crops, despite its regulatory authorities clearing on the environmental release of GE eggplant and mustard events. Bt cotton (*Bacillus thuringiensis*) remains the sole crop derived from biotechnology (biotech) approved for commercial cultivation. Soy and canola oils derived from select GE soy and canola events, along with some food ingredients from microbial biotechnology are approved for import. In August 2021, India's Ministry of Commerce and Industry allowed the import of 1.2 million metric tons (MMT) of crushed and de-oiled soy cakes (i.e., soybean meal) derived from GE soybean, establishing a precedent for non-LMO imports. However, India continues to drag its feet on the issue of granting market access for similar products such as distillers dried grains with soluble (DDGS) derived from a GE crop (i.e., corn) and imports of GE alfalfa hay.

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EXECUTIVE SUMMARY

The Environment Protection Act (EPA) of 1986 provides the base for India's biotechnology (biotech) regulatory framework for genetically engineered (GE) plants, animals, and their products and by-products (see, Appendix - I). The Food Safety and Standards Act (FSSA) of 2006 includes provisions for regulating GE food products, including processed foods. The Food Safety and Standard Authority of India (FSSAI) previously deferred GE food product approval to the Genetic Engineering Approval Committee (GEAC) in the absence of regulations and operational infrastructure. In August 2017, the Supreme Court of India issued directives for the FSSAI to regulate approval of GE food products. The FSSAI, however, remains mired in the process of framing regulations and guidelines for the approval of GE food products. On November 15, 2021, the FSSAI released its Food Safety and Standards (Genetically Modified or Engineered Foods) Regulation (2021) for public comment; comments are now under review.

On March 1, 2021, the FSSAI implemented the order requiring a "non-GM (genetically modified) origin cum GM-free" certificate, issued by the competent authority in the country of export, to accompany food product consignments from a 24-select food crops list. This non-science-based regulation's certification requirements impede the trade of non-GE U.S.-origin food products (e.g., Red Delicious apples, rice and select pulses).

On August 24, 2021, the Ministry of Commerce and Industry authorized the precedent-setting import of 1.2 million metric tons (MMT) of crushed, de-oiled soy cakes (i.e., soybean meal) derived from GE soybeans until October 31, 2021. On May 2, 2022, it authorized the import of 550,000 metric tons (MT) of soybean meal for the unfulfilled amount of the 1.2 MMT quota through September 30, 2022. Despite allowing imports of GE soymeal, which do not contain "living modified organisms" (LMOs), India is dragging its feet on reviewing and approving market access for GE alfalfa hay and GE corn derived distillers dried grains with solubles (DDGS).¹

Bt cotton (*Bacillus thuringiensis*) is India's sole GE crop approved for commercial cultivation. Vegetable oils derived from GE soybeans and canola, and soybean meal are the only products approved for import. Prior to the Supreme Court of India's August 2017 ruling, the GEAC received applications for the import of DDGS, soybean meal, and processed food products with GE or GE-derived components. After the ruling, the GEAC is sending all GE foods, food ingredient, and animal feed and fodder applications to FSSAI. Approvals, also of animal feed and fodders, are languishing due to inter-agency indecisiveness about which agency should take oversight responsibility. On October 18, 2022, India's MOEFCC/GEAC endorsed the environmental release of a locally developed GE mustard event, paving the way for the commercial use of India's first GE food crop.

The U.S.-India bilateral trade in food, agricultural and related products in 2021 totaled \$8.2 billion, with the balance of trade skewed 4-to-1 in India's favor. U.S. exports of products derived from GE crops are mostly cotton (\$211 million) and soybean oil (\$83 million). Bt cotton accounts for 95 percent of India's cotton production of 24.5 million bales (480-lbs. bales) in marketing year (MY) 2021/2022 (August-July), of which 3.8 million bales were exported. While India is not commercially producing animals or animal products derived from biotechnology, it is cloning elite pedigree animals from the local water buffalo breed "Murrah" for breeding purposes. Indian food processors use food ingredients derived from microbial biotechnology, mostly processing aids (e.g., enzymes, food additives/vitamin supplements). For FAS New Delhi GAIN-INDIA biotech reports, see Appendix IV.

¹ The notification cites the Ministry of Environment, Forests and Climate Change's (MOEFCC) "no objection" to the Ministry of Fisheries, Dairying and Animal Husbandry's (MoFDAH) proposal to allow imports of 1.2 MMT of GE soybean meal through October 31, 2021, from an environmental perspective since it does not contain any living modified organisms (LMOs).

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CHAPTER 1: PLANT BIOTECHNOLOGY

PART A: PRODUCTION AND TRADE

a. Research and Product Development

GE Crops: Indian seed companies and public sector research institutions are at various stages of genetic engineered (GE) crop research and development. Some 85 plant species are being developed for pest resistance, herbicide tolerance, abiotic stress tolerance, nutritional enhancement, and nutritional, medicinal, or metabolic phenotypes. The crops being developed by public sector institutions include bananas, cabbage, cassava, cauliflower, chickpeas, cotton, eggplant, rapeseed/mustard, papayas, peanuts, pigeon peas, potatoes, rice, sorghum, sugarcane, tomatoes, watermelon, and wheat. Private seed companies are focusing on crops like cabbage, cauliflower, chickpeas, corn, cotton, mustard/rapeseed, okra, pigeon peas, rice, and tomatoes. Policy uncertainty and delays in the regulatory approval system constrain the advancement of research on GE crops to the product development stage. Post's sources report that companies developing GE crops are suspending research and development efforts and/or are exploring commercialization in other countries (e.g., Bt eggplant in Bangladesh and Philippines).

On October 14, 2009, the Genetic Engineering Approval Committee (GEAC) recommended the approval of commercial cultivation of a Bt eggplant event (Monsanto event) developed by a local seed company, which was forwarded to the Ministry of Environment, Forests and Climate Change (MOEFCC) for a final decision [Note, the GEAC changed its name to Genetic Engineering Appraisal Committee in 2010]. On February 9, 2010, the MOEFCC (under the previous United Progressive Alliance government) announced a moratorium on the approval until the regulatory system could ensure human and environmental safety through long-term studies. Since then, the GEAC has yet to initiate the approval process for the Bt eggplant event. Despite this delay, the GEAC has authorized confined field trials of a separate Bt eggplant event developed by a local public sector research institution.

A domestically developed GE mustard variety (containing events *bn 3.6* and *modbs 2.99*) developed using *barnase*, *barstar*, and *bar* genes developed by the Delhi University (a public sector entity), has slowly progressed through India's regulatory approval system. On May 11, 2017, the GEAC recommended to the MOEFCC approval to allow the environmental release of GE mustard. Various anti-biotech stakeholders, including right wing anti-biotech groups, challenged the decision. The ministry, facing entrenched opposition, issued a notice placing the environmental release of transgenic mustard on hold pending further review. In March 2018, the GEAC reviewed and reiterated having fully addressed stakeholders' concerns when approving the event for environmental release. However, the GEAC did advise the developer in July 2018 to conduct additional field demonstration studies on the impact of GE mustard on honeybees and other pollinators which have been concluded.

On October 18, 2022, India's MOEFCC/GEAC recommended the environmental release of the locally developed GE mustard parental lines *bn 3.6* carrying *barnase* and *bar* genes, and *modbs 2.99* containing *barstar* and *bar* genes for the events to be used for developing new parental lines and hybrids, and GE mustard hybrid DMH-11 with these events for seed production. The GEAC clearance after approval from MoEFCC and other statutory authorities, including the Food Safety and Standard Authority of India (FSSAI), paves the way for the commercial use of the first GE food crop developed by a local public sector research organization (see, [GAIN-INDIA |IN2022-0100| India Approves the Environmental Release of Genetically Engineered Mustard](#)).

The ruling National Democratic Alliance (NDA) government has largely been indecisive on GE product approvals, with the exception now of the October 18, 2022, GEAC recommended environmental release of locally developed mustard seed. The existing policy environment has created uncertainty and is discouraging investment in agricultural biotechnology research and development (R&D) in India. If the Indian government would move in the near-term to approve additional GE crops, through a science-based regulatory assessment, then besides GE mustard there are three other crop events ready: including a stacked herbicide tolerant (HT) Bt cotton event, HT corn, and three Bt eggplant events. Sources inform that event developers have withdrawn or placed on hold the pursuit of approvals due to the policy stalemate.

Use of Innovative Biotechnologies, the New Focus: Facing political opposition, and the glacial pace of India's biotechnology regulatory approval system, public sector researchers are shifting towards genomics and marker-assisted breeding in their biotech programs. Organizations are conducting preliminary research on the application of new biotech techniques such as genome editing in agriculture. To incentivize innovation and promote development of genome-wide analysis and engineering technologies, India's Ministry of Science and Technology (MOST)/Department of Biotechnology (DBT) is supporting programs and initiatives. The Indian Council of Agricultural Research and affiliated state agricultural universities (SAUs) and other public sector institutions are researching the use of gene editing and other new tools. Work focuses on developing traits like abiotic and biotic stress, nutritional improvement, crop architecture, herbicide tolerance, and yield enhancement.²

Use of Biotechnology in Other Sectors: [Biopharmaceuticals for human and animal use](#) and GE microorganisms and derived products utilize biotechnology extensively.³ Most of these manufacturers are in the category of biosimilars and include products such as insulin, hepatitis B vaccine, human growth hormone, and monoclonal antibodies, enzymes and additives used in the food industry. Bacterium, yeasts, and cell lines serve as host systems in the production of the foregoing. GE plants do not serve as host systems in the production of biopharmaceuticals.

Biopharmaceuticals, including biosimilars, fall under the regulatory oversight of:

- (i) The Drug Controller General of India under the Drugs and Cosmetics Act and;
- (ii) The Review Committee of Genetic Manipulation (RCGM), and the GEAC under the "Rules for the Manufacture, Use/Import/Export and Storage of Hazardous Micro-Organisms/Genetically Engineered Organisms or Cells (1989)" notified under the Environment (Protection) Act (1986), commonly referred to as "Rules 1989."

The Review Committee of Genetic Manipulation assesses the applications up to the preclinical studies stage, with the GEAC reviewing applications from the environmental angle. The Drug Controller General of India (DCGI) regulates the conduct of clinical trials, final registration, and conducts post marketing surveillance and monitoring.

² Genome Editing for Crop Improvement - A Perspective from India. Link: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8152710/>

³ Ministry of Environment, Forest, and Climate Change/Genetic Engineering Appraisal Committee, <http://geacindia.gov.in/approved-products.aspx>.

b. Commercial Production

In 2002, India approved Bt cotton for commercial cultivation; it is the sole GE crop approved for production. Over two decades, Bt cotton area expanded to cover 95 percent of total cotton acreage, allowing India to become the world's largest producer and a leading exporter. Cotton production in MY 2013/2014 (August-July) totaled a record 31 million bales (480-lbs. bales) produced from 11.9 million hectares, compared to 10.6 million bales from 7.7 million hectares in MY 2002/2003. Production in MY 2021/2022 is 24.5 million bales produced from 12.2 million hectares.

The Indian government has [approved five cotton events](#) and 1,400 hybrids for cultivation in various agro-climatic zones. Most Bt cotton hybrids come from the two Monsanto (now Bayer) events (Mon 531 and Mon 15985). An Indian joint venture company, MaHyCo Monsanto Biotech (India) Private Limited (MMBL), has licensing rights for the two Monsanto events. MMBL has sub-licensed the two events to 45 Indian seed companies authorizing the use of the events in their cotton hybrids through a licensing agreement. The commercial cultivation of Bt cotton is approved for use as fiber (clothing), food (oil for human consumption), and feed (meal for animals).

Illegal Cultivation of Unapproved GE Events Continues Unabated: In 2017, following reports of unapproved GE cotton, soybean, and eggplant events plantings, the Department of Biotechnology (DBT) instituted the Field Inspection and Scientific Evaluation Committee (FISEC) to confirm the spread of unapproved GE crop events. Industry sources inform that herbicide tolerant Bt (HTBT) GE cottonseed may account for 15-20 percent of total cotton acreage in recent years, mostly grown in the states of Gujarat, Maharashtra, Telangana, Andhra Pradesh, Odisha, Karnataka, and Madhya Pradesh. Reports allege that HT GE soybeans are being cultivated in Gujarat and Madhya Pradesh. Sources indicate that Bt eggplant seeds from Bangladesh have found their way into the fields of West Bengal and Orissa and are slowly spreading to other states.

Since 2019, a Maharashtra state farmer group have been running the "[GM Satyagraha](#)" movement, openly planting unapproved HTBT GE cottonseed in the presence of media. The farmer group agitation is against the government's indecisiveness on whether to approve a new, beneficial GE events needed by farmers. While the Indian government and several state governments have initiated measures to stop the sale of illegal GE seeds, sources confirm that the sale and use continue unabated. The cultivation of the unapproved GE seeds reflects farmers' frustration with the government's GE approval process, highlighting ready demand for the technology.

c. Exports

India is the fourth largest exporter of cotton in the world; trailing behind the United States, Brazil, and Australia. It also exports small quantities of cottonseed and cottonseed meal derived from Bt cotton. India exported a record 11.1 million bales (480-lbs. bale) in MY 2011/2012 (August-July), which dropped to 3.2 million bales in MY 2019/2020, and recovered a bit in MY2020/2021 to 3.8 million bales. Sources indicate that export documentation for Indian cotton, as a fiber product (i.e., cellulose), does not require a GE declaration to any destination. India does not export significant quantities of cotton, cottonseed, or cottonseed meal to the United States.

d. Imports

Until August 24, 2021, the only GE food products authorized for import into India was soybean oil derived from GE soybeans (glyphosate tolerant and five other events) and canola oil derived from GE canola (a select herbicide tolerant event). India imports significant quantities of soybean oil. Imports are 3.5 million metric tons (MMT) in 2021, mainly from Argentina (2.2 MMT) and Brazil (0.5 MMT). India imports significant quantities of cotton, including Bt cotton, to augment the quality requirement of the local textile industry, estimated at 1 million bales in MY 2021/2022. Cotton, a cellulosic fiber devoid of protein, does not require a GE declaration.

On August 24, 2021, the Ministry of Commerce and Industry (MOCI)/Directorate General of Foreign Trade (DGFT) issued a [notification](#) authorizing the import of 1.2 MMT of crushed and de-oiled soy cakes, commonly known as soybean meal derived from GE soybeans, which, do not contain LMOs (see, [GAIN-INDIA |IN2021-0102| India Officially Permits Limited Soybean Meal Imports](#)). The DGFT [notification](#) cites various inter-ministerial communication on the proposal from the Ministry of Fisheries, Dairying and Animal Husbandry's (MOFDAH) to allow imports of 1.2 MMT of GE soybean meal through October 31, 2021. The MOEFCC states that, "since soy de-oiled and crushed cake does not contain living modified organism, the ministry has no concerns and no objection for the import of soy cakes from environmental angle."⁴ Based on this, India for the first time allowed imports of soymeal derived from GE soybean for the specified period (initially 650,000 MT were imported).

On May 2, 2022, the government authorized the import of an additional 550,000 MT of soybean meal (including GE derived) from the balance of unfilled portion of the 1.2 MMT quota of August 2021. Imports were permitted until September 30, 2022, in response to high soybean meal prices flailing India's poultry and livestock sectors, critically dependent on this feed input (see, [GAIN-INDIA |IN2022-0048| Indian Government Resumes GM Soyabean Meal Imports](#)).

On January 11, 2021, the MOCI announced that India and the United States had agreed to a framework implementing market access for agricultural products from both countries, including U.S.-origin alfalfa hay (that encompasses GE alfalfa hay). After penning the agreement, India's Ministry of Agriculture and Farmers Welfare (MOAFW) informed USDA that imports of GE alfalfa hay would require prior approval from the GEAC, forwarding the request to GEAC for approval. On August 25, 2022, the GEAC reviewed the MOAFW request, and stonewalling, recommended that as per the Supreme Court of India order (August 11, 2017), proposals for import of substances containing genetically modified organisms (GMO) or derived from GMO cells for the purpose of animal feed to be forwarded to the FSSAI for necessary action. The FSSAI, during October 2022 discussions with the United States, affirmed that it has no regulatory oversight on the approval of non-food GE products such as animal feeds and fodders. For India, while sustaining that market access has been granted for alfalfa hay, bilateral discussions on the non-conventional, GE alfalfa hay need to be deliberated anew.

Imports of other GE crops for seed, human food use, and animal feed as well as processed products derived from GE plant crops are not permissible.

⁴ The ministry houses India's apex biotech regulatory authority Genetic Engineering Appraisal Committee.

e. Food Aid

India is not a food aid provider, except for sporadic food aid shipments to neighboring countries in case of natural disaster, mostly wheat and rice. India is not a U.S. food aid recipient, nor likely to be one.

f. Trade Barriers

India bans imports of all GE products, except for soybean and canola oil derived from GE soybean and canola (select events) and approved imports of soybean meal derived from GE soybean. In April 2006, the Ministry of Commerce and Industry issued notification No. 2(RE2006)/2004-2009 specifying that the GEAC must approve all GE product imports. The directive requires a GE declaration by the importer at the time of import.⁵

In August 2017, the Supreme Court of India directed the FSSAI to issue guidelines and regulations for the approval of GE food and products. Although the GEAC transferred to the FSSAI the applications for approval of GE foods and products, the latter has yet to establish guidelines for food and processed food products derived from GE crops and animals. Only the import of previously GEAC-approved GE soybean and canola oils are permissible. With the MOEFCC raising no objection to imports of GE derived soymeal, it will be interesting to see how the government will treat GE soymeal after September 30, 2022. The GEAC and FSSAI show no intent to take a decision on approval of imports of other GE plant products, including animal feed and fodder derived from GE crops.

Effective March 1, 2021, the FSSAI implemented an order stipulating that every food product consignment from a list of 24-select crops requires an accompanying “non-GM origin cum GM-free” certificate issued by the competent authority in country of export. This FSSAI order creates an additional certification requirement affecting the trade of U.S.-origin agricultural products (e.g., apples, rice and select pulses) and those of other Indian trading partners. The United States and other likeminded trading partners continue to express their collective opposition to the FSSAI’s non-science-based certification requirement, which creates an undue burden on exporting countries.

Since 2015, the GEAC has received applications for the approval of imports of distiller’s dried grains with solubles (DDGS) derived from GE corn, soybean meal derived from GE soybeans, and GE soybeans (for animal feed). In July 2018, the GEAC formed a sub-committee to establish a procedure for dealing with applications for imports of animal feed, including DDGS and soybean meal. In November 2019, the sub-committee submitted to the GEAC its draft recommendation for comments and approval; there has been no further action to date.

The 2003 “Plant Quarantine Order (PQO) Regulation of Import into India” regulates the import of GE seeds and planting material for research purposes. Sources report that the process of getting approval for the import of bioengineered organisms and transgenic plant material under the PQO is cumbersome.

⁵ Notification No. 2(RE2006)/2004-2009 “Amendments in Schedule – 1 (Imports) of the ITC(HS) Classifications of Exports and Import Items, 2004-09,” pertaining to the import of GE products is accessible of the Directorate General of Foreign Trade website located at <https://www.dgft.gov.in/CP/?opt=notification>. To access the archived notification, in the notification search engine type in year “2006.” In the following “Search Notifications/Public Notice/Circular/Trade Notice” page, type in the search engine box for “number” 2(RE2006)/2004-2009.

PART B: POLICY

a. Regulatory Framework

The Environment Protection Act (EPA) of 1986 provides the base for India’s biotechnology (biotech) regulatory framework for GE plants, animals, and their products and by-products, along with the “Rules for the Manufacture, Use/Import/Export and Storage of Hazardous Microorganisms/Genetically Engineered Organisms or Cells (1989),” known as “the Rules 1989.” The rules govern research, development, use, and import of GE organisms and products. The rules identify six competent authorities (see, Appendix I).

TABLE 1: India, Legal Terms and Definition

Legal Term	Laws and Regulations	Legal Definition
Genetically Engineered Organism or Cell	<ul style="list-style-type: none">- Environment Protection Act 1986 (EPA 1986)- Rules for the Manufacture, Use/Import/Export and Storage of Hazardous Microorganisms/Genetically Engineered Organism or Cells (Rules 1989)	Any organism or cell produced through use of genetic engineering, which is defined as ‘the technique by which heritable material, which does not usually occur or will occur naturally in an organism or cell concerned, generated outside the or the cell is inserted into said cell or organism. It shall also mean the formation of new combination of genetic material by incorporation of a cell or host cell, where they occur naturally (self-cloning) as well as modification of an organism or in a cell by deletion and removal of parts of the heritable material.
Gene Technology	-	The application of the gene technique called genetic engineering, to include self-cloning and deletion as well as cell hybridization.
Genetic engineering	-	The technique by which heritable material, which does not usually occur or will not occur naturally in the organism or cell concerned, generated outside the organism or the cell is inserted into said cell or organism. It shall also mean the formation of new combinations of genetic material by incorporation of a cell into a host cell, where they occur naturally (self-cloning) as well as modification of an organism or in a cell by deletion and removal of parts of the heritable material

On August 24, 2006, the Indian government enacted an integrated food law, the [Food Safety and Standards Act \(FSSA\) of 2006](#), which has specific provisions for regulating GE food products, including processed foods. Under the Act, the FSSAI is the authority responsible for regulating food, including GE foods. On November 15, 2021, the FSSAI issued a draft notification – Draft Food Safety and Standard (Genetically Modified or Engineered Food) Regulation (2021) for public comments. However, the FSSAI has not yet issued any further notification, nor currently has developed the institutional capacity to fulfill the regulatory function.

Biosafety approval of GE crops and products (including LMO and seeds) for research, development, and cultivation, and processed non-food products is handled by the Genetic Engineering Appraisal Committee. The Food Safety and Standard Authority of India has the

authority to handle the food safety approval of GE food including processed food and products. There is ambiguity as to the responsibility for the approval of animal feed derived from GE crops and animals between the GEAC and FSSAI authorities, as well as other concerned ministries such as the Ministry of Fisheries, Dairying and Animal Husbandry and the Ministry of Agriculture and Farmers' Welfare.

TABLE 2: India, Role of Various Ministries\State Governments

Authority	Roles and Responsibility
Ministry of Environment, Forests and Climate Change (MOEFCC)	Houses the GEAC, the nodal agency responsible for the implementation of biotech Rules of 1989 under the EPA Act.
Department of Biotechnology (DBT)	Provides guidelines and technical support to the Genetic Engineering Appraisal Committee. Evaluates and approves biosafety assessment of GE product research and development in the country.
Ministry of Agriculture and Farmer Welfare (MAFW)	Evaluates and approves the commercial release of transgenic crop varieties after conducting field trials for assessing agronomic performance. Is responsible for post approval monitoring.
Food Safety and Standard Authority of India (FSSAI)	Evaluates and approves the safety assessment of GE crops and products for human consumption. It has not yet established regulations and the GEAC continues to oversee this responsibility. It has yet to establish regulations and begin the process.
Indian States Governments	Monitor the safety measures at biotech research facilities, and assess potential damage, if any, due to the release of GE products. Approves field trials and commercial cultivation of the GEAC approved GE crops in their respective states.
DBT, MAFW, and Indian States Governments	Support research and development of agriculture biotechnology through research institutions and state agricultural universities.

Source: FAS New Delhi office research.

The Genetic Engineering Appraisal Committee's website provides the [EPA Act of 1986 and the 1989 Rules](#) and [all guidelines and protocols](#) (including recombinant DNA guidelines, guidelines for biotech plant research, import and shipment guidelines for GE plants for research use, guidelines for environmental risk assessment of GE plants). The regulatory approval system under GEAC lacks a defined timeline for stages of regulatory authorization for GE crops and LMOs. The Ministry of Environment, Forests and Climate Change published the document "[Procedure for Import and Export of GM Plant and Planting Material](#)" to assist traders and researchers. The 2003 "Plant Quarantine Order Regulation of Import into India," that entered into force in January 2004, regulates the import of GE seeds and planting material. The Plant Quarantine Order regulates the import of germplasm, bioengineered organisms, and transgenic plant material for research purposes. The National Bureau of Plant Genetics Resources (NBPGR) is responsible for issuing import permits for GE seeds and plant materials.

The Rules 1989 do not provide regulatory distinction between GE plant products containing DNA in final form of the product and those of plant products that do not. Nor is a distinction made between products containing LMOs and products not containing LMOs. There is no provision for the approval for food, feed, fiber, processing, and environmental release. While granting one-time approvals for vegetable oils derived from specified GE soybean and canola events, the GEAC specifies that approval is subject to consumption after refining to ensure there is no GE modified protein, nor DNA presence in the oil. The MOEFCC's granting of no objection on the imports of

GE soybean meal was premised on the product not containing LMOs.

The Rules 1989 specify that approvals are for a specified period, not to exceed four years from the first instance but renewable for two years at a time. In 2009, the GEAC, following years of monitoring GE cotton events, granted approval for five Bt cotton events. The GEAC gave one-time approvals for imports of vegetable oils derived from various GE soybean and canola events.

Politics Hamper GEAC Decision Making: With the National Democratic Alliance taking power in 2014, the Indian [biotech regulatory system under the GEAC](#) has lagged, and slowed following the 2017 deferral decision on GE mustard due to political pressure from anti-biotech groups.

Continued Dithering on Regulating GE Food: Despite the enactment of the “Food Safety and Standard Act of 2006,” the FSSAI lacks the technical capacity and regulations in place for approving GE food products. The Ministry of Health and Family Welfare (MHFW) designated the GEAC in the interim to regulate processed GE-derived food products under the Rules 1989. In August 2017, the Supreme Court of India directed the FSSAI to issue guidelines and regulations for the approval of GE food and products. The GEAC transferred to the FSSAI the GE foods and products applications for approval. The FSSAI has yet to establish guidelines for food and processed food products derived from GE crops and animals; approvals are pending.

b. Approvals

There are five events approved for cultivation in India, all are Bt cotton. The Genetic Engineering Appraisal Committee granted import approval for vegetable oils derived from six GE soybean events and one GE canola event. On June 22, 2007, the GEAC granted permanent approval for importation of soybean oil derived from glyphosate-tolerant soybeans for consumption after refining. On July 17, 2014, the GEAC approved the import of soybean oil derived from four other GE events. On September 3, 2015, the GEAC allowed imports of soybean oil derived from another HT event (Event FG72 from Bayer Bioscience Pvt. Limited) and canola oil derived from HT canola (Event Ms8xRF3 by Bayer Bioscience Pvt. Limited).

TABLE 2: India: Bt Cotton Events Approved

Gene/Event	Developer	Usage
Cry1Ac (Mon 531) [1]	MaHyCo Monsanto Biotech Limited	Fiber/Seed/Feed
Cry1Ac & Cry2Ab (Mon 15985) [2]	MaHyCo Monsanto Biotech Limited	Fiber/Seed/Feed
Cry1Ac (Event 1) [3]	JK AGRIGENETICS	Fiber/Seed/Feed
Cry1Ab and Cry1Ac (GFM Event) [4]	NATH Seeds	Fiber/Seed/Feed
Cry1C (Event MLS 9124)	METAHELIX Life Sciences Pvt. Limited	Fiber/Seed/Feed

[1] Gene sourced from Monsanto.

[2] Stacked gene event sourced from Monsanto.

[3] Gene sourced from Indian Institute of Technology., Kharagpur.

[4] Gene sourced from China featuring fused genes.

Source: [GEAC](#), [MOEFCC](#), [Government of India](#), FAS New Delhi office research.

c. Stacked or Pyramided Event Approvals

A stacked or pyramid event, even of approved events, is treated as a new event for approval for environmental release.

d. Field Testing

The Genetic Engineering Appraisal Committee is responsible for approving all open field trials on the recommendation of the Review Committee on Genetic Manipulation (RCGM). A GE event prior to commercial use approval undergoes extensive agronomic evaluation in field trials supervised by the Indian Council of Agricultural Research (ICAR) or a state agricultural university for at least two crop seasons. Product developers can conduct agronomic trials in conjunction with biosafety trials.

In April 2009, the GEAC adopted for Bt cotton an “event based” approval system. In April 2017, the GEAC authorized the ICAR responsibility for evaluation, approval, management, and monitoring of Bt cotton hybrids. The ICAR is responsible for confirming the presence, or absence of approved genes/events and the level of protein expression along with the agronomic trials for Bt cotton hybrids.

On July 6, 2011, the GEAC amended field trial authorization procedures; requiring the applicant (i.e., the technology developer) to obtain a no objection certificate, or “NOC” (a permit), from the state government. Sources inform that only the states of Punjab, Haryana, Delhi, Rajasthan, Gujarat, Maharashtra, Karnataka, and Andhra Pradesh issued NOCs for GE field trials of select events. Despite the field trials GEAC approvals, problems in obtaining NOCs from state governments limit field trials.

On July 7, 2017, the GEAC issued a notification requiring state governments to announce decisions to approve or deny the validity of field trials within 90-days from the date of submission of the application. After 90-days, applications not denied are considered as approved. The Genetic Engineering Appraisal Committee may waive the NOC requirement for small-scale, institutionally confined event trials.

e. Innovative Biotechnologies

In the past few years, scientific organizations and the MOST/DBT have held discussions on regulating new gene technologies. In February 2020, the DBT posted the draft document on [Genome Edited Organisms: Regulatory Framework and Guidelines for Risk Assessment \(2019\)](#) for public comments.⁶

On March 12, 2020, the DBT organized a stakeholder consultation and formed a committee to review the draft guidelines based on the comments received from 90 individuals/organizations. On July 28, 2020, the DBT committee presented the “Draft Guidelines for Safety Assessment of Genome Edited Plants” to the GEAC suggesting that that SDN1 and SDN2 categories of genome editing technologies do not involve or carry exogenous DNA and are comparable naturally occurring variance. These technologies for genome editing should be exempted from EPA (1986) under the under Rule 20 of the Rules 1989 to grant such exemption.

Industry sources report that in April 2022, MoEFCC issued a note to concerned ministries and the

⁶ See, Government of India, Ministry of Science and Technology/Department of Biotechnology, <http://dbtindia.gov.in/latest-announcement/dbt-invites-comments-%E2%80%9Cdraft-document-genome-edited-organisms- regulatory>.

state governments involved in the biotech regulatory process about exempting genome edited plants falling under the categories of SDN-1 and SDN-2 within the provisions of Rules of 1989. On October 4, 2022, the Department of Biotechnology issued the [Standard Operating Procedures for Regulatory Review of Genome Edited Plants Under SDN1 and SDN2 Categories \(2022\)](#).

f. Coexistence

There are no regulations on the coexistence of GE and non-GE crops. On January 10, 2007, the GEAC decided against allowing multi-location GE rice field trials in basmati rice growing areas, particularly in the geographical indication states of Punjab, Haryana, and Uttarakhand.

g. Labeling and Traceability

On June 5, 2012, the Ministry of Consumer Affairs, Food and Public Distribution's Department of Consumer Affairs (DCA) issued notification G.S.R. 427 (E) amending the [Legal Metrology \(Packaged Commodities\) Rules \(2011\)](#), effective January 1, 2013, which stipulates "every package containing genetically modified food shall bear at the top of its principal display panel the word "GM." The Department of Consumer Affairs states that the "GM" labeling requirement is for consumers' right to know, but sources report that there has been no enforcement of the labeling requirement by the department. As the FSSAI is still in the process of establishing labeling regulations for GE foods, the future status of the DCA's GE labeling regulation remains uncertain (see, [GAIN-INDIA |IN2078| – 6/14/2012 – 2012's First Amendment to Legal Metrology Rules](#)).

On April 13, 2018, the FSSAI published draft labeling and display regulations, which stipulate mandatory labeling provisions for food products containing GE ingredients (see, [GAIN-INDIA |IN8043| – 4/17/2018 – Draft Labeling and Display Regulations Invite WTO Member Comments](#)). On June 27, 2019, the FSSAI published the [revised draft labeling and display regulations](#), wherein they dropped the GE ingredient labeling provisions (see, [GAIN-INDIA |IN9060| - 7/3/2019 - GOI Publishes New Draft Labeling and Display Regulations](#)). Industry sources report that the FSSAI is likely to have provisions for labeling of GE food and/or food derived from GE products when they come out with the GE food regulations. FAS New Delhi is not aware of any regulation on traceability of GE plant and plant products, including processed products derived from GE products.

h. Monitoring and Testing

The FSSAI and the food safety authorities in the state governments have the authority to draw samples at any stage of production, imports, marketing, and use for testing at various government and private food referral labs that have facilities for identifying events. India does not actively test for GE traits at the time of import/export due to lack of testing facilities at the ports-of-entry/exit. Sources report that since 2019, FSSAI officials have been collecting samples of food products, mostly grains for consumption, at select ports-of-entry and testing samples at specific referral labs. FAS New Delhi is not aware of any reports of interception of import consignments containing unapproved GE events. In cases where the imported products contain unapproved GE events, the importer is subject to legal action.

There is no regular monitoring of field crops to detect unapproved GE events, except in case of reports of planting of unapproved GE events. However, the MOAFW monitors approved GE crop events (cotton) for three years for agronomic performance and environmental implications. Since reports of the cultivation of illegal GE crop events in MY 2017/2018, various state governments have been testing and destroying illegal GE crops, followed by legal action against the responsible seed companies and individuals.

i. Low Level Presence (LLP) Policy

India has a zero-tolerance policy for unapproved GE food and crop events in import shipments. The policy states that if an import shipment contains any level of an unapproved GE event at the time of import, the importer is subject to legal action.

j. Additional Regulatory Requirements

Following an event's approval for commercial use, the applicant can register and market seeds in various states according to the provisions of the 2002 National Seed Policy and other relevant seed regulations specific to each state. With the commercial release of a new GE crop, the MOAFW, along with the state departments of agriculture, monitors field performance for three-to-five years.

k. Intellectual Property Rights (IPR)

India is a signatory to the Trade Related Intellectual Property Rights (TRIPS) Agreement of the World Trade Organization (WTO) and changed its patents legislation in 2005 moving from a process patent regime to a product patent one. In 2001, India enacted the Protection of Plant Varieties and Farmers' Rights Act to protect new plant varieties, including transgenic plants. The Protection of Plant Varieties and Farmers' Right Authority, established in 2005, to date has notified 161 crop species for registration, including Bt cotton hybrids.

l. Cartagena Protocol Ratification

On January 17, 2003, India ratified the Cartagena Protocol on Biosafety, and since then has established rules for implementing the provisions of the articles (see, Appendix III). A [Biosafety Clearing House \(BCH\)](#) has been set up within MOEFCC to facilitate the exchange of scientific, technical, environmental, and legal information on LMOs. The Genetic Engineering Appraisal Committee approves trade of GE products, except food products, which is under the purview of the FSSAI. In October 2014, India became the 28th country to ratify the Nagoya Kuala Lumpur supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety.

m. International Treaties/Fora

In Codex *Alimentarius* discussions, India supports mandatory labeling of "GM" foods, requiring a compulsory declaration should food and food ingredients contain genetically modified organisms.

n. Related Issues

Ministry of Agriculture and Farmers' Welfare Regulates Cotton Trait License Fee: On December 7, 2015, the MAFW passed the [Cottonseed Price Control Order \(CSPCO\)-2015](#) regulating the maximum sale price of cottonseed, including royalty/trait value. On March 8, 2016, the MAFW issued a [notification](#) capping Bollgard I cottonseed prices in crop year 2016/2017 (July-June). Prices were set at Indian rupee (INR) 635 (\$9.43) per packet (450 grams Bt seeds plus 120 grams *refugia* non-Bt seeds) with trait value zero and Bollgard II cottonseed prices at INR 800 (\$11.88) per packet with trait value at INR 49 (\$0.73) per packet (FOREX INR 67.33 to \$1.00). [On March 12, 2018, the MAFW](#) reduced Bollgard II cottonseed prices to INR 740 (\$11.39) per packet, with trait value at INR 39 (\$0.60) per packet (FOREX INR 64.99 to \$1.00). Reports suggest that the trait fee on Bollgard II has been scrapped from the Indian crop year 2021/2022 onwards.

Industry sources indicate that the delayed biotech regulatory approval system coupled with the CSPCO-2015 have imposed significant barriers for business - discouraging innovation, research and development, and investments - in the agriculture biotechnology sector. The provisions of the CSPCO-2015 hurt existing technology providers. They are also a strong disincentive to potential new innovators seeking to introduce new technologies to Indian farmers, which are critical for improving their livelihoods and making them globally competitive.

PART C: MARKETING

a. Public/Private Opinions

While public opinion about biotechnology and GE crops is generally ambivalent, political pressure continues to hamper the regulatory environment. Several anti-biotech environmental, farmer, and consumer groups, often supported by Greenpeace and other international affiliates, run aggressive and sustained campaigns against GE crops and products in India.

Most Indian farmers, except cotton growers and a few farmers planting illegal GE crops, lack awareness of the technology due to the absence of other GE field crops (some mired in the regulatory pipeline). Major industry associations are generally supportive of agricultural biotechnology and GE crops. The Federation of Seed Industries of India (FSII) comprised of leading seed technology developers (both local and multinational corporations), works with other pro-biotech organizations, biotech regulators, the scientific community, farmer groups, and the public to highlight the benefits from agricultural biotechnology. Due to the tight domestic supplies of animal feed and fodder, most livestock and poultry industry groups support imports of animal feed/fodder derived from GE crops.

Major seed and agricultural technology companies (mostly multinational corporations) operating in India have formed the Alliance for Agri-Innovation (AAI), to promote new and emerging agricultural technologies, including agricultural biotechnologies and other plant breeding innovations for Indian farmers. Many agricultural biotechnology companies, local and multinational, are curtailing their biotech crop development programs due to the ongoing policy uncertainty in regulatory approvals and the CSPCO-2015 regulation. Sources report that public sector research institutions are shifting from GE crop research to genomics and its application in marker assisted crop breeding programs for identified

traits. Researchers are exploring the use of genome editing tools, but nonetheless have concerns with regulations following a similar regulatory path as those for GE events.

Most agricultural researchers and Indian scientists believe that biotechnology is an important tool for addressing India's future food security, sustainability, and climate change concerns. The MOST/DBT, the MOAFW's Indian Council of Agricultural Research, and bodies like the National Academy of Agriculture Science (NAAS) have supported outreach activities to the public on the benefits of biotechnology and GE crops, but success is limited.

Indian regulators and policy makers adopt the precautionary approach towards biosafety of GE crops and products. Due to the adverse media campaigns, several state governments have adopted restrictive policies (bans on GE crop field trials), discouraging biotech research and development. The MOAFW and the MOST are supportive of agricultural biotechnology and GE crop research and development.

Industry sources report that the FSSAI is entrusted with the responsibility of formulating regulations for approval of GE food and food products. However, it needs significant capacity building assistance from various stakeholders to implement a science-based efficient regulatory system for processed food products and may take a few years for effective implementation. Until then, there is a major policy vacuum in approval of GE food and food products for consumption and use by food processing industry. Government of India is yet to decide on the regulatory agencies responsible for approval of animal feed and fodder derived from GE crops.

b. Market Acceptance/Studies

There are no market restrictions for domestically produced Bt cotton (fiber use), cottonseed oil (food), cottonseed meal (animal feed), or imported soybean and canola oils (food).

Most Indian farmers are largely unaware of the benefits of GE crops, except for the eight million farmers benefitting from Bt cotton. Reports of illegal cultivation of GE crops with unapproved events clearly suggest that farmers are willing to cultivate other GE crop events, including the events that are currently stagnating in the Indian regulatory approval system.

There are virtually no concerns about food and clothing products derived from Bt cotton, cottonseed/soybean/canola oils, and cottonseed meal among the manufacturers, processors, importers, retailers, and consumers of these products. Recently, local animal feed manufacturers have expressed interest for sourcing DDGS from GE corn and soybean meal from GE soybean.

Ten or more feed manufacturers have applied to the GEAC for permission to import DDGS; a handful of importers have applied to import GE soybean meal. Facing high soymeal prices, local poultry and animal feed industry joined forces to push the government to allow imports of GE soymeal to augment their supplies. Expected tight feed ingredient supplies in coming years may push the industry to seek continued market access for GE soymeal and feed ingredients such as DDGS and hay with GE alfalfa.

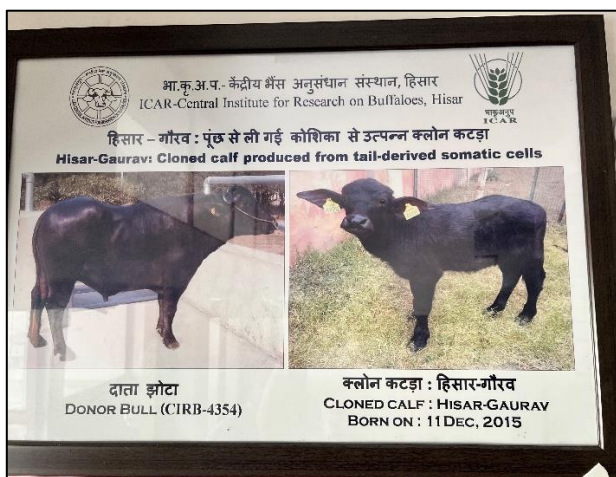
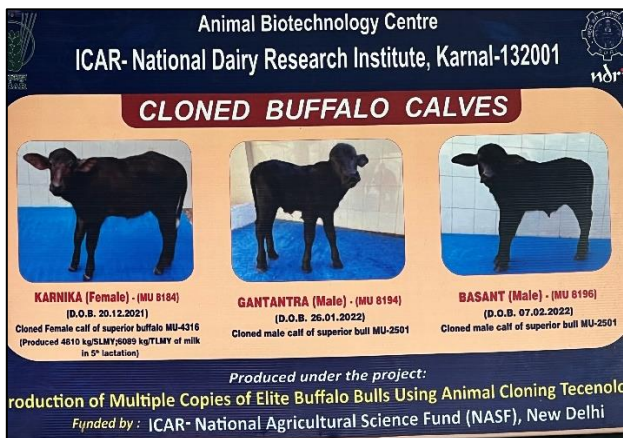
There have been several studies on the benefits of Bt cotton for the Indian economy. Anti-biotech groups in the media, lacking valid studies of their own, contest the results. FAS New Delhi is unaware of any studies by reputable organizations that focus on the opportunity cost of non-approval of other GE crops and products to farmers, consumers, and the Indian economy.

CHAPTER 2: ANIMAL BIOTECHNOLOGY

PART D: PRODUCTION AND TRADE

a. Product Development

India's animal biotechnology research and development is in its infancy, except for some successes in animal cloning in water buffaloes. On February 6, 2009, scientists of the National Dairy Research Institute (NDRI) successfully delivered the first cloned buffalo (heifer) calf through the advanced 'hand guided cloning technique,' but the calf died shortly after birth. The institute has now produced several cloned heifer and bull calves, including a cloned calf delivered from a cloned buffalo heifer. In December 2015, a scientist of NDRI claimed to have successfully produced a female clone of the endangered wild buffalo of Chhattisgarh. In December 2015, the ICAR-Central Institute for Research on Buffaloes (CIRB) also cloned a buffalo calf to become the second Indian organization to clone buffalo. On March 9, 2012, scientists from the Sher-e-Kashmir University of Agricultural Sciences and Technology at Srinagar attest to have delivered a cloned pashmina goat by the same cloning technique.



Source: FAS New Delhi office research.

Scientists from the NDRI and CIRB continue to research on refining the cloning technique to address the concerns like low birth rate and premature calf deaths. Meanwhile, the Indian

government tasked the two institutes with an ambitious cloning program to multiply high-value bulls of traditional breeds of buffaloes and cattle to expand the national breeding program. Recent reports suggest that NDRI and CIRB have produced more cloned buffaloes, and some of the adult animals are being used by the two institutes and other government breeding farms for semen collection to be used in commercial breeding programs.

Animal biotechnology research in India focuses on the genomics of important livestock, poultry, and marine species. The bovine genomics program focuses on characterizing and identifying genes for heat and cold tolerance, disease resistance, and economic factors like the period between calving, length of lactation, and milk yield. Ongoing research focuses on traditional Indian cattle and buffalo breeds to be used in future breeding programs for incorporating the target genes. Public sector research organizations such as the ICAR institutions, Council of Scientific and Industrial Research (CSIR) institutions, state agricultural universities, and research organizations backed by the Department of Biotechnology conduct most animal biotechnology research.

Other Animals: Sources report that a local research institute has successfully conducted lab trials on GE silkworm resistant to BmNPV (*Bombyx mori nucleopolyhedrovirus*). Of note: a local company has licensed research from a United Kingdom company pertaining to mosquito-borne illnesses. The research has succeeded in producing genetically engineered male mosquitos, which contain a gene that causes their own progeny to die. Such techniques could help control mosquito populations in areas affected by mosquito borne diseases like dengue fever, the Zika virus, and the chikungunya virus. After successfully conducting lab and contained facility trials, sources report that the company has suspended the research for now due to the ongoing policy uncertainty.

b. Commercial Production

India does not produce GE animals or products derived from GE animals, except for limited use of cloned buffaloes for commercial production of semen.

c. Exports

India does not export any GE animals, animal clones, or products from these animals.

d. Imports

India does not allow imports of GE animals, livestock clones, or offspring of clones or products derived from such animals, except products derived from GE animals for pharmaceutical use.

e. Trade barriers

The trade barriers to GE plants and products are also applicable for GE animal and products.

PART E: POLICY

a. Regulatory Framework

The Environment Protection Act of 1986 governs the research, development, commercial use and imports of GE animals, and non-food animal products, and the FSAA 2006 will govern food and ingredients from GE animals. Currently, most of the animal biotech research is at a preliminary stage and there are no transgenic animals, except GE mosquitoes, available even for research. Research on cloning and genomic research on animals does not come under the purview of Environment Protection Act of 1986. With animal cloning still at research and early commercialization stage, there are currently no regulations on commercial production or marketing of cloned animals.

b. Approvals

None.

c. Innovative Biotechnologies

There is no defined regulatory status for innovative technologies such as genome editing in animals, nor has the DBT drafted guidelines as there is no ongoing animal biotech research in genome edited animals.

d. Labeling and Traceability

India does not have any regulations on labeling or traceability of GE animals and products, or cloned animals, nor are there any major policy discussions on the issue.

e. Intellectual Property Rights (IPR)

India is a signatory to the TRIPS Agreement of the WTO and changed its patents legislation in 2005 moving from a process patent regime to a product patent one. There are no specific regulations on IPR for animal biotechnology or GE animals.

f. International Treaties/Fora

While India actively participates in the World Organization for Animal Health (OIE) discussions, FAS New Delhi is not aware of India taking any position on animal biotechnologies, which includes GE animals, genome editing and cloning, in international fora.

g. Related Issues

Nothing significant to report.

PART F: MARKETING

a. Public/Private Opinions

The general population is largely unaware about GE animals and products, or about the ongoing programs on animal cloning. Some of the anti-biotech activists have started including GE animals in their protest activities but have excluded cloned animals for various reasons.

b. Market Acceptance/Studies

Market acceptance is not an issue in India as there are no GE animal or products in the market, nor are there any marketing studies on GE animal/products. The animal cloning program is limited to buffaloes and still at an early stage of commercialization.

CHAPTER 3: MICROBIAL BIOTECHNOLOGY

PART G: PRODUCTION AND TRADE

a. Commercial Production

Market sources report that the local food industry uses ingredients derived from microbial biotechnology as processing aids (mostly enzymes) and some additives (nutrient) in the dairy and bakery industry. There is no reliable information on food ingredients produced from microbial biotechnology in use by the Indian food processing industry.

b. Exports

There are neither official statistics, nor reliable estimates on exports of microbial biotechnology products. However, India exports alcoholic beverages, dairy products, and food ingredients such as enzymes, some of which may come from microbial biotechnology.

c. Imports

There are neither official statistics, nor reliable estimates on imports of microbial biotechnology products. However, India imports alcoholic beverages, dairy products, and food ingredients such as enzymes, some of which may come from microbial biotechnology.

d. Trade barriers

The approval process for imports of GE microbes used in manufacture of food ingredients derived from microbial biotechnology is a very long and tedious. The FSSAI is still in the process of drafting guidelines for imports and use of food ingredients derived from microbial biotechnology.

PART H: POLICY

a. Regulatory Framework

The Environment Protection Act of 1986 and Rules 1989 and FSSA 2006 provide the regulatory framework for research, development, commercial use and imports of GE microbes and food ingredients derived from microbial biotechnology. Until 2017, the GEAC regulated the approval of GE microbes and food ingredients derived from microbial biotechnology. Currently, the GEAC is responsible for approval of GE microbes for research, development, use and imports for manufacture of food ingredients derived from microbial biotechnology, while the FSSAI regulates food derived from genetic engineering, including ingredients derived from microbial biotechnology (see, Chapter 1, Part B: Policy, Section a) Regulatory Framework).

The FSSAI is still in the process of framing regulations and guidelines related to “GM” processed food products, including food ingredient derived from microbial biotechnology and has scientific panels for these topics. These panels are engaged in the development of guidelines and review of applications and will handle regulations and approvals related to food ingredients derived from microbial biotechnology:

- (i) Panel on Genetically Modified Organisms and Foods.
- (ii) Panel for Food Additives, Flavorings, Processing Aids and Materials in contact with Food.

b. Approvals

Most of the GEAC approvals for GE microbes and food ingredients derived from microbial biotechnology have been for use in the dairy and baking industry.

TABLE 3: India, GEAC Approvals of GE Microbes, and Food Ingredients Derived from Microbial Biotechnology

S. No.	Product	Approval Status
1	Import of Maxiren (GE Chymosin Rennet from GE organism <i>Kluyveromyces lactis</i>)	On September 24, 1991, the GEAC approved the import of Maxiren to the extent of 100 kg for one year. No further updates in subsequent GEAC meetings.
2	Manufacture and commercialization of recombinant Chymosin	On October 8, 2008, the GEAC denied approval to manufacture and commercialization of r-Chymosin.
3	Import of recombinant Chy-Max (Chymosin B)	On October 8, 2008, the GEAC gave no objection for imports of r-Chy-Max.
4	Non-commercial trials to scale up yeast biotransformation process using GMO yeast Category I yeast (<i>Saccharomyces cerevisiae</i>).	On August 28, 2014, the GEAC approved the request to carryout non-commercial trials to scale up yeast biotransformation process using GMO yeast Category I yeast (<i>Saccharomyces cerevisiae</i>) with volume up to 4000L.
5	Production of Xylanase enzyme by using recombinant <i>Pichia pastoris</i> .	On November 11, 2019, the GEAC granted permission, but subject to the compliance report on Environmental Risk Management and Safety Plan being submitted every six months to the regional office of the Ministry of Environment, Forest, and Climate Change and for other statutory clearances.

Source: The Genetic Engineering Appraisal Committee; www.geacindia.gov.in.

On July 12, 2021, the FSSAI issued a directive to all states and Union Territories Commissioner of Food Safety and Regional Directors of FSSAI allowing use of processing aids (enzymes) derived from genetically modified microorganism/sources already in use by food business operators until the time appropriate amendments for these products are officially notified. The notice listed out 109 processing aids derived from GE microorganism. Subsequently, the FSSAI issued some draft notifications approving select products after review for public comments. Industry sources report that the FSSAI is ready to issue final notification for these products but are awaiting the FSSAI’s

final regulation on approval of GE foods and products. Until then, the products listed under July 12, 2021, order will continue to be allowed for use by the domestic industry.

c. Labeling and Traceability

There are no specific regulations on labeling or traceability of food ingredients derived from microbial biotechnology. (For general regulations on food ingredients, see Chapter 1, Part B: Policy, subsection g) Labeling and Traceability).

d. Monitoring and Testing

India does not actively test for evidence of genetically engineered microbes or food ingredients derived from microbial technology used in food industry. (For general regulations on food ingredients, see Chapter 1, Part B: Policy, subsection h) Monitoring and Testing).

e. Additional Regulatory Requirements

Not applicable.

f. Intellectual Property Rights (IPR)

India is a signatory to the TRIPS Agreement of the WTO and changed its patents legislation in 2005 moving from a process patent regime to a product patent one. There are no specific regulations on IPR for GE microbes or food ingredient derived from microbial biotechnology.

g. Related Issues

Nothing significant to report.

PART I: MARKETING

a. Public/Private Opinions

FAS New Delhi is not aware of studies that researched public or private opinions of food that uses ingredients derived from microbial biotechnology.

b. Market Acceptance/Studies

FAS New Delhi is not aware of marketing studies that have evaluated food processor or public attitude towards use of food ingredients derived from microbial biotechnology.

APPENDIX I: Existing Biotech Regulatory Authorities – Function/Composition

Committee	Members	Functions
Genetic Engineering Appraisal Committee (GEAC); functions under Ministry of Environment, Forests and Climate Change (MoEFCC).	Chairman-Additional Secretary, MoEFCC Co-Chairman - Nominee of Department of Biotechnology (DBT) Members: Representatives of concerned agencies and departments namely Ministry of Industrial Development, DBT, and the Department of Atomic Energy Expert members: Director General-ICAR, Director General-ICMR; Director General-CSIR; Director General of Health Services; Plant Protection Adviser; Directorate of Plant Protection; Quarantine and storage; Chairman, Central Pollution Control Board; and few outside experts in individual capacity. Member Secretary: An official from the MoEFCC.	Review and recommend the use of bio-engineered products for commercial applications. Approve activities involving large-scale use of bio-engineered organisms and recombinants in research and industrial production from an environmental safety angle. Consult RCGM on technical matters relating to clearance of bio-engineered crops/products. Approve imports of bio-engineered food/feed or processed product derived thereof. Take punitive actions on those found violating GE rules under EPA, 1986.
Review Committee on Genetic Manipulation (RCGM); function under DBT, Ministry of Science and Technology (MOST).	Representatives from: DBT, Indian Council of Medical Research (ICMR), Indian Council of Agricultural Research (ICAR), Council of Scientific and Industrial Research (CSIR) Other experts in their individual capacity.	Develop guidelines for the regulatory process for research and use of bio-engineered products from a bio-safety angle. Monitor and review all ongoing GE research projects up to the multi-location restricted field trial stage. Undertake visits to trial sites to ensure adequate security measures. Issue clearance for the import of raw materials needed in GE research projects. Scrutinize applications made to the GEAC for the import of bioengineered products. Convoke monitoring and evaluation committees for biotech crop research projects. Appoint sub-groups when required in topics of interest to the committee.
Recombinant DNA Advisory Committee (RDAC); function under DBT.	Scientists from DBT and other public sector research institutions.	Take note of developments in biotechnology at the national and international level. Prepare suitable guidelines for safety in research and applications of biotechnology. Prepare other guidelines as may be required by the GEAC.

Monitoring Cum Evaluation Committee (MEC).	Experts from ICAR institutes, State Agricultural Universities (SAUs) and other agricultural/crop research institutions and representatives from DBT.	Monitor and evaluates trial sites, analyze data, inspect facilities, and recommend safe and agronomical viable transgenic crops/plants for approval to RCGM/GEAC
Institutional Biosafety Committee (IBC); functions at research institution level.	Head of the Institution, Scientists engaged in biotech work, Medical Expert, and Nominee of the Department of Biotechnology	Develop a manual of guidelines for the regulatory process on bio-engineered organisms in research, use and application to ensure environmental safety. Authorize and monitor all ongoing biotech projects at controlled multi- location field sites. Authorize imports of bio-engineered organisms/transgenic for research purposes. Coordinate with district and state level biotechnology committees.
State Biotechnology Coordination Committee (SBCC); functions under the state government where biotech research occurs.	Chief Secretary, State Government; Secretaries, Departments of Environment, Health, Agriculture, Commerce, Forests, Public Works, Public Health; Chairman, State Pollution Control Board; State microbiologists and pathologists; Other experts.	Periodically reviews the safety and control measures of institutions handling bio- engineered products. Inspect and take punitive action through the State Pollution Control Boards or the Directorate of Health in case of violations. Nodal agency at the state level to assess damage, if any, due to release of bio-engineered organisms and take on-site control measures.
District-Level Committee (DLC); functions under the district administration where biotech research occurs.	District Collector; Factory Inspector; Pollution Control Board Representative; Chief Medical Officer; District Agricultural Officer, Public Health Department Representative; District Microbiologists/Pathologists; Municipal Corporation Commissioner; other experts.	Monitor safety regulations in research and production installations. Investigate compliance with rDNA guidelines and report violations to SBCC or GEAC. Nodal agency at district level to assess damage, if any, due to release of bio-engineered organisms and take on-site control measures.
Food Safety and Standards Authority of India.	Still in the process of drafting regulations and guidelines.	FSSAI has the mandate for regulating approval of GE food and products.

Source: The DBT, MOEFCC, FSSAI, Government of India sources, and FAS New Delhi office research.

APPENDIX II: Procedure and Application Formats for the Import of Biotechnology Products

Item	Approval According Agency	Governing Rules	Form No.	Links
GMOs/ LMOs for R&D	IBSC/ RCGM/ NBPGR	Rules 1989; Biosafety guidelines of 1990 and 1998; Plant Quarantine (Regulation of Imports into India) – Order, 2004 issued by NBPGR; and Guidelines for the import of germplasm, 2004 by NBPGR.	I	GEAC Form I
GMOs/ LMOs for intentional release (including field trials)	IBSC/R CGM/G EAC/ ICAR	Rules 1989; biosafety guidelines of 1990 and 1998.	II B	GEAC Form II B
“GM LMOs” per se for food ¹ /feed/ processing	GEAC and FSSAI	Provide biosafety and food safety studies, Compliance with the Rules 1989, and the Biosafety guidelines of 1990 and 1998. The FSSAI is working on the rules for approval of GE food after GEAC clearance on biosafety aspect.	III	GEAC Form III
“GM” processed Food Derived From LMOs ¹	FSSAI (Previously GEAC)	<i>FSSAI working on the rules.</i> Previous GEAC Rule: One time “event based” approval given based on importer providing the following information: i. List of genes/events approved in the crop species for commercial production in the country of export/country of origin; ii. Approval of the product for consumption in countries other than producing countries; iii. Food safety study conducted in the country of origin; iv. Analytical/compositional report from the country of export/origin; v. Details on further processing envisaged after import; vi. Details on commercial production, marketing and use for feed/food in the country of export/origin; vii. Details on the approval of genes /events from which the product is derived.	IV	GEAC Form IV

Processed Food containing ingredients Derived From GMO ¹	FSSAI (Previously GEAC)	<u>FSSAI working on the rules.</u> Previous GEAC Rule: If the processed food contains any ingredient derived from category 2 and 3 mentioned above, and if the LMO/product thereof is by the GEAC, no further approval is required except for declaration at the port of entry. In case it does not have the approval of GEAC, the procedure in category 3 above needs to be completed.	IV, if required	GEAC Form IV
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Note: [1] Since the Supreme Court of India directive of August 11, 2017, regulations of these products under the purview of FSSAI; it is still formulating the guidelines and regulations.

Source: MOEFCC/GEAC <http://www.geacindia.gov.in/applications.aspx>, FAS New Delhi office research.

APPENDIX III: India's Compliance with Various Articles of the Cartagena Protocol

Article No.	Provisions	Present Status
Article 7	Application of the Advanced Informed Agreement procedure prior to the first trans boundary movement of LMOs intended for direct use as food or feed, or for processing.	Competent authority (GEAC) notified. Border control through NBPGR only for contained use. Projects initiated to strengthen DBT and MOEF's capabilities to identify LMOs.
Article 8	Notification – The Party of export shall notify, or require the exporters to ensure notification to, in writing, the competent authority of the Party of import prior to the intentional trans boundary movement of LMOs that falls within the scope of Article 7.	Rules 1989 and competent authorities in place.
Article 9	Acknowledgement of receipt of notification-The Party of import shall acknowledge receipt of the notification, in writing to the notifying entity.	Point of contact notified the regulatory body (GEAC) in place.
Article 10	Decision Procedure-Decision taken by the Party of import shall be in accordance with Article 15.	Regulatory body (GEAC) in place.
Article 11	Procedure for LMOs intended for direct use as food or feed, or for processing.	Rules 1989 ^[1] The DGFT Notification No. 2(RE-2006)/2004-2009. ^[2]
Article 13	Simplified Procedure to ensure the safe intentional trans-boundary movement of LMOs.	1989 rules.
Article 14	Bilateral, regional, and multilateral agreements and arrangements.	---
Article 15	Risk assessment.	DBT Biosafety Guidelines for research in plants, guidelines for confined field trials guidelines for safety assessment of foods derived from GE plants.
Article 16	Risk Management.	DBT Guidelines for research.
Article 17	Unintentional trans-boundary movements and emergency measures.	Rules 1989.
Article 18	Handling, transport, packaging and identification.	Rules 1989, guidelines to be developed.
Article 19	Competent National Authorities and National Focal Point.	Ministry of Environment and Forests designated as competent authority and national focal point.
Article 20	Information sharing and the Biosafety Clearing House.	Biosafety Clearing House http://geacindia.gov.in/india-bch.aspx)
Article 21	Confidential information	---
Article 22	Capacity building.	Ongoing capacity building activities by the DBT and MOEF; with the support of the Global Environment Forum (GEF) through the United Nations Environment Program (UNEP) (since 2012).

Article 23	Public awareness and participation.	Ongoing, MOEF, DBT and ICAR have specific websites on biotech developments and regulatory system including website of GEAC [3], DBT Biosafety [4], ICAR Biosafety [5], etc.
Article 24	Non-Parties (trans-boundary movements of LMOs between Parties and non-Parties).	1989 rules in place for all import and export.
Article 25	Illegal trans-boundary movements.	---
Article 26	Socio-economic considerations.	Socioeconomic analysis is an integral part of decision-making.
Article 27	Liability and redress.	Ratified the Nagoya Kuala Lumpur Protocol on Liability and Redress in December 2014.

[1] See Annex II.

[2] The notification is accessible on the Directorate General of Foreign Trade (DGFT) website located at <https://www.dgft.gov.in/CP/?opt=notification>. To access the archived notification, in the notification search engine type in year “2006.” In the following “Search Notifications/Public Notice/Circular/Trade Notice” page, type in the search engine box for “number” 2(RE2006)/2004-2009.

[3] <http://geacindia.gov.in/index.aspx>

[4] <http://dbtindia.gov.in/regulations-guidelines/regulations/biosafety-programme>

[5] <https://biosafety.icar.gov.in/>

Source: MOEFCC, India industry sources, FAS New Delhi office research.

APPENDIX IV: FAS New Delhi Issued GAIN-INDIA Biotech Reports

-	GAIN-INDIA IN2022-0048 Indian Government Resumes GM-origin Soybean Meal Imports
-	GAIN-INDIA IN2022-0008 Hay Now - India Grants Market Access for US Alfalfa Hay
-	GAIN-INDIA IN2022-0138 India's FSSAI Proposes New Regulations for Genetically Modified or Engineered Foods
-	GAIN-INDIA IN2021-0146 Requirement of a Certificate of Non-Genetically Modified and GM-Free Status for Cranberry Bean Consignments
-	GAIN-INDIA IN2021-0139 FAIRS Annual Country Report Annual – 2021

Attachments:

No Attachments